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HONORABLE MENTIONS

Understanding Sexual Warfare in Kashmir: Prevalence, Consequences, and a Feminist Critique

Joseph English

China in Africa: The role of “Non-Official Development Assistance” in Emerging Economies

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THIRD PLACE

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A Farewell to ‘Dulce et Decorum est’?: Constitutional Patriotism’s Strained Relationship With the Enlightenment and What It Means For The European Union

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FIRST PLACE

The Armenian Genocide Centennial and the Politics of Remembrance

Emefa Agawu

The Yale Review of International Studies

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The Acheson Prize

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Dear Reader:

We are thrilled to share with you our annual Dean Gooderham Acheson Prize issue. Now in its third year, this issue reflects our continued commitment to recognizing and publishing outstanding student scholarship. It marks our effort to help cultivate student discourse on topics of international relations, broadly understood.

This year's selection process was based on the same procedures of years past. Following a preliminary peer review of all submissions by our editorial board, Professors Charles Hill and Jolyon Howorth selected the issue's winners and honorable selections. Beyond their thoughtful analysis, these chosen works truly represent a unique set of themes and topics—from the politics of remembrance in the Armenian genocide to the European Union's constitutional patriotism and its relationship with the Enlightenment. You will also have a chance to learn about critical historic issues for the Middle East and South Asia, such as the 1920 Iraqi Revolt and sexual warfare in Kashmir, respectively. Finally, we invite you to consider a new investment strategy facing Africa with the growth of Chinese enterprise. Congratulations to the authors of these pieces.

It's important to note that these distinguished articles represent just a small fraction of the noteworthy submissions we received this year. We never cease to be impressed by the intellectual diversity of this campus, and appreciate the efforts of all those submitted. Please look out for future opportunities to contribute to YRIS, especially the Acheson Prize's fourth edition next spring!

With this year drawing to a close, we'd like to end this letter by thanking all our supporters for another wonderful year. First, special recognition should go to our 2014-2015 layout team, Loide Marawanga and Ria Roberts, for

transforming the design of our journal into something truly elegant and thematically compelling; best of luck with your pursuits post-graduation. To our academic advisory board—and especially our esteemed judges—it is an honor to have such thoughtful reviews of our publication. Moreover, we are blessed to have the Yale International Relations Association and International Security Studies as our institutional sponsors. This issue would have been impossible without their financial and logistical assistance.

And of course, last but certainly not least, to you, our readers. This journal has no academic voice without your engagement, and we wholeheartedly welcome the perspectives you bring. Please enjoy reading the final issue of the Review this academic year. To those who will be back in the fall, we look forward to sharing even more insightful scholarship in the years to come.

Sincerely,
The Editors

ESSAYS

Understanding Sexual Warfare in Kashmir

Prevalence, Consequences, and a Feminist Critique

JOSEPH ENGLISH

Since the Indian invasion of 1947, the northern state of Jammu and Kashmir has been plagued by fierce armed conflict and political tension. Kashmiri insurgents have organized into over a dozen regionalist rebel groups and demand independence from India or accession to Pakistan. In its efforts to counter this movement, India's central government has employed martial law and has "pursued a policy of repression which has resulted in massive human rights violations."¹

Systematic sexual violence is one of the most prevalent and potent tactics used to disempower Kashmiri militants and their communities. According to a 2006 study by Doctors Without Borders (MSF), nearly 12 percent of Kashmiri women have endured "a violation of their modesty associated with an act of sexual violence that varies from rape to inappropriate touching since 1989"—an abnormally high proportion even for conflict zones.² Far from random, these attacks are part of an organized strategy to "to punish, intimidate, coerce, humiliate and degrade" Kashmiri insurgents. After establishing the current state of the Indo-Kashmiri conflict, this paper will explore the Indian army's primary motivations for employing rape as a military tactic. More specifically, I will discuss the ways in which sexual violence can "collectively dishonor" Kashmiri communities, compromise women's ability to fulfill traditional gender roles, and emasculate Kashmiri men. Finally, this paper illuminates feminist and gender theory that provide a framework for understanding why sexual warfare is such a potent weapon in armed conflicts.

BACKGROUND

In order to effectively analyze sexual violence as a military tactic, we must first outline the relevant historical context of the Indo-Kashmiri conflict. Since 1947, Kashmir has been involved in three full-scale wars as a result of Indian and Pakistani border disputes. These conflicts have caused as many as 100,000 casualties, 11,784 refugees, and 6,193 asylum seekers as of 2013.³ In 2005, MSF reported that the majority of

1 *Human Rights Watch*. "Rape in Kashmir: A Crime of War." *Human Rights Watch* 5, no. 9 (1993): 1-5. Accessed November 24, 2014. <<http://www.hrw.org/reports/1993/05/01/rape-kashmir>>.

2 Manecksha, Freny. "Autonomy under Siege." *Himal South Asian Review Magazine of Politics and Culture*, January 7, 2014, 1-4.

3 *Human Rights Watch*. "Rape in Kashmir: A Crime of War." *Human Rights Watch* 5, no. 9 (1993): 1-5. Accessed November 24, 2014. <<http://www.hrw.org/reports/1993/05/01/rape-kashmir>>.

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- 4 De Jong, Kaz, and Saskia Van De Kam. "Conflict in the Indian Kashmir Valley II: Psychosocial Impact." *Conflict and Health* 2 (2008). November 24, 2014. <<http://www.biomedcentral.com/content/pdf/1752-1505-2-11.pdf>>.
- 5 Zia, Anther. "Kashmir at War." *The Kashmir Walla: A Magazine of Art, Politics & Society*, October 25, 2011, 2-3.
- 6 Varma, Saiba. "Interrogating the "Post-conflict" in Indian- Occupied Kashmir." *Cultural Anthropology*, 2014, 1. Accessed November 24, 2014. <<http://www.culanth.org/fieldsights/506-interrogating-the-post-conflict-in-indian-occupied-kashmir>>.
- 7 Ibid.
- 8 "India 'to Cut Kashmir Troops by a Quarter'" *BBC News*, January 14, 2011, South Asia sec. Accessed November 24, 2014. <<http://www.bbc.co.uk/news/world-south-asia-12190425>>.
- 9 Zia, "Kashmir at War." 2-3.
- 10 Ibid.

Kashmiris surveyed had been exposed to crossfire (86 percent) and round-up raids (83 percent). Further, abnormally high numbers of civilians reported being subjected to maltreatment (44 percent), forced labor (33 percent), and kidnapping (17 percent).⁴ Politically, the Kashmiri government has been paralyzed by competing Indian, Pakistani, and local voices and has been marked by "rigged elections, corruption, dissent, and awry political coalitions," according to ethnographer and Kashmiri scholar Anther Zia.⁵ Ethnographer Saiba Varma states that these armed and political conflicts "reified the sense that Kashmir was nothing more than a border dispute between the two states." In the late 1980s, widespread agitation for independence and autonomy (locally referred to as *azadi*) reached a climax, and over a dozen armed insurgent groups began aggressively protesting Indian occupation with guerilla warfare, violent political demonstrations, and what Varma even calls "terrorism."⁶

Instead of convincing the Indian government to relinquish Kashmir or grant autonomy, however, "the Indian state views the armed 'insurgency' as Pakistan-sponsored terrorism designed to destabilize a secular, Indian democracy," according to Varma.⁷ The pro-*azadi* movement has actually *increased* the Indian military presence in Kashmir. As of 2011, between 300,000 and half a million Indian troops were stationed in Kashmir to monitor a population of 10 million civilians.⁸ In *Cultural Anthropology*, Zia states that the soldier-to-civilian ratio is roughly one soldier for every 20 Kashmiris—the highest proportion of any conflict zone in the world.⁹

The intense militarization of Kashmir sets the stage for human rights violations. Anther Zia is worth quoting at length on the effect of militarization on Kashmir's social climate:

In a siege-like atmosphere, a perpetual war is indistinguishably weaved into the Kashmiri civilian life The soldiers, armed with all kinds of live ammunition, are ubiquitous presences holed up in sandbag bunkers, across the length and breadth of the region. There are checkpoints everywhere; streets and neighborhoods are continuously patrolled. Civilians are frisked and checked for identification. There are frequent crackdowns, cordons, encounters, bomb blasts, and raids. Cross-firing and ambushes between the military and armed militants occurs frequently, in which combatants and noncombatants are killed. On the borders, the Indian and Pakistani armies stand in a face off.¹⁰

Perpetual conflict facilitates paranoia, censorship, and corruption, and "the rhetoric of 'national security' that accompanies militarized environments is effectively employed to deny people the freedom of expression and avenues to pursue justice," according to Freny Manecksha from *Himāl South*

Asian Review.¹¹ In Kashmir, the Armed Forces Special Powers Act and the Jammu and Kashmir Disturbed Areas Act, implemented in the early 1990s, allow Indian troops to use force against any person, permit unwarranted arrests and indefinite detentions, and grant military officers legal immunity against any action. Because militants are often indistinguishable from civilians, “any Kashmiri citizen may be subjected to human rights abuses by armed troops.” Between 8,000 to 10,000 Kashmiris have disappeared as a result of these laws, and according to Zia, “the majority of these civilians belong to financially disadvantaged classes, which left their families in dire circumstances.”¹² Sexual violence is another prevalent human rights abuse. MSF reported in 2005 that Kashmir has the highest rate of sexual violence in any conflict region, and the vast majority of assaults are perpetrated by police and security forces.¹³ Indian security forces use rape as a form of domination and retaliation against civilians, many of whom are accused of sheltering militants or have been ordered to identify insurgent relatives. Of the 12 percent of Kashmiri women subjected to sexual abuse of this nature since 1989, the victims are generally poor women from vulnerable low-caste and tribal minority groups.¹⁴

It is essential to note that targeted rapes are not simply the exploits of individual, independent actors. An extensive *Human Rights Watch* (HRW) report argues that the Indian army’s sexual violence is an organized tactic, endorsed (privately, if not publicly) by military higher-ups. In numerous accounts, victims recall the systematic, organized manner in which they were raped. One woman from the HRW study describes her assault as calculated and efficient: “One soldier kept guard on the door and two of them raped me.” Another account from the South Asian Network for Secularism and Democracy describes her assault as “not as an endless orgy of a horde of rampaging beasts, but as a quiet and efficient military operation, carried out by trained men.”¹⁵ Later in this paper, I will also discuss government policies that enable security forces to use sexual warfare with legal impunity. Overall, overwhelming evidence indicates that sexual warfare is endorsed and enabled by both the Indian government and its military officers.

Kashmir’s long history of militarized conflict, human rights violations, and fierce grassroots insurgency set the stage for the analyses presented in this paper. The insurgent movement was borne out of calls for autonomy, but has led India to further militarize Kashmir and prioritize security over human rights. The next section of this paper explores Indian security forces’ motivations for incorporating targeted rape in its counterinsurgency strategy.

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- 11 Manecksha. “Autonomy under Siege.” 1-4.
 - 12 Zia, “Kashmir at War.” 2-3.
 - 13 Hussain. “Identity and Gender across Generations of British South Asians.”
 - 14 *Human Rights Watch*. “Rape in Kashmir: A Crime of War.” 1-5.

COLLECTIVE SHAMING AND TERRORIZING KASHMIRI WOMEN

- 15 Menon, Nivedita. "Remembering Mass Rape and Torture by Indian Army in Kashmir." South Asian Network for Secularism and Democracy. January 23, 2014. Accessed November 24, 2014. <<http://sansad.org/remembering-mass-rape-and-torture-by-indian-army-in-kashmir/>>.
- 16 Ibid.
- 17 Van Der Molen, Thomas, and Ellen Bal. "Staging "small, Small Incidents": Dissent, Gender, and Militarization among Young People in Kashmir." *Focaal Journal of Global and Historical Anthropology* 60 (2011): 93-107. Accessed November 24, 2014. <http://www.academia.edu/-4439050/2011_Staging_small_small_incidents_Dissent_gender_and_militarization_among_young_people_in_Kashm-ir_Focaaal_-_Journal_of_Global_and_Historical_Anthropology_60_93-107>.
* For the purposes of this paper, the "Kashmiri nation" is defined as the society connected by geography, language, history, ethnicity, kinship networks, and/or culture. This nation is not to be conflated with the Kashmiri state (i.e. government) or the Indian nation-state.
- 18 Ibid.
- 19 *Human Rights Watch*. "Rape in Kashmir: A Crime of War." 1-5.

The Human Rights Watch made a key observation about Kashmir's insurgent movement in describing its source of power. In "Rape in Kashmir, A Crime of War," HRW states that small villages are the primary providers of food, shelter, financial resources, and intelligence for insurgent groups.¹⁶ Militants fight for the autonomy of Kashmiri communities, and it is from these small communities that they derive their power. Indian security forces attack female villagers' *izzat* (honor, pride), and their communities by extension, via targeted rape.

In Kashmiri society, an individual's honor is closely tied to the honor of his or her family, community, and the Kashmiri nation at large. A female's chastity is a core component of her *izzat* (or sense of honor), and her sexual practices are highly regulated by the male head of household in order to safeguard community *izzat*.¹⁷ For example, in many communities, women observe *purdah*, or the practice secluding and veiling themselves from men. In conservative areas of Kashmir, women are not allowed to eat, speak, or even sit in the same room as a man to whom she is not related. The importance of female chastity was made explicit by protests sparked by the murder and rape of two Kashmiri women in 2009. According to anthropologists Thomas van der Molen and Ellen Bal, the protesters' banners read, "Chastity of our mothers and sisters dearer to us than life."¹⁸

Insurgent groups are fueled by the strength and regional pride of small communities; community honor, furthermore, is closely tied to female purity and chastity. This relationship has informed Indian military strategy. *Human Rights Watch* asserts that this is strategy has, in fact, been widely implemented by security forces in Kashmir:

Rape often occurs during crackdowns, cordon-and-search operations. Security forces engage in collective punishment against the civilian population . . . Rape is used as a means of targeting women whom the security forces accuse of being militant sympathizers; in raping them, the security forces are attempting to punish and humiliate the entire community.¹⁹

The women who experience such an attack experience severe physical and emotional consequences, often for years after the event. Through the lens of "collective shaming," sexual assault also shatters the *izzat* both of the women who have been assaulted and their male relatives. The men have been robbed of their "control" over women's sexual practices and

have failed to protect the *izzat* of their mothers, wives, and daughters. In conservative communities where this “protector” role is an essential responsibility for the head of household, a sexual assault (and the forced impregnation that occasionally accompanies the rape) permanently compromises the man’s honor. In this way, according to Molen and Dal, “the authorities have deliberately inflicted collective dishonor—and in fact defeat—through appropriating Kashmiri men’s control of women’s *izzat*.”²⁰

At the same time, Indian soldiers “calculate that local response will hold the *woman* responsible” for her rape to a large extent.²¹ The consequences for women are manifold and are the subject of extensive feminist literature. A breach of chastity is considered sinful regardless of the circumstances under which a woman had sex. Although the sexual act was not consensual, the victim is labeled as impure and unfaithful. It is nearly impossible for a rape victim to get married, and because her *izzat* impacts the community at large, her rape can tarnish the purity and marriage prospects of all women in her community. According to Molen and Bal, “in addition to the pain caused by the actual crime, raped women tend to face yet another burden, as men are usually categorical in their refusal to marry *anyone* from a ‘village of raped women.’” Ruth Seifert states that, as a result of the collectivized identity of female community members, the “rape of one woman not only destroys her physical and psychological existence, but also acts as a ‘symbolic rape of that community.’”²¹ If a married woman is raped, her marriage and familial relationships often splinter due to the woman’s perceived impurity. Crumbling family structures further compromise the community honor and solidarity.

Two potent examples show the tangible consequences of collective dishonor in Kashmiri communities. In 1991, the Indian army launched a search and interrogation operation in Kunan Poshpora, a small village in Kupwara district that allegedly sheltered and supplied insurgents. As part of their operation, the security forces gang-raped as many as 100 women in less than 24 hours. According to Hafsa Kanjwal in SAGAR research journal of University of Texas Austin, after the assault, victims “complained of ostracism from their families and communities because of the ‘shame’ associated with having been raped.” As predicted, this shame extended beyond their individual families. Kanjwal reported that “not a single marriage proposal had been received for any woman, raped or not, in the village for years after the incident.”²³

The 2004 sexual assault of 16-year-old Hameeda is another notable example. Hameeda lived in a small pro-*azadi* village of the Kupwara district, and her cousin was a confirmed militant. According to the *Himāl South Asian Review*, Hameeda was abducted from school and tortured by two police officers

20 Van Der Molen, Thomas, and Ellen Bal. “Staging ‘small, Small Incidents’: Dissent, Gender, and Militarization among Young People in Kashmir.” 93-107.

21 Littlewood, Roland. “Military Rape.” *Anthropology Today* 13 (1997): 7-16. Accessed November 24, 2014. <www.jstor.org/stable/2783037>.

22 Seifert, Ruth. “The Second Front: The Logic of Sexual Violence in Wars.” *Elsevier* 19 (1996): 35-43. Accessed November 24, 2014. <<http://www.sciencedirect.com/science/article/pii/027753959500078X>>.

23 Kanjwal, Hafsa. “Women in Kashmir: A Feminist Autoethnography.” *SAGAR South Asia Research Journal* 20 (2011): 57-61. Accessed November 24, 2014. <static.squarespace.com/static/5195078de4b0af15cc42c774/t/51fba89e4b0356bbe298c39/1371519625770/Sagar-XX.pdf>.

- 24 Manecksha. "Autonomy under Siege." 1-4.
- 25 Hussain, Yasmin. "Identity and Gender across Generations of British South Asians." In *Writing Diaspora: South Asian Women, Culture and Ethnicity*. London: University of Leeds, 2005.

in an effort to procure information about her cousin's whereabouts. When she failed to cooperate, an Indian army official gruesomely raped her. In her interview with *Himāl*, Hameeda states that her parents had to beg for her release; "My father took the cap from his head, placed it on the officer's feet and pleaded with him before he let me go." For years after her assault, Hameeda was labeled a "spoiled good," and her "relatives told my mother I was no longer acceptable. People would come up to my father feigning sympathy and make indecent proposals about me." Hameeda's effort to seek monetary compensation from the government for her assault led to the disintegration of her marriage, and after years of societal estrangement, she internalized much of the shame projected on her by the community and developed chronic depression.²⁴

From these examples, we see that Indian military strategy is informed by the collectivized identity of Kashmiri communities. Sexual assaults have cascading consequences on marital and familial solidarity and are extremely effective at attacking Kashmiri national honor. As a result, rape is employed as a military strategy to compromise the communities from which insurgents draw their majority of their support.

TARGETING FEMALE MENTAL HEALTH AND PRODUCTIVITY

- 26 Mortada, Syeda. "The Notion of Women as Bearers of Culture in Monica Ali's Brick Lane." *BRAC University Journal* 7 (2010): 53-54. Accessed November 24, 2014. <<http://dspace.bracu.ac.bd/bitstream/handle/10361/895/Mortada.pdf?sequence=1>>.

Women carry out many of the fundamental day-to-day activities that enable Kashmiri societies to function. In traditional communities, they oversee the household, harvest crops, raise children, and, occasionally, manage finances. Most importantly, perhaps, is their historic role as bearers of cultural identity. In her book *Writing Diaspora*, Yasmeen Hussain explain that, "culture is not genetically inherited but is instilled by upbringing within a given cultural context or a given set of parallel contexts." As mothers, women often have the task of instilling cultural knowledge in their children.²⁵ In traditional households, they are often (though not always) the primary nurturers, educators, and religious instructors and therefore play an important role in bestowing ethics and values on the new generation.²⁶ These historically female roles are vital to the health of local communities and the Kashmiri society at large.

Sexual warfare is an extremely effective weapon in compromising women's ability to succeed in these roles. Rape has severe effects on the mental health of its victims and hinders their ability to be competent mothers. According to a study by *Psychology of Women Quarterly* medical journal:

Even when evaluated many years after sexual assault, survivors are more likely to have major depression, alcohol and drug abuse/dependence, generalized anxiety, obsessive-compulsive disorder, and post-traumatic stress disorder . . . The somatic effects of rape can include

injuries such as suicide and homicide, chronic illness, and range of reproductive health consequences . . . More dire social effects of rape occur in societies where stigma of rape is pronounced, like many parts of South Asia and the Middle East.²⁷

In many cases, Kashmiri communities misplace the blame of a sexual assault on the victim (as illustrated in examples from the previous section), which compounds the psychological burden on women. According to Kanjwal, many victims internalize the shame, impurity, and worthlessness projected on them. Unfortunately, this guilt can lead to depression and frequently results in broken marriages, family estrangement, or even suicide.²⁸

When victims are struggling with severe physical pain, mental disorders, and broken support networks, it is more difficult for them to effectively fulfill gender roles in the home. According to the logic of village honor, a mother who is shamed by her community cannot be a fully respected educator or nurturer for her children. An “impure” wife is less effective in her role as a marital partner and child bearer. A sister, aunt, or grandmother who is depressed and publicly ridiculed may be less willing to manage her household and engage with her community.

Sexual warfare psychologically cripples women. Not only does the *assault* inflict psychological damage on the victim, the conservative Kashmiri context ensures that women will have an additional burden placed on them by their communities. As a result, rape effectively breaks down the family and cultural network that enables a community to thrive.

MALE INTIMIDATION AND DISEMPOWERMENT

In traditional societies like Kashmir, the male head of household is responsible for protecting a woman’s wellbeing. It is the man’s religious and cultural obligation to safeguard her chastity, as previously mentioned. Through this lens, when his wife or daughter is raped, the man has failed his charge in the most grievous and irreversible manner. If the woman is often raped as a direct consequence of the man’s political position, he is especially culpable for her assault. Additionally, Indian security forces often rape women in front or just out of reach of their male relatives to inflict maximum shame. Fauzia, a 60 year old widow, was attacked under such circumstances and relates the story in the “Ethnography of Social Trauma in Jammu and Kashmir” recorded by TM Shah:

Soldiers enter the house, put the gun at the temple of my father and tie up the younger men. They demand food and after consuming it, they hold the hand of the most beautiful daughter in front of the parents and brothers and take her to another room and rape

27 Koss, Mary, Lori Heise, and Nancy Russo. “The Global Health Burden of Rape.” *Psychology of Women Quarterly* 18 (1994): 518-29. Accessed November 24, 2014. <<http://onlinelibrary.wiley.com/doi/10.1111/j.1471-6402.1994.tb01046.x/abstract>>.

28 Kanjwal. “Women in Kashmir: A Feminist Autoethnography.” 57-61.

29 Shah, TM. 2012. *Ethnography of Social Trauma in Jammu and Kashmir*. Master of Science dissertation, Kansas State University. Ann Arbor: ProQuest/UMI, 2014. <<http://krex.k-state.edu/dspace/bitstream/handle/2097/13631/TamanaShah2012.pdf?sequence=3>>.

* Although the soldiers were convicted, they failed to ever serve jail time.

30 Cockburn. "War against Women: A Feminist Response to Genocide in Gujarat."

31 *Human Rights Watch*. "Rape in Kashmir: A Crime of War." 1-5.

32 Ibid.

her throughout the night. They separate men folk outside and molest and rape women inside . . . We have to obey; otherwise they either kill our men on flimsy grounds or beat them to pulp or do something like that.²⁹

Sexual warfare is explicitly used to attack men's roles as protectors and serves to demoralize and intimidate them. In theory, when a man's household suffers from the aftermath of a rape in the long term, he may not fulfill other social expectations of raising a healthy and productive family.

The government's tacit legal endorsement of sexual warfare further intimidates and threatens Kashmiri men and their families. Recall the story of Hameeda, the 16-year-old girl from Kupwara district who was raped after failing to provide a military official with information about her militant cousin. After the assault, Hameeda's father repeatedly filed charges and a First Information Report (FIR) against her rapist. Not only were his pleas blatantly ignored, *Himāl* reports that "the police filed a case against Hameeda and her cousin and came to her house in civilian clothes issuing threats." Her rapist was awarded a medal from the Indian government despite being implicated in numerous other human rights violations, and he was recommended for a UN Peacekeeping Force officer position. Hameeda's story typifies two aspects of military rape in Kashmir: (a) a general inability for victims to bring their assailants to justice and (b) the tacit endorsement of sexual violence by military officials. Feminist researcher Cynthia Cockburn elaborates on this plight, saying that "while everyone was hearing numerous accounts of rape, few complaints were reaching the courts . . . Since there was no protection of witnesses against harassment and threat, the prosecution found it difficult to persuade people to give evidence against perpetrators."³⁰

In fact, according to HRW, the Indian government has only publicly prosecuted one case of sexual assault since 1990. The authors of the HRW report go on to state that "by failing to prosecute and punish those responsible, or make known any action taken against security forces charged with rape, the Indian authorities have signaled that the practice of rape is tolerated."³¹ When they do respond to charges and press reports, government officials brand the victims as militant sympathizers, dismiss their testimonies, and justify the actions of their soldiers in the name of national security.³²

The Indian government's unwillingness to protect victims or sincerely investigate sexual crimes enables security forces to employ rape as a weapon. Individual soldiers see that the consequences for sexual warfare will be minimal or swept under the rug by military higher-ups. In the words of Nicola Henry, "[soldiers'] self-detering reactions may become weakened, thus lowering their inhibitions against engaging in

sexual aggression” and increasing the usage of rape in conflict situations.³³ In short, Kashmiri men are demoralized and intimidated not only by their inability to physically protect their women, but also by the legal and political institutions that promote sexual warfare against their communities.

DEPLOYING FEMINIST THEORY: WHY IS RAPE AN EFFECTIVE WEAPON?

The analyses and anecdotes presented prove that the consequences of sexual warfare extend far beyond the physical act of the assault itself. Although we have analyzed the Indian military’s motivations for employing rape in armed conflict, several questions go unanswered. Why do sexual attacks inflict widespread shame on a community? Why are men crushed by their inability to control women’s sexuality? Why is rape such a visceral attack on both women and their male relatives? Feminist theory illuminates an underlying relationship between gender, sexuality, and power that explains why rape is such a potent weapon.

In the words of Runyan and Peterson in *Global Gender Issues in the New Millennium*, “gender refers to socially learned behaviors, repeated performances, and idealized expectations that are associated with prescribed roles.” Gender is defined by society and independent from biological sex. Across cultures and time, societies have assigned different levels of power to the “masculine” and the “feminine” depending not only on one’s proscribed gender, but his or her race, class, sexuality, and nationality. Runyan and Peterson argue that in each culture, there is a specific combination of these traits that confers the most power on an individual: the “hegemonic masculinity.”³⁴ In Kashmir, for example, the fair-skinned, heterosexual, physically strong, economically empowered male Muslim is perceived as the hegemon. Masculinity also depends on the extent to which a man adheres to cultural norms, many of which we have seen in previous sections: devoting himself to Islam; educating himself and his offspring; protecting his women’s sexual purity; providing for his family and protecting its honor; arranging desirable marriages for his children; serving his community and nation. To embody all of these traits is to confer on oneself the most political and economic power. The “subordinated” masculinities, therefore, lack some or all the hegemonic attributes and are labeled as feminine, non-masculine, and less powerful.³⁵

This power dynamic is further reinforced in a military context. Traits associated with hegemonic masculinity are often linked to the concepts of leadership and military prowess. Runyan and Peterson state that “masculinity includes elements of courage, competition, assertiveness, and ambition

- 33 Henry, Nicola, Tony Ward, and Matt Hirshberg. “A Multifactorial Model of Wartime Rape.” *Elsevier* 9, no. 5 (2003): 535-54. Accessed November 24, 2014. <<http://www.sciencedirect.com/science/article/pii/S135917890300048X>>.
- 34 Peterson, V. Spike, and Anne Sisson Runyan. “Gender and Global Issues; Gendered Lenses on World Politics; Gender and Global Security.” In *Global Gender Issues in the New Millennium*. 4th ed. Boulder, CO: Westview Press, 2010.
- 35 Henry, Nicola, Tony Ward, and Matt Hirshberg. “A Multifactorial Model of Wartime Rape.” 535-54.

that are difficult to disassociate from physical aggression and violence, *especially* when males are systematically placed in situations where proving their manhood involves aggressive behavior,” like the military and armed conflict.³⁶ Although exceptions might exist in operations that focus on peacekeeping and stealth missions, the masculine hegemon is the *archetypal* leader in conflict situations, and to be masculine is to be powerful in a military context.

Sexual warfare, therefore, is a potent weapon because it is a *direct* affront on an enemy’s masculinity. Indian security forces target specific aspects of masculinity to disempower a Kashmiri militant, including his ability to protect his wife, arrange suitable marriages for his children, protect the family honor, and serve his nation. The Kashmiri insurgent is feminized, and the aggressor asserts his power and dominance. In doing so, the Indian security forces assert their superior masculinity over their enemies and, in the most primal and visceral sense, disempower their adversaries.

CLOSING REMARKS

This paper explored numerous ways in which Indian security forces employ sexual warfare to demoralize, dominate, and intimidate Kashmiri men and women. Rape is used to collectively shame a community by dishonoring individual women. Sexual assault is employed to psychologically damage wives and mothers, triggering the breakdown of vital marital and family relationships. Public rape and legal and political protections for soldiers undermine male heads of household in their cardinal roles as family protectors. Feminist theory sheds light on why sexual warfare is so effective at disempowering Kashmiri communities; by emasculating their adversaries, Indian security forces strip male leaders of their power. In each of these ways, Indian security forces attack the heart and soul of the insurgent movement: small communities that provide militants with the majority of their resources and support.

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China in Africa

The role of “Non-Official Development Assistance” in Emerging Economies

RHEA KUMAR

The third world, as it used to be known, is disappearing gradually, as the parts of it that have developed are now concentrating their energies on building up those that have not. —ROBERT D. KAPLAN

The tides of foreign aid are shifting. Traditionally, foreign aid has been in the form of grants from developed nations that are channeled primarily through multilateral institutions such as the World Bank. Known as Official Development Assistance, such aid comes with strict preconditions and targets multiple sectors of the economy based on guidelines laid out in country assistance strategies. However, the last few years have seen major changes in the sources and models of development assistance from foreign countries. Such aid, which I term Non-Official Development Assistance (NODA), comes from large developing countries such as China and India, has fewer preconditions than ODA and targets specific sectors. By focusing on the relative impact of development assistance from the West and China in Africa, I demonstrate that NODA is more effective than ODA overall in achieving economic development in recipient nations. At the same time, China’s assistance to Africa also highlights two limitations of NODA: its tendency to place the commercial interests of donors over the needs of its recipients and lack of accountability arising from absence of centralized political institutions delivering NODA. Despite its limitations, NODA is an important addition to the development assistance regime. The competition between ODA and NODA may allow each to constantly innovate and reform its models and methods, improving the efficacy of development assistance and giving African nations a greater say in their development.

THE PROBLEMS WITH ODA

To understand NODA’s rising popularity among recipient nations and its benefits over ODA, it is necessary to first understand how ODA works and where it has failed. The types and directions of ODA are determined on the basis of broad

developmental goals such as poverty reduction, education and environmental sustainability, now incorporated into the Millennium Development Goals (MDGs).¹ MDGs are now a part of the ODA framework through preconditions imposed on recipient countries in order to receive assistance, and through country assistance strategies that lay out plans targeting multiple sectors. Most scholars acknowledge that the goals stated by ODA address valid issues such as poverty and would contribute to economic development of the recipient nation if they were realized. However, many scholars criticize ODA on the methods it uses to achieve its stated goals.

Recipient nations perceive ODA's preconditions as an attempt by donors to intervene in their economies and promote the donors' political and economic interests. According to the scholar Ngaire Woods, ODA's preconditions aim to impose a "Washington consensus" or the free-market economic structure of the West on the rest of the world.² Such preconditions take time to implement and thus ODA cannot reach nations immediately to meet their short-term development needs. Even when ODA reaches nations in the long run, it enjoys limited success. A survey of 305 IMF aid programmes from 1979-1983 found implementation failure in 53 percent of the cases.³ According to Woods, strict conditionality in the face of implementation failure has made recipient nations wary of donors' claims that the Washington free-market consensus will lead to economic development.⁴ ODA is thus both unpopular and ineffective among recipient nations, who feel that ODA ought to give higher priority to their development needs.

Another problem with ODA is that it tends to follow its country assistance strategies to the letter rather than customize them to local needs and feedback. In his essay "Planners and Searchers," the scholar William Easterly states that ODA's country assistance strategies and poverty reduction papers have predetermined goals based on "big action" to solve "big problems."⁵ Since donors predetermine the goals, the goals do not change based on recipient feedback. Additionally, the predetermined goals are vague. Nigerian journalist Dayo Olopade says that African countries simply "cut and paste" the MDGs and country assistance strategies into their national poverty reduction policies.⁶ This cut and paste approach is problematic. While MDGs outline certain overarching goals, they do not specify the framework for achieving these goals. Citing the first MDG that aims to eradicate poverty and hunger, Olopade highlights the importance of agriculture to achieve both of these goals and points out how agricultural investments are completely missing from the MDGs.⁷ Agricultural investments are critical to Africa, parts of which suffer from low agricultural productivity. The myopic focus of donors and recipient

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- 1 Dayo Olopade, "Stuff We Don't Want: Doing Bad in Africa", in *The Bright Continent: Breaking Rules and Making Change in Modern Africa*, (Boston and New York, US: Houghton Mifflin Harcourt, 2014), 60.
 - 2 Ngaire Woods, "Whose Aid? Whose influence? China, Emerging Donors and the Silent Revolution in Development Assistance," *Royal Institute of International Affairs* 84, no. 6 (2008): 1216.
 - 3 Woods, *Whose Aid? Whose Influence?* 1216
 - 4 Woods, *Whose Aid? Whose Influence?* 1216
 - 5 William Easterly, "Planners versus Searchers in Foreign Aid," *Asian Development Review* 23, no. 2 (2006): 5.
 - 6 Olopade, *Stuff*, 62.
 - 7 Olopade, *Stuff*, 61.

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- 8 William Easterly, "The Cartel of Good Intentions," *Foreign Policy* 131, (2002): 43.
- 9 Easterly, *Cartel*, 43.
- 10 Easterly, *Cartel*, 43.
- 11 Easterly, *Planners*, 9.
- 12 Easterly, *Planners*, 8-9.

governments on the MDGs, and their inability to identify Africa's agricultural issues have led to insufficient investment by ODA in Africa's agricultural sector. While MDGs act as great broad guiding principles, we cannot use them in isolation. MDGs must be accompanied by specific targeted policies that respond to local needs and channel assistance in the right direction—in this case, towards the agricultural sector in Africa—in order to meet the larger goal of poverty reduction.

Poor co-ordination between the multiple organizations providing ODA also contributes to the sub-par outcomes of ODA. First, it makes ODA inefficient. In his essay "The Cartel of Good Intentions," Easterly points out the "duplication of efforts" among organizations pursuing identical programs in the same nations.⁸ In such a scenario, two organizations are working where a single organization would have been just as effective, if not more. Multiple organizations in a region also means governments have to report to multiple donors.⁹ This shifts focus away from the priorities of recipients towards the requirements of the donors and makes aid ineffective. Second, it leads to inertia among donors of aid to change their strategies when faced with implementation failure. As Easterly points out, if the aid program fails, the blame gets diffused among the multiple organizations.¹⁰ Donors of ODA respond to implementation failure by increasing aid commitments under the existing strategies rather than attempting to change the strategy.¹¹ He attributes this to the lack of a feedback mechanism between different organizations offering ODA.¹² Thus poor co-ordination between donors of ODA exacerbates the problems caused by preconditions and country assistance strategies.

Due to its preconditions and country assistance strategies, ODA has not only become unpopular among recipient nations but also ineffective in meeting its intended Millennium Development Goals. The absence of conditionality and the specific targeted goals laid out by NODA allow it to be more effective than ODA in achieving economic development.

WHAT IS NEW ABOUT NODA AND DOES IT WORK?

ELIMINATING CONDITIONALITY AND INTRODUCING COMMERCE

Unlike ODA, NODA does not come tied with strict preconditions and structural adjustment programs. A report by the Congressional Research Service summarizes that Chinese assistance is accessible to supposedly "infeasible" nations that have not met the preconditions required by ODA, and are therefore not eligible to receive ODA.¹³ Its speed and accessibility make NODA popular among poor and corrupt nations

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- 13 Thomas Lum et al, "China's Assistance and Government Sponsored Investment Activities in Africa, Latin America and Southeast Asia". *Congressional Research Service* (February 2009): 4.

that often need development aid the most but cannot receive it because of their inability to meet the preconditions.

While NODA may be fast and popular, that does not necessarily make it beneficial to the recipient nations. While scholars acknowledge the popularity of NODA, they are ambivalent about the benefits of NODA in the absence of strict conditions. Moisés Naím highlights the disadvantages of NODA by saying that it gives aid to corrupt governments that do not meet standards of development and human rights, thus supporting what he calls rogue states (95-96).¹⁴ Naím believes aid without preconditions is morally wrong (because it supports governments violating their citizens' rights) and economically ineffective because corruption and poor governance prevent aid from being implemented properly. Thomas Lum highlights similar problems in a more moderate light. While he recognizes that China's assistance meets short-term development needs, he also notes that China does not enforce standards such as democracy or environmental sustainability.¹⁵ Lum feels that Chinese assistance carries benefits in the short-run but such benefits cannot be sustained in the long run without meeting the above-mentioned standards. For instance, aid from China may be used by the government to construct a school expeditiously. But without a strong democratic government to uphold law and order, it is quite likely that school attendance will be minimal. The benefits of the school then remain unrealized. Both Naím and Lum see democracy, eradicating corruption and free market reform as prerequisites for effectively delivering assistance. By ignoring these standards, China's assistance could possibly have a negligible impact on long-term economic development.

A closer look at China's assistance strategies in Africa shows that it has achieved tangible results and aided the short as well as long-term development of African nations, even in the absence of preconditions. I attribute China's success to two reasons: its soft-power strategies that emphasize mutual respect, and its attention to the common commercial interests of donors and recipients. NODA, and particularly China's emphasis on "respect for sovereignty with no conditions attached" (Zhou Enlai's eight principles of China's foreign aid)¹⁶ has increased its soft power i.e. its ability as a donor to influence the policies of recipients. The scholars Li Baoping and Lu Jiabao explain China's strategy of soft-power: "Instead of lecturing African countries on good governance in 'hard-power language'...a central element of the China-Africa relationship is the principle of equal rights and mutual respect through which Africa can negotiate with China as an equal, seeking mutually beneficial outcomes."¹⁷ The strategy adopted by NODA makes recipient nations view donors as allies and equals rather than adversaries looking to intervene in their economies and societies. This makes recipient nations

14 Moisés Naím, "Rogue Aid", *Foreign Policy* 159 (2007): 95-96.

15 Lum et al, *China's Assistance*, 1.

16 Deborah Brautigam, "Aid 'With Chinese Characteristics': Chinese Foreign Aid and Development Finance Meet the OECD-DAC Aid Regime," *Journal of International Development* 23, no. 5 (2011): 760.

17 Li Baoping and Lu Jiabao, "Chapter Three: Dissecting soft power and Sino-Africa relations in education and exchanges cooperation," in *Forum on China-Africa Co-Operation: The Politics of Human Resource Development*, ed. Funeka Yazini April and Li Anshan (Oxford, UK: African Books Collective, 2013), 32.

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- 18 Woods, *Whose Aid? Whose Influence?*, 1207-08.
- 19 Robert D. Kaplan, "Part III," in *Monsoon: The Indian Ocean and the Future of American Power* (New York, USA: Random House Trade Paperbacks, 2011), 296.
- 20 Yun Sun, "China's Aid to Africa: Monster or Messiah", *Brookings East Asia Commentary* (2014): 75.
- 21 Alex Vines and Indira Campos, "Angola and China: A Pragmatic Partnership," 2008, 1.
- 22 Campos and Vines, *Angola and China*, 19.

more open to advice and guidance from the donor nations and increases donors' influence in the region.

While increasing soft power clearly works in favor of the donors, it can also prove effective in achieving the economic development of recipient nations. For instance, China extended development assistance to Sudan through investments by China's oil company despite the Sudanese government's failure to end the Darfur crisis. China was ultimately able to urge the Sudanese President to work with the United Nations and other envoys to end fighting and bring in peace-keeping forces, a move that was widely appreciated by the UN.¹⁸ Why did this happen? In Sudan, China's quick investment first achieved immediate results by boosting economic growth, which made the Sudanese authorities believe that China was a valuable ally, and hence increased China's ability to work with Sudan towards longer term goals of peace and economic development. China's policy of mutual respect worked much better for Sudan than the Western preconditions in the short as well as the long-term.

While NODA removes strict preconditions to uphold respect for sovereignty, it substitutes them with a series of commercial conditions. Some commercial conditions allow donors to gain access to natural resources in recipient countries. According to Robert D. Kaplan, China has provided assistance towards infrastructure development in Africa in exchange for the rich natural resources of African countries and now imports a third of its oil resources from African countries.¹⁹ Many of China's infrastructure development projects also require the recipients to provide service contracts to Chinese companies. About 70 percent of the infrastructure development programs in Africa have been implemented by Chinese companies.²⁰ The commercial benefits to China encourage it to continue increasing its assistance to Africa.

Many of the "conditions" attached to NODA have succeeded in incorporating donors' commercial interests and recipients' commercial and developmental needs. China's investments in Angola are a case in point. In 2002, the Export Import Bank of China (EXIMBANK) provided a \$2 billion concessional loan towards infrastructure development, using the oil resources of Angola as collateral. The scholars Campos and Vines, who have extensively studied Sino-Angolan relations, point out that the funds have "kick-started 100 projects in the areas of energy, water, health, education"²¹ and expanded access to electricity and water, especially in the capital region.²² In exchange for the natural resources of Africa, China's loans have achieved tangible economic results, especially in infrastructure, something that Africa desperately needs.

However, NODA risks placing its donors' commercial interests before the recipients' interests when the two come

into conflict with each other. In their book on the development of the Forum on China-Africa Co-operation, Li Anshan and Funeka April point out: “although FOCAC is a joint collaboration between China and Africa, FOCAC activities are actively driven and led by the Chinese government.”²³ China’s soft power ultimately works for the benefit of African nations only to the extent that it matches China’s own interests in the region of Africa. In Sudan, China gained concrete returns on its investments in the form of the oil resources in Sudan and its assistance thus benefited Sudan’s development. However, in some other cases, China’s assistance has not been so beneficial. Brookings Institution scholar Yun Sun points out that Chinese aid is directed more towards resource-rich African countries, which denies access to resource-poor nations and may also overlook poor economic and political standards in the resource-rich nations.²⁴ For instance, China’s assistance to copper mines in Zambia enables China to import 63 percent of its base metals from Zambia, but it has not benefited miners, who face poor and inhuman working conditions and often lose their lives in mining explosions.²⁵ The expansion of the mining industry has led to increased exploitation of workers in Zambia to meet Chinese commercial demands.

While NODA’s commercial nature has disadvantages, ODA has not necessarily fared better at establishing development standards and placing recipient interests over donor interests. In his report on the World Bank’s assistance to Africa, Scott Pegg notes that the World Bank’s attempts at privatization in Zambia have not furthered its stated goals of poverty alleviation in the region. While the assistance benefits Western donors by opening up markets for their transnational companies,²⁶ it promotes the expansion of resource-extractive and labor-exploiting sectors such as mining in Africa.²⁷ Both ODA and NODA have thus been heavily influenced by the interests of their donors and neither are fully altruistic. Nevertheless, in most cases, NODA has proved to be more beneficial than ODA to the African nations.

SPECIFICITY OF POLICIES AND INSTITUTIONS

NODA’s specific goals make it more effective than ODA, which has failed to supplement its broad Millennium Development Goals with specific policies. NODA’s success in establishing and achieving highly specific benchmarks is best exemplified through China’s healthcare aid in Africa. In the 2006 Forum on China Africa Co-operation (FOCAC) meeting, China offered to facilitate training of 15000 healthcare workers in Africa, build malaria prevention centers and double Chinese scholarships to African students.²⁸ China’s recent \$12 billion commitment to building 30 new hospitals in Africa offering “comprehensive medical services”, and the start of

23 Li Anshan and Funeka Yazini April, “Chapter 1: Soft power dynamics of human resource development cooperation and exchanges,” in *Forum on China-Africa Co-Operation: The Politics of Human Resource Development*, ed. Li Anshan and Funeka Yazini April (Oxford, UK: African Books Collective, 2013), 3.

24 Sun, *China’s Aid to Africa*, 75.

25 Woods, *Whose Aid? Whose Influence?*, 1212.

26 Scott Pegg, “Poverty Reduction or Poverty Exacerbation?” *World Bank Group support for extractive industries in Africa. Report sponsored by Oxfam America, Friends of the Earth-US, Environmental Defense, Catholic Relief Services, Bank Information Center* (2003): 1.

27 Pegg, *Poverty Reduction*, 14.

28 Anshan and April, *Chapter 1*, 2.

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- 29 "Forum on China Africa Cooperation," Ministry of Foreign Affairs, last modified 14 February 2015, <http://www.focac.org/eng/>
- 30 Anshan and April, *Chapter One*, 3.
- 31 Helen Lei Sun, "Understanding China's Agricultural Investments in Africa", *South African Institute of International Affairs* (2011): 14
- 32 Lei Sun, *China's Agricultural Investments*, 16.
- 33 David Monyaye, "Chapter Two: The Implications of Human Resource Development through Sino-Africa Relations" in *Forum on China-Africa Co-Operation: The Politics of Human Resource Development*, ed. Li Anshan and Funeka Yazini April (Oxford, UK: African Books Collective, 2013), 18-19.
- 34 Lei Sun, *China's Agricultural Investments*, 17.
- 35 Lum et al, *China's Assistance*, 5.

construction of a hospital in Nigeria, shows that it has taken positive steps in this direction.²⁹ China has been successful in its assistance largely because it identifies the sectors it wishes to target and the results it hopes to achieve. Also, as Anshan and April note, FOCAC produces impact assessment reports every four years.³⁰ While other development organizations also conduct impact assessments, FOCAC's specific assistance makes it easy for recipient nations to measure its effectiveness through specific benchmarks. Thus the specific nature of FOCAC contributes to the effectiveness as well as accountability of aid.

Not only do NODA's specific programs improve effectiveness and accountability, they also enable it to recognize and respond to local problems and involve local people in the solution process. As discussed in the previous section, the MDGs fail to acknowledge the link between poverty, hunger and agriculture, and donors of ODA blindly include the MDGs in their implementation strategies without paying adequate attention to local needs. In contrast, as pointed out in a report by the South African Institute for International Affairs, China has identified agricultural investment as the key to achieving the first MDG and increased its agricultural investment in Africa, particularly through private Chinese companies and banks.³¹ The report points out that the lack of infrastructure, particularly irrigation facilities, severely compromises Africa's agricultural productivity.³² In 2012, at the Fifth Ministerial Conference of the FOCAC in Beijing, Chinese president Hu Jintao announced measures to improve irrigation through well drilling and water supply projects and the expansion of agricultural technology demonstration centers, platforms for Chinese experts to share their technological know-how and experience with local people.³³ China's programs have helped boost agricultural productivity, with yields per hectare rising to 8-9 tonnes.³⁴ Not only was China able to identify the link between agriculture and poverty reduction, it accurately identified lack of infrastructure at the local level as the root cause behind low agricultural productivity in Africa. China also involved local stakeholders in the solution through its technology demonstration centers.

While NODA makes more specific investments and does not suffer from ODA's problems of over-institutionalization, most donors of NODA lack a centralized national institution at the political level that could be accountable to recipient governments. A recent study by the NYU Wagner School points out that China lacks a centralized aid agency affiliated with its foreign affairs ministry and directs all of its investments through institutions such as the Export-Import Bank (EXIMBank) under the Ministry of Commerce.³⁵ Since the foreign affairs ministry is responsible for political diplomacy, an aid agency tied to the foreign affairs ministry would better

take into account recipient interests in order to maintain friendly diplomatic relations. NODA's aid agencies, linked to their commerce ministries, tend to place the donors' commercial interests over the recipients' development needs.

However, China has taken some steps towards institutional reform. Campos and Vines point out that all Chinese projects in Angola are inspected by third party organizations in Angola not funded by EXIMBank's credit line.³⁶ The presence of third party inspectors makes aid from China accountable to the government and local organizations in Angola, in turn ensuring China's aid is effective and beneficial to Angola. The FOCAC, established in 2000 under the Ministry of Foreign Affairs, is another positive step towards institutionalization and accountability. While the actual funds to Africa are still primarily channeled through the EXIMBank, FOCAC has been successful in negotiating clear and concrete commitments by China on providing aid to a large number of African countries. China's attempt to reform its assistance strategies carries hope for the people in Africa.

A COMPETITIVE FOREIGN AID MARKET

NODA is rapidly emerging as a popular form of development assistance due to its benefits over ODA. While ODA's standards of development could serve as blueprints to benefiting recipient nations in both the economic and social spheres, these standards remain somewhat theoretical and ODA has largely failed in implementing them in the recipient countries. At the same time, while NODA has certainly succeeded in establishing huge infrastructure projects and creating jobs, economic growth does not necessarily translate into commensurate social benefits for the people in the recipient nations, as seen by deteriorating working standards in Zambian mines. NODA's limitations, particularly its focus on the commercial interests of its donors, compromise the extent to which its soft power strategies can be beneficial to recipient nations.

While NODA cannot and should not be a perfect substitute to ODA, its presence could prompt a reform process in the methodologies of delivering ODA. Deborah Brautigam points out that while donors like China tend to focus on huge economic investments and infrastructure development, the older donors of development assistance tend to focus more on the social sector and benefits to people in recipient nations (Brautigam 761).³⁷ ODA's high standards and the MDGs can be successful if combined with NODA's methodologies such as linking aid to commerce and having specific goals. For instance, a World Bank (ODA) project in Mali focused on reducing transit costs of exporting mangoes from Mali, a land-locked country, to Europe through multi-modal transport (combining rail, air and sea transport). The strategy

36 Campos and Vines, *Angola and China*, 9.

37 Brautigam, *Aid With Chinese Characteristics*, 761.

38 "Africa Can End Poverty," The World Bank Group, last modified 2015, <http://blogs.worldbank.org/africacan/archive/201410>.

39 Kaplan, *Part III*, 296

40 Kaplan, *Part III*, 297

41 Campos and Vines, *Angola and China*, 18-19

dramatically increased export revenues for Mali and enhanced returns to local mango producers.³⁸ The World Bank's well designed program allowed it to achieve quick economic results and its guiding principles improved the lives of mango producers. By posing a challenge to ODA in the development assistance regime, NODA could prompt it to redefine its methodologies and develop innovative assistance strategies like the multi-modal transport scheme in Mali.

The increased competitiveness in the development assistance regime has begun pushing both ODA and NODA to take their recipients' interests more into account than ever before. Kaplan speaks of how China and India have been trying to "woo" Africa through their development assistance programs and have increased their development assistance in the process.³⁹ While he does not explicitly mention the US in this competition, the fact that he chooses to highlight this phenomenon in his book on US policy in the Pacific shows that the US should and is taking the emergence of NODA seriously. Competition between sources of assistance, and the resulting increase in development assistance, has served to benefit Africa: it has improved economic growth considerably in Africa since 2003 and the number of African countries with multi-party governance, civil rights and a free media has risen from three in 1977 to eleven in 2011.⁴⁰ Competition has also allowed recipient nations to have a greater say in their development strategies. In 2002, Angola refused assistance from the IMF to solve its problems of hyperinflation because of the latter's strict preconditions. It subsequently secured a \$2 billion credit line from China without any preconditions and used it successfully for several infrastructure projects.⁴¹ From a passive recipient of foreign assistance, Angola transformed to an active consumer expressing a choice, choosing quick assistance without preconditions over delayed assistance due to preconditions. If NODA was not present as a competitive alternative to ODA, Angola could not have taken such a strong stance against the IMF without compromising its economic development. In order to sustain their donors' interests, all forms of development assistance are being forced to better respond to the interests and voices of their recipients.

CONCLUSION

As NODA gains popularity among recipient nations, the development assistance regime will inevitably modify itself and expand to include NODA. Both ODA and NODA are guided by the economic and political interests of their donors and in many cases, this limits their ability to be effective in benefiting their recipients. Even so, NODA's emphasis on soft-power, local involvement and specific targeted agendas has made it more effective than ODA in establishing benefits to recipients.

In the long term, the competition between ODA and NODA could lead to reforms in the models of development assistance to better suit the interests and demands of recipient nations, thereby increasing the efficacy of development assistance.

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Advancing Deterrence and Eradicating Agency

The 1920 Iraqi Revolt and the Emergence of Aerial Control in Iraq

ZOE RUBIN

Air power may either end war or end civilization.

—WINSTON CHURCHILL, HOUSE OF COMMONS, 14 MARCH 1933

In the spring of 1920, British armed forces in Mesopotamia found themselves mired in the largest British-led military engagement that the Empire would face during the interwar period.¹ A series of localized Arab revolts had spread among the tribes surrounding Mosul, in the north, and extended to the Middle and later Lower Euphrates, south of Baghdad, destabilizing the newly-designated British Mandate even as British officials still pondered what their formal relationship and international obligations now entailed.² The some 60,000 British and Indian troops then serving in Mesopotamia were overrun and only succeeded in fostering a fragile level of stability later that autumn after receiving further reinforcements and air support, namely from the 92 aircraft assembled in Iraq between July and November.³

Recounting the scenes of burnt villages and heavy Arab losses characteristic of the “regular course” of Arab risings and subsequent British aerial bombardment, one notable writer posed a harrowing observation.⁴ “It is odd that we do not use poison gas on these occasions,” Col T. E. Lawrence, the celebrated army officer famed for having successfully liaised between the British and Arab commands during the Arab Revolt of 1916-1918, said in a 1920 *Observer* article. “Bombing the houses is a patchy way of getting the women and children, and our infantry always incur losses in shooting down the Arab men. By gas attacks the whole population of offending districts could be wiped out neatly: and as a method of government it would be no more immoral than the present system.”⁵ Lawrence’s words were likely not intended to be a call for the British to begin gassing the Iraqis, but rather to serve as a sardonic public reminder of just how similar the British Mandatory counterinsurgency methods were to the total war tactics since disowned by the international community due to their very inhumanity. The emerging British scheme of air policing, whereby Royal Air Force (RAF) pilots

1 Mark Jacobson, “Only by the Sword: British Counter-Insurgency in Iraq, 1920,” *Small Wars & Insurgencies* 2 (1991), 331.

2 Ibid.

3 AP3000: *British Air and Space Power Doctrine*, 4th ed., Royal Air Force, Centre for Air Power Studies, accessed from <http://www.airpowerstudies.com/RAF%20and%20Small%20Wars%20Part%201.pdf>; Jacobson, 352.

4 T.E. Lawrence, “France, Britain, and The Arabs: the Beam in Our Own eye the Road to Peace in Mesopotamia,” *The Observer (1901- 2003)*, August 8, 1920, ProQuest Historical Newspapers: The Guardian (1821-2003) and The Observer (1791-2003), 10.

5 Lawrence, “France, Britain, and The Arabs: the Beam in Our Own eye the Road to Peace in Mesopotamia.” *The Observer (1901- 2003)*, Aug 8, 1920.

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- 6 Priya Satia, *Spies in Arabia: The Great War and the Cultural Foundations of Britain's Covert Empire in the Middle East* (Oxford: Oxford University Press, 2008), 241.
- 7 Priya Satia, "In Defense of Inhumanity: Air Control and the British Idea of Arabia," *AHR* (2006) 17.
- 8 See Toby Dodge, *Inventing Iraq: The Failure of Nation Building and a History Denied*. (New York: Columbia University Press, 2003).
- 9 Jafna L. Cox, "A Splendid Training Ground: The Importance to the Royal Air Force of its Role in Iraq, 1919-32," *The Journal of Imperial and Commonwealth History* 13 (1985): 157-184.

would patrol Iraq from a series of bases and, acting on intelligence from agents on the ground, strafe suspected subversive villages and tribes, made no distinction between combatant and non-combatant, insurgent and infant.⁶

After the unrelenting slaughter of the Great War sparked unprecedented efforts to end future wars, as well as the use of particularly cruel tools of violence like chemical weapons, how could the use of similarly unsettling counterinsurgency methods be so deeply linked to the early history of Mandatory Iraq? In a new age of supposed international standards of collective security and humane responsibilities, how could Great Britain now engage in such a violent repression of a national uprising? What structural and cultural narratives can account for the British willingness to use unprecedented asymmetric power first to counter the 1920 revolt and later as a part of a long-term air policing policy designed specifically for Iraq?

Much of the historiography concerned with the British Mandate period in Mesopotamia, and later the Kingdom of Iraq—as the region would be known after the dissolution of the initial British-drafted mandate plan and the establishment of the semi-independent Kingdom of Iraq in 1921—focuses on the power of air control as a policing technique as well as a much-needed rationale for the growth of the fledgling Royal Air Force.⁷ In his 2003 *Inventing Iraq*, Toby Dodge examined the quandary faced by British policymakers, who hoped to minimize their costly presence in Iraq while still both upholding their international obligations to the Permanent Mandates Commission of the League of Nations and maintaining a possible future claim to Iraq's lucrative oil deposits. The rationale that he uncovered for the use of air power was a story of constraints; patrolling from the skies offered a cheap and seemingly efficient solution to the competition between a nation interested in adopting a more frugal Middle Eastern policy friendly to the tax-paying British public and government agencies concerned with their long-term strategic political and economic interests in region.⁸ Likewise, the work of David Omissi and Jafna Cox has understood the justification and thus the emergence of an aerial policing regime in Iraq in terms of its cost-efficiency and perceived deterrent effect, attributes that were favorably endorsed by those politicians and aerial officers who sought to solidify the R.A.F.'s purpose as a necessarily independent institution.⁹

More recently, however, Priya Satia has argued that such explanations do not account for the scheme's initial formation in Iraq per se—for why the British invented an unprecedented program of surveillance and bombardment reliant on a not yet fully understood innovation, and why Iraq in particular was seen as both a suitable training ground for the aerial regime in 1919–1923 and afterward as a site where such policing strategies could be incorporated into the bedrock of the

British administration.¹⁰ Rather than put forth an economic story to explain the eventual acquiescence, or at least declining interest, of the British tax-paying public, she has suggested that the aerial regime played upon the prevailing cultural imaginaries then associated with both Iraq and the concept of aerial bombardment to create “a space for empire at a time where imperialism was no longer home in the world.”¹¹ By promising a supposedly cheap, omniscient, discreet, romantic, and culturally-respected form of surveillance and policing, air power offered policymakers the means to continue an unpopular British presence abroad even as opposition to traditional forms of imperial control gained strength at home.¹² What emerged was a new style of “covert empire,” wherein real power wielded by intelligence agents would allow the British presence in Iraq to remain long after the Mandatory period itself ended in 1933.¹³ Satia’s work is an important contribution to the emerging field of contemporary scholarship on 20th century colonial violence and terror, like Caroline Elkins’ *Imperial Reckoning: The Untold Story of Britain’s Gulag in Kenya*, a haunting study into the so-called “Pipeline” system of detention camps designed in a failed attempt to suppress the Mau Mau anticolonial movement.¹⁴

Noting the importance of local agents in enabling the air power scheme, Satia has described imperialism as a “political relationship more than a perspective,” whereby “intimacy does not make it go away.”¹⁵ She is right to remind her readers about the expansiveness of empire, which penetrated rural Sunni villages and lucrative Persian Gulf ports alike. But her analysis is best complemented by the recognition that imperialism was also a process of excluding and limiting liabilities, its future never certain until scrutinized retrospect. Not only moral domestic opposition to imperialism and its dark underside, but also pragmatic public resistance to costly schemes that would yield the currency of international prestige could complicate diplomats’ and colonial officials’ expansionary aims. Imperialism not only shaped global relationships but also could be shaped by them in turn. Rather than be a binary construct, it was a multifaceted colossus, creating relationships among institutions and individuals that defied categorical limits.

Through archival research into the language of contemporary editorial and news stories from prominent periodicals like *The Observer*, *The Manchester Guardian*, and *The Times*, as well as the language of official state documents related to the British Mandate in Mesopotamia and later the Civil Administration in Iraq, this paper hopes to uncover discrepancies between the actual facts of revolt and its repression, and how such events were presented in the British press and parliamentary debates. Understanding not only the cultural imaginaries but also the political, material, and even personal

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- 10 See particularly Satia, *Spies in Arabia*, 240; Satia, “In Defense of Inhumanity: Air Control and the British Idea of Arabia”; Priya Satia, “Drones: A History from the British Middle East,” *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 5, 1 (2014): 2.
- 11 Satia, *Spies in Arabia*, 262.
- 12 Satia, “Drones: A History,” 2, 17.
- 13 Satia, *Spies in Arabia*, 262.
- 14 Satia, “In Defense of Inhumanity: Air Control and the British Idea of Arabia,” 18.
- 15 Satia, *Spies in Arabia*, 245.

concerns that created such a gap can shed light on how air control methods came to be seen as the perfect policy solution not only for the future of the Iraq but also of the British metropole. In such a way, the emergence of air power as a justifiable strategy of control in Iraq must be understood not in spite of British international obligations, but as a direct result of the interplay between British cultural mentalities and material concerns.

16 Charles Tripp, *A History of Iraq*, Cambridge: Cambridge University Press, 2000, 31-32.

17 Tripp, *A History of Iraq*, 32.

18 A. Ryan, "The Model Mandate," *Fortnightly Review*, May 1926, 589.

19 Tripp, *A History of Iraq*, 37.

REVOLT, REPRESSION, AND THE RISE OF THE AERIAL REGIME

These rising take a regular course. There is a preliminary Arab success, then British reinforcements go out as a punitive force. They fight their way (our losses are slight, the Arab losses heavy) to their objective, which is meanwhile bombarded by artillery, aeroplanes, or gunboats. Finally, perhaps a village is burnt and the district pacified.

—T.E. LAWRENCE

To best understand the dynamics of the Mandatory-era revolt and consequent repression, a brief historical grounding is necessary. The British seizure and occupation of Mesopotamia began soon after the outbreak of war between Great Britain and the Ottoman Empire in October 1914. In November, a Mesopotamian Expeditionary Force (MEF) captured Basra, beginning a campaign northward from the Persian Gulf that would end with the British occupation of the three Ottoman provinces of Basra, Baghdad, and Mosul by the end of 1918.¹⁶ Historian Charles Tripp, whose *A History of Iraq* is considered by many in the field of Middle Eastern studies as the definitive account on the nation, argues that the British authorities in both London and India in 1914 lacked a clear vision for the political future of Mesopotamia even as they undertook an operation to wrest the territory from Ottoman hands. Inevitably, however, territorial gains came to be considered a political asset, prompting the Ottoman government to sue for peace, signing the Armistice of Mudros in October 1918 and agreeing to a full Ottoman withdrawal the following month.¹⁷

Aware of the proposed British and French postwar spheres of influence outlined in the Sykes-Picot agreement, the Iraqis feared the consequences of the ambiguous British occupation. Preoccupied by negotiations at the Paris Peace Conference of 1919, however, British high officials hardly reflected on the fate of a region considered "a poor and backward Turkish province."¹⁸ Experienced in the direct rule of the British administration in India, the civil administration overseeing the former Ottoman territories now took it upon itself to govern in a similar fashion with little oversight.¹⁹ Senior officials who advocated for a more indirect model of occupation, like that of Egypt, were largely ignored.²⁰ Negotiating from a position

of decisive strength in direct opposition to Britain's post-war foreign policy weakness, American President Woodrow Wilson strove to create an entity hitherto unknown in traditional imperialism and international relations, the League of Nations Mandate system.²¹ Great Britain was chosen as a Mandatory for Iraq, tasked on April 25, 1920 with "rendering of administrative advice and assistance...until such time as [Iraq was] able to stand alone," and its assignment was announced eight days later.²² The language of the Information Department Memo on the Termination of the British Mandatory Regime in Iraq in 1933 suggested, however, that the decision was not seen as an optimal scenario, but rather a situation forced upon it by the structures of the Mandate System. What led Britain to accept a responsibility to Mesopotamia and the League was not any particular personal desire, but rather the hard geopolitical reality that "it did not dare to take the risk of allowing another power to assume to assume a control, however disinterested and however transitory, over a territory of such vital, strategic importance to Great Britain."²³ Such, it should be added, was considered a "negative advantage."²⁴ Informal empire could have far better suited the overstretched imperial system, hampered by ever growing financial commitments. But once the League of Nations' Mandate System removed the possibility of informal rule altogether, Britain now felt obligated to pledge to yet another unanticipated potential fiscal liability, rather than see another state, and particularly Britain's longtime rival in the Great Game, Russia, reap Mesopotamia's rewards. Moreover, it felt forced to build a foundation for British influence within the country, so that it might retain its interests on grounds other than the so-called right of conquest.²⁵

For the Iraqis, however, the notion of tutelary rule appeared to be little more than "European imperial rule by another name."²⁶ Under the Anglo-French Declaration of 1918, Britain had promised to give effect to the "complete and final liberation" of countries like Mesopotamia that had once been subject to Ottoman rule, but the officials now claimed such promises could not be presently fulfilled owing to the competing territorial claims of Turkey, France, and Britain in the region.²⁷ Moreover, the British had diminished the local power of tribal authorities by instituting far more direct governance measures than those of the Ottoman Empire, which incorporated amounted to little more than occasional punitive tax collection. Included among these measures was the highly lucrative tax on imposed on all bodies buried at Najaf, the Holy City where *Shi'a* from all over the world laid their dead to rest.²⁸ For the *Shi'a*, a sacrosanct place had been violated. Secret societies sprung up in 1918 and 1919 to rally popular resistance to the foreign occupation, the three most notable of which were the Najaf-based *Jim'yat al-Nahda al-Islamiya* (The League of

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- 20 Ibid.
- 21 Dodge, *Inventing Iraq*, 1.
- 22 "Memorandum on the Termination of the British Mandatory Regime in Iraq, 1933," Information Department, Yale University Sterling Memorial Library Archives.
- 23 "Memorandum on the Termination of the British Mandatory Regime in Iraq, 1933."
- 24 Ibid.
- 25 Kristian Coates Ulrichsen. "The British Occupation of Mesopotamia, 1914-1922," *Journal of Strategic Studies* 30 (April, 2007), 351.
- 26 Tripp, *A History of Iraq*, 41.
- 27 "Memorandum on the Termination of the British Mandatory Regime in Iraq, 1933.;" also the treaty itself
- 28 Amal Vinogradov, "The 1920 Revolt in Iraq Reconsidered: The Roles of Tribes in National Politics," *International Journal of Middle East Studies* 3 (1972), 133.

- 29 Ibid, 133-134.
- 30 Ibid, 134; Coates Ulrichsen, "The British Occupation of Mesopotamia, 1914-1922," 374.
- 31 Tripp, *A History of Iraq*, 43.
- 32 Ibid.
- 33 Tripp, *A History of Iraq*, 44.
- 34 "Air Force's New Role: Superseding Troops in Mesopotamia," *The Manchester Guardian* (1901-1959), February 24, 1920, ProQuest Historical Newspapers: The Guardian (1821-2003) and The Observer (1791-2003), 9.
- 35 Jacobson, "Only by the Sword": British Counter-Insurgency in Iraq, 1920," 329.
- 36 Ibid, 327.
- 37 Jacobson, "Only by the Sword": British Counter-Insurgency in Iraq, 1920," 352.

Islamic Awakening), the Karbala-based *al-Jim'ya al-Wataniya al-Islamiya* (The Moslem National League), and the Baghdad-based *Haras al-Istiqlal* (The Guardians of Independence).²⁹ The latter, whose presence was also felt in Hilla, Kut, Karbala, and Najaf, was a precarious coalition that crossed sectarian divides, incorporating *Shi'a* merchants, Sunni teachers and civil servants, Muslim scholars and theologians, and others into the fold.³⁰ Concerns over land tenure, taxation, loss of local autonomy, and the further economic costs of British intrusion had, in a formative moment, symbolically united the hitherto-at odds religious groups.³¹ In June of 1920, the national discontent first manifested through popular demonstrations and peaceful dissent in the proceeding months now finally transformed into an armed revolt, or *thawah*.³² By late July, rebels held much of the mid-Euphrates region, inspiring tribal revolts in lower Euphrates and in the districts surrounding Baghdad.³³

Long before the revolt broke out, conversations within Westminster and Whitehall had begun to circle around the idea of instituting schemes of RAF aerial policing to replace the costly British garrisons in Iraq. By May 1, 1920, just as news of the British Mandate sparked great nationalism and anticolonial revolt, Churchill proposed that a new department of state be given the portfolio of Middle East affair and that the RAF be charged with the policing of Mesopotamia. Reporting on the debate of such a policy in the House of Commons, *The Manchester Guardian* quoted his Churchill's colleague, Sir F. H. Skyes, the Controller General of Civil Aviation, in stating that "today England, the heart of Empire, is no longer safe unless Britannia rules not only the waves but the air."³⁴ His evocative quote reflected not only reflected a newfound vulnerability of the once mighty sea power, but also the degree of metro-pole-centric thinking that underpinned early notions of the Mesopotamian aerial regime. Safety for *English* peoples, Sykes thus suggested, and not for *all* subjects of the British Empire, was deemed a priority of the air control regime.³⁵ Yet in July, the RAF presence in Mesopotamia and Persia still amounted to only 16 planes.

Moreover, suffering from a lack of skilled mechanics, the RAF in Iraq could fly only 6 aircraft at any one time—their presence was little more than symbolic.³⁶ The arrival of reinforcements from Constantinople, which would total an additional 92 aircraft from July to December of 1920, corresponded to a significant shift in British momentum toward the suppression of the revolt.³⁷ What halted the revolt was not so much the crushing power of the RAF's campaign, but rather a lapse in revolutionary momentum. Critical Sunni tribes remained loyal to the British government, fearing a loss of political power, and so splintered the movement, planting seeds of sectarian conflict that would ignite in later years.

OBSCURING IRAQI AGENCY

The power of an air force is terrific when there is nothing to oppose it.

—WINSTON CHURCHILL

Tracing the trajectories both of the suppressed Iraqi revolt and the early British usage of air power in 1920 yields a picture of genuine Iraqi grievances and ensuing nationalistic sentiments, in which air power played a repressive role only in the revolt's later stages. The story does not, however, reflect the coverage accorded to the uprising by most leading British newspapers, such as *The Times*, *The Manchester Guardian*, *The Fortnightly Review*, and *The Observer*. Their accounts of the battles and campaigns evoked a sense of complete anarchy amid the rebels and subtly suggested that their actions were controlled by outside forces. Rather than allow the Arab peoples what agency the historians' studies of the revolt have clearly accorded them, British journalists projected their cultural imagination of the semi-civilized nature of the Arab people onto the facts at hand. In doing so, they crafted a depiction of the revolt as being a proxy for the schemes of Britain's enigmatic enemies, the Bolsheviks and the Kemalists, and so created ideological grounds for the 'responsible' tutelary discipline of bombardment.

Prevalent among the official documents and periodicals that addressed the 1920 Revolt and the smaller uprisings that followed it was the implication that Arab dissent was somehow a product of Bolshevik scheming. The Arabs' own reasons for rebellion, such as to gain the right to self-determination promised by Britain only two years earlier with the signing of the Anglo-French Declaration, were never considered either by the British press or in the debates they covered. Numerous stories labeled the revolt "anarchist" in nature, ignoring the clear organized political developments in the months leading up to the revolt, like the emergence of secret societies that fostered public mobilization and protests, or the coalition of Arab leaders that personally met with Acting Civil Commissioner A. T. Wilson in June to remind him of Britain's 1918 pledge.³⁸ In headlines that reached New York and Toronto, the revolt was referred to as the "Red Revolt" as if to imply that the specter of communism held Iraq, and most critically the land's oil deposits, in its throes.³⁹ The European News Office of the *Christian Science Monitor*, itself a Boston-based media outlet known for avoiding sensationalism in its news coverage, reported hearing from "authoritative quarters" that the revolt "may be attributed to many causes, amongst others the very fact of [the Arabs'] warlike instincts make them good soil for propagandist literature which has been distributed broadcast by Kemalist and Bolshevik agitators."⁴⁰ A malleable people easily susceptible to propaganda and foreign interests, the

38 Jacobsen, "Only by the Sword: British Counter-Insurgency in Iraq, 1920," 330.

39 "Red Revolt Grows In Mesopotamia: Uprising Gains Rapidly in South; Officials Are Rescued by Airplanes," *New-York Tribune* (1911-1922), August 29, 1920, ProQuest Historical Newspapers: New York Tribune (1841-1922), 1; "Revolt Grows on the Tigris: Considerable Hostile Movement in Area 70 Mile South of Baghdad," *The Globe* (1844-1836), August 30, 1920, ProQuest Historical Newspapers: The Globe and Mail (1844-2011), 17.

- 40 Special cable to The Christian Science Monitor from its European News Office, "British Officers Check Arab Rising: Measures Put Into Force to Prevent Rebellion From Spreading in Mesopotamia—New Administration to Be Set Up," *The Christian Science Monitor* (1908-Current file), September 6, 1920, ProQuest Historical Newspapers: The Christian Science Monitor (1908-2000), 1.
- 41 "The Mesopotamia Revolt," *The Manchester Guardian* (1901-1959), October 3, 1922, ProQuest Historical Newspapers: The Guardian (1821-2003) and The Observer (1791-2003), 8.
- 42 "Revolt Still Widespread," *The Scotsman* (1860-1920), September 1, 1920, ProQuest Historical Newspapers: The Scotsman (1817-1950), 7.
- 43 Satia. "In Defense of Inhumanity," 30.

line suggested, the Arabs were only proxies for two unknown but more pivotal actors, the newly declared Turkish Republic and Bolshevik forces of Soviet Russia. What such reports failed to include was that both Turkey and Soviet Russia were ideas, not solidified states, at the time of the revolt. The notion that revolutionary factions, presently embroiled in bloody struggles for the very survival of their political philosophy and proposed governments, could somehow simultaneously be engineering an entire revolt across Mesopotamia defies reason.

Rather, such reflections of British geopolitical anxieties onto the motivations of the Iraqi rebels revealed the extent to which the British understanding of—and reactions to—the Arabs' nationalism was colored by deep racial prejudices of the "semi-civilized" nature of the Arab people. Like "soil," the Iraqis were often perceived as the simple sediment upon which the British could tread, described with words like "rough" and "dirty." Commenting on the generous Ottoman tax policies that the British overturned and the Arabs' ensuing objections—which, despite their lack of press coverage, would be a critical causal factor in the revolt—a reviewer of the memoir of General Sir Aylmer Haldane, who led the British counterinsurgency against the 1920 revolt, wrote in *The Manchester Guardian* that the British lacked tolerance toward the Arabs out of the knowledge "that our schemes were as good for them as soap for a dirty boy," and so the British "simply told them, so to speak, to turn up and be washed."⁴¹ The idea of the Arabs being naughty, soiled children was repeated in the rhetoric of editorials and the accounts of parliamentary debates on uprising and the policing methods that averted further significant revolts. As a tutelary power, Britain, reports suggested, held a parental duty to school the Iraqis in better behavior, a responsibility that manifested itself in the teaching moments of bombardment. Thus, reports of strafing by British bombers couched their details in the language of schoolboy discipline. A September 1920 news brief in *The Scotsman*, a well-respected Edinburgh daily, noted that a dissident "Imam Hamz" was "now receiving punishment" during the recent bombing raids on the Lower Euphrates in a matter-of-fact tone, as if the punishment was not radically different from that of a spanking or a dunce's cap.⁴² The demonstrative impact of one subversive student's penalty would then subdue his peers; maturation meant "the morale effect" of the ever-present bomber overhead.⁴³ Thus, when Iraq formally received *de jure* independence from British official oversight in 1933, the continued presence of the RAF air-policing regime, now an instrument serving the authoritarian kingdom, was explained by high-level officials, like former High Commissioner for Iraq Sir Henry Dobbs, as a demonstration of Britain's parental duties: "Whatever treaties might lay down, so long as the British Air Force remained in Iraq overawing the country by its presence

we might disclaim but we could not evade responsibility for the policy of Iraq, both external and internal, and for any mistakes that might be made.”⁴⁴ Like so many other articles published in 1920 and in the years that followed, Britain’s regime of air control was posited as a consequence of the empire’s supposed benevolence and self-imposed duty to develop other states.

Some articles referred to Britain’s sense of a civilizing mission as the force behind the empire’s persistent willingness to end Arab blood feuds, which were described as the natural state of Middle Eastern affairs, with assertions of power that the Arabs would supposedly understand.⁴⁵ These accounts reveal a potent notion that influenced policymakers in London and on the ground in Baghdad alike during the early years of the Mandatory regime—the conception of the Arab people as a “semi-civilized race.” Unlike the Saudi desert tribes of Ibn Saud, the people of Baghdad were particularly understood as belonging to a nebulous middle ground between the uncivilized people of the desert fringes and the civilized English. Seven years after the 1920 revolt, when the marauding tribes of Ibn Saud attempted to conquer Iraqi lands, *The Globe and Mail* spoke of “a cleavage so deep and wide between the lukewarm Moslem Government of Mesopotamia and the fanatical Brethren of the Desert that it cannot be bridged,” later describing Iraq and her British defenders as standing “in the way of a union between the fanatics of Arabia and the Kurds.”⁴⁶ This conception of semi-civilization, of a government not yet guided by cool intellect, yet no longer inflamed with fanatic passions, directly supported the use of air power as what Satia has labeled a “distant discipline.” By removing regimes of control to a new space, only now conquered by mankind’s technical capacity, the bomber uniquely served the nebulous situation of the Mandatory regime, a concept still poorly understood by British policymakers. Martial law would not be necessary for a “semi-civilized, nor would a more liberal policing regime like that of the dominions address the Mandate’s security threats.

FUELLED BY FRUGALITY

There are not very many people in this country who follow and understand the constantly changing situation in South-Western Asia. Naturally a far wider interest is aroused when there is the prospect or the certainty of fresh raids on the British taxpayer on account of some past commitment or urgent need.

—ROBERT MACHRAY, THE FORTNIGHTLY REVIEW

Whereas the language of British newspapers and official Mandatory documents suggests how preexisting biases and political concerns could together recast the story of a genuine

44 “Britain and The Future of Iraq: Use of Our Air Force,” *The Manchester Guardian* (1901-1959), February 16, 1933, ProQuest Historical Newspapers: The Guardian (1821-2003) and The Observer (1791-2003); Sir Henry Dobbs succeeded Sir Percy Cox as a High Commissioner in 1923, whereupon he played a crucial role in engineering Iraq’s quick entry to the League of Nations as a formal state and in ensuring the continuation of British indirect control beyond that point. See “Sir Henry Dobbs,” British Oxford Dictionary of National Biography, accessed on April 26, 2014, <http://www.oxforddnb.com/view/article/32842>.

45 “The Mesopotamia Revolt,” *The Manchester Guardian* (1901-1959), October 3, 1922.

46 “The Arab Cromwell,” *The Globe* (1844-1936), March 7, 1928, ProQuest Historical Newspapers, The Globe and Mail, 4.

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- 47 "Mr. Churchill's Explanation," *The Scotsman* (1860-1920), December 14, 1920, ProQuest Historical Newspapers: The Scotsman (1817-1950), 8.
- 48 Ibid.
- 49 "Memorandum on the Termination of the British Mandatory Regime in Iraq, 1933."
- 50 Robert Machray, "British Policy in the Middle East," *Fortnightly Review*, May 1865-June 1934, November 1924, British Periodicals, 651.
- 51 "World of Nations: Facts and Documents," *The Contemporary Review*, January 1, 1921, ProQuest, 245.

revolt into a deceptively dark scheme, and so posit the bomber as tool of quite literally radical transformative light, these sources also suggest a third narrative necessary to understanding the unfolding story: that of the fiscal policy debates that shaped the British presence overseas. Even as the British public hoped the Empire would make strategic choices to alleviate their tax burden, policymakers feared relinquishing Britain's preferential hold on Iraq's promising oil deposits. Prior to the 1920 revolt, politicians hoped to dramatically cut Britain's military presence in Mesopotamia to alleviate the state's post-war financial woes. Winston Churchill, then Secretary of War, intended to cut the Mesopotamian garrison by one half prior to the revolt, but in December of 1920 *The Scotsman* reported that the rebellion had instead led War Ministry to incur a vast increase in expenditure, requiring an addition £37,570,000; 26,000 more troops were present in the country than the previous June, having been transported from British India.⁴⁷ In very same Parliamentary hearings, however, the Air Ministry reported that it had witnessed notable savings during the same period of some £2,050,800 pounds, three-quarters of which it returned to the Exchequer.⁴⁸

As the public continued to grapple with the longstanding question of what benefits Great Britain would receive from the heavy financial and political liabilities associated with assuming the Mandate in Iraq, the Air Ministry's fiscal austerity was seen as a much needed form of assistant for the cash-strapped government.⁴⁹ Thus, taxpayers perceived of air power as their fiscal ally, and so parliamentarians courting public opinion championed the policy proposal, while the Air Ministry, seeking to solidify its claim for long-term institutional independence from the Navy, found in Churchill a powerful ally. Personal motivations and political concerns heavily influenced the series of decisions that would lead to growing momentum for the Air Ministry's continued presence in Iraq after 1920. The British public may not have had much care for the details of the aerial raids now characteristic of South-Western Asia. The *Fortnightly Review* would report in 1924, but they acutely felt any new raid on their cheque-book.⁵⁰

Furthermore, the memory of biblical Babylonia, the famed Fertile Crescent, now hung over policymakers enthralled with the possibility of once more reaping the region's abundant fruits, its the gushing reservoirs of black gold. Certainly the American Secretary of State, Bainbridge Colby, feared Britain's intention to assert its claims to oil exploitation right and petroleum concessions and so establish some kind of monopoly through its proxy, the Turkish Petroleum Company.⁵¹ Moreover, Britain had made the decisive choice in 1912 to transform its fleet from coal-fuelled vessels to those dependent on oil for power. British strategic interests in the region thus were not only economic in nature but also of vital

importance for national security. Most historians examining the debate over the expansion of the air control regime to the British mandate in Mesopotamia have neglected to consider this element of the Mandatory debates in great detail. Yet, oil was now critical to the very thermodynamic reactions propelling British air power forward. In the international realm of realist states, British parliamentary debates frequently noted, “oil was power.”⁵² Withdrawal, regardless of how financially promising it might appear in the short term, could not be an option, for to do so would not only risk losing out on Iraq’s potent oil deposits, but also losing out to a rival nation like the United States. Fearing that British withdrawal from Iraq would amount to the loss of “one of the world greatest sources of power,” one editorial warned Britain to remain a presence in Iraq even after the state’s nominal independence. The stakes for withdrawal were grim; losing power meant losing all. The British long-term presence in Iraq, enabled only through efficient and discreet use of aerial patrols, amount to Britain’s own imperial insurance.⁵³ Cashing out could lead to fatal, financial ruin.

CONCLUSION

Ninety-seven years after the 1920 revolt, the British returned to Iraq as part of the American-led coalition in 2003 the toppled government of Saddam Hussein. Once more, bombs rained from British bombers in the Baghdad skies, killing innocent civilians and inspiring would-be insurgents who gleaned from the Western show of force, whether correct or not, the shades of rekindled imperial designs. Today, the emergence of drone warfare in the Arabian Peninsula and the tribal regions of Afghanistan and Pakistan, often referred to in shorthand as AfPak, poses a further challenge to the mounting debate over just what levels of indiscriminate violence against civilians overseas are deemed acceptable to protect a state’s “homeland security.”⁵⁴ In August of 2014, widespread public opposition to America’s engagement in yet another sectarian Middle East conflict thwarted President Barack Obama’s voiced intention of intervening militarily in the Syrian Civil War in response to the Syrian government’s chemical weapons usage. Now, high-level conversations in the White House on how the United States might still somewhat intervene in the conflict, while respecting public opinion, circulate around the possibility of drone use.⁵⁵ A repercussion of the Royal Air Force’s emergence as a critical form of colonial control color contemporary geopolitics, British officials’ decision to extend the tactics of total war to peacetime governance in Iraq reflects the ambiguous question of what separates wartime from peacetime—a question that remains unresolved to this day.

52 J. Wentworth Day, “Feisal of Iraq—And After?” *Saturday Review of Politics, Literature, Science and Art*, September 16, 1933, *British Periodicals*, 290.

53 *Ibid.*

54 The term “homeland security” is fraught with historical weight. Many academics have noted parallels between the language of American officials involved in the Department of Homeland Security’s inception following 9/11, and that of officials in Nazi Germany; for a thorough examination of how the historical use of aerial surveillance regimes has shaped contemporary drone use, see Satia, “*Drones: A History from the Middle East.*”

55 These insights came from a seminar on the future of Syria guest-led by Amb. Robert Ford, who most recently served as American Ambassador to Syria, Middle East Politics Seminar, Yale University, April 22, 2013.

But to understand the rise of widespread Iraqi discontent that manifested itself in the 1920 Iraqi Revolt—and thus the parallel expansion of the Royal Air Force's role in both in Mesopotamia and Whitehall—solely through the lens of historical retrospect risks ignoring the ever-present fears, thoughts, and decisions of individuals. In crafting a conception of the Iraqi dissidents suitable to their own geopolitical needs and cultural understandings, the British did just so. The language of British newspapers and official documents during the uprising and its aftermath denied agency to the rebels' genuine complaints and concerns. Historical memory must not do likewise.

Writing in the midst of the 1920 uprising, Gertrude Bell, a well-known Arabist who served as Oriental Secretary to Sir Percy Cox, the British High Commissioner during the revolt, wrote desperately, "the problem is the future."⁵⁶ Policymakers like she were governed by ever-present geopolitical fears in the turbulent years of the early 1920s, yet faced critical fiscal constraints and consequent metropolitan taxpayer unrest that threatened to derail longstanding British imperial interests. Only by understanding their situation as it unfolded in real-time, as she and her colleagues struggled to conceive of where both ambiguous Mandatory rule and the shadowy Arab race stood on the hierarchies of power and social development that they had construed, can we begin to understand the painful questions of how such a merciless scheme of aerial surveillance and bombardment could have been envisioned, legitimized, and sanctioned by the British government in aftermath of the 1920 Iraqi Revolt.

Historical research has depicted the Iraqi revolt as an organized uprising, arising from genuine discontent about the British's failed promises and harsh rule, yet that the British press and official documents fail to acknowledge. But by integrating cultural and structural historical accounts together, this discrepancy itself presents a powerful third narrative. As British policymakers grappled with the ambiguities of Mandatory rule, fearing the economic consequences of direct rule yet desiring to maintain a strong strategic presence in the region, arguments in support of greater reliance on air control, particularly in Mesopotamia, found powerful sway. By understanding the Iraqi people as occupying a third space between civilization and barbarity, reflective of the semi-independent state Britain was tasked with supervising, the British could justify air control as the natural policing system for their unprecedented situation. Informing such a perspective were not only common cultural imaginaries about the Iraqi people's so-called martial nature and perpetual warlike state, but also personal considerations and concerns. In this moment of national uncertainty, the British official mind

and the minds of ordinary commoners, likely uninformed of the indiscriminate nature of the air control regime, were one. Bell's words and Whitehall actions serve as reminders of what may arise from lack of foresight. Public pressure may have not been on the side of morally sound policymaking in the years of the Mandatory regime, but in a world now constantly assaulted by the implications of that era, we would do well to understand just what the shock and awe of the early twentieth century would portend.

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A Farewell to ‘Dulce et Decorum est’?

Constitutional Patriotism’s Strained Relationship With the Enlightenment and What It Means For The European Union

JOSHUA ALTMAN

My friend, you would not tell with such high zest
To children ardent for some desperate glory,
The old Lie; *Dulce et Decorum est*
Pro patria mori.—WILFRED OWEN¹

Since France and the Netherlands rejected a European Constitution in 2005, the topic of a ‘European’ Constitution has become taboo. With the exception of Jürgen Habermas and Dieter Grimm’s ongoing debate on constitutional theory,² national politicians parry the topic of a formal constitution, hoping to deter electoral backlash.³ Moreover, scholars willing to advocate for “a written federal constitution that unambiguously defines the rights of the European Union” run the risk of eliciting a barrage of academic criticism.⁴ Ultimately, consensus dictates that the reforms of the 2007 Treaty of Lisbon have eclipsed the necessity of constitutionalization.

One simple explanation of Lisbon’s role in this taboo is the treaty’s appropriation of federalist principles. Supranationally, the landscape of the European judiciary has changed considerably now that citizens have been granted distinct juridical rights under EU and national law; the European Court of Justice has been vested with powers of judicial review; and European law has become increasingly understood as domestic law, not international law.⁵

As a result of the Lisbon reforms, many questions remain unanswered in the field of European constitutional theory. This inertia may have been borne from economic apprehension regarding the European Economic and Monetary Union’s structural flaws, as Habermas suggests, or from the existential crisis of ‘European’ identity and the associated debate over which normative principles ought to guide European integration.⁶ Although Grimm argues that the ostensible “constitutional status quo” can “freeze” the extant democratic deficit in the EU, Habermas has suggested that the only way to alleviate the deficit would be to revise European treaties, in perhaps a sweeping ‘reconstitution’ of Europe.⁷

- 1 From Wilfred Owen’s poem “Dulce et Decorum Est;” Harold Bloom, ed. “Dulce et Decorum Est;” In *Poets of World War I - Part One*, Bloom’s Major Poets (Philadelphia: Chelsea House Publishing, 2001), *Bloom’s Literary Reference Online*, Facts On File, Inc.
- 2 Jürgen Habermas, “Remarks on Dieter Grimm’s ‘Does Europe Need a Constitution?’” *European Law Journal* 1:3 (1995): 303-307.
- 3 Arnaud Leparmentier, “France: Europe - Taboo Subject for François Hollande,” *Vox Europ*, Sept. 17, 2012, Accessed on Nov. 16, 2014, <<http://www.voxeurop.eu/fr/node/2708891>>.
- 4 Andrew Moravcsik, “Review: Despotism in Brussels? Misreading the European Union,” *Foreign Affairs* 80:3 (2001): 114-22.
- 5 Simon Hix and Bjørn Hoyland, *The Political System of the European Union*. 3rd ed. New York: St. Martin’s, 1999), 87-90.
- 6 Muller 2012 discusses how the debate between supranationalists and intergovernmentalists boils down to a division of normative principles defining the feasible boundaries of the state.
- 7 Habermas, 1995.

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- 8 Hix and Hoyland; Michael Bruter, *Citizens of Europe?: The Emergence of a Mass European Identity* (Hampshire: Palgrave Macmillan, 2005); Patchen Markell, "Making Affect Safe for Democracy?: On 'Constitutional Patriotism,'" *Political Theory* 28:1 (2000): 38-63.
- 9 Hix and Hoyland, 83.
- 10 Jan-Werner Müller, *Constitutional Patriotism* (Princeton: Princeton University Press, 2007).
- 11 Markell, 15.
- 12 Plato, "The Republic," in *Complete Works*, trans. John Madison Cooper (Indianapolis: Hackett, 1997).
- 13 *Ibid.*
- 14 Müller, 21.
- 15 *Ibid.*
- 16 *Ibid.*, 22.
- 17 Karl Loewenstein, "Militant Democracy and Fundamental Rights II," *American Political Science Review* 31:4 (1937): 638-58.
- 18 *Ibid.*, 646.

There is, however, an argument that Europe already has a constitution.⁸ According to this argument, Europe's constitution is implicit—a manifestation of the founding treaties and the incremental constitutionalization that has arisen from the growing EU legal system.⁹ Müller has even suggested that the absence of a European constitution may itself be a distinctive European constitution.¹⁰ The prominence of the EU in civil society has inextricably tied European civic identity with the EU such that the EU captures the political imagination of citizens, resulting in "patriotism" toward Europe's unwritten constitution, or at least the idea of it.¹¹

Patriotic sentiment toward a European constitution is not a modern phenomenon; in fact, the genealogy of "constitutional patriotism" dates back to the identitarian wreckage of post-war West Germany. Although the debate over democratic institutions in a nascent democracy was famously raised in Book VIII of Plato's *Republic*,¹² West Germany put aside its Platonic and Aristotelian "love" of *patria* and Republican liberty in favor of stability.¹³ Although the 1949 West German constitution was an exogenous document superimposed by Western allies, the West German political philosopher Dolf Sternberger emphasized the importance of "passionately rationalizing" this new constitution as a means of political stability.¹⁴ According to Sternberger, citizens must not only collectively defend and identify with the democratic state, but they also must possess a civic reason to love the state and its constitution.¹⁵ Sternberger called this affection, *Verfassungspatriotismus*, or constitutional patriotism. Modern scholarship criticizes Sternberger's rendition as tendentiously illiberal in its prioritization of shared consciousness over full-fledged democracy with bountiful dissent.¹⁶ However, the militancy of constitutional patriotism against radicalism can perhaps be appreciated in light of Sternberger's fear of fascism resurfacing in Germany.

In the same vein, Karl Loewenstein advanced constitutional patriotism by further endowing it with concrete elements of militant democracy. Loewenstein argues that fascism is utterly devoid of rational content, and it relies on emotivist appeals.¹⁷ If constitutional patriotism can inspire stringent adherence to democratic values that appeal solely to reason, then it may be permissible to prohibit certain features of democracy, such as free speech and assembly when practiced by any group with fascist leanings.¹⁸ To the extent that Sternberger advocated militancy i.e. censorship, against fascism as a means of security, Loewenstein emphasized constitutional patriotism's militant defense against reemerging fascism on the grounds of universally justifiable protection based in reason.

More recently, however, constitutional patriotism has become closely tied to the philosophy of Jürgen Habermas.

Habermas, like his predecessors, argues that fascism's grip over Germany during the war rendered the "Aristotelian polity" utterly "infeasible" as a modern paradigm.¹⁹ With West German historians ambitiously seeking to expunge traces of fascism from the public sphere,²⁰ West German liberal democrats could no longer identify as citizens of a polity so closely tied to a repugnant past of illiberalism.²¹ While Sternberger's emphasis on state security and Loewenstein's on militancy may be constitutive of constitutional patriotism, Habermas argues that they are not essential to the derivation of it. In his view, the condition of post-war Germany eradicated the necessity of fixtures of conventional morality like religion, nationalism, and quasi-sacred sources. In the "post-conventional" world, liberalism and the Enlightenment tradition of reason and secularism proved victorious, allowing citizens to hold impartial views separated from desire.²² Ultimately, Habermasian constitutional patriotism emphasizes that political attachment ought to "center on the norms, the values and... the procedures of a liberal democratic constitution," not historical or cultural communities centered on a polity.²³ In other words, there must be a love of shared political freedom and of the institutions that sustain it.²⁴

Habermasian constitutional patriotism even holds the potential to develop outside of Germany as a guiding principle for *European* identity and integration.²⁵ The thought of a supranational constitutional patriotism is borne out of Habermas' rejection of the "neoliberal illusion" that collapsing financial markets and grand scale violations of human rights can be dealt with by individual states or even coalitions of states.²⁶ Habermas' vision of the EU as an apt target for constitutional patriotism also stems from the Enlightenment tradition of universality derived from reason, an idea enshrined in the EU's central documents. Habermas cites how the spirit of the 1958 Luth Decision strengthened the constitutional principle of free expression, and how Article Six of the EU Treaty explicitly refers to the common constitutional traditions of protecting "human rights" and "the fundamental freedoms" of all citizens, without reference to specific history of culture.

The central argument of this paper rebuts the widespread scholarly claim that constitutional patriotism stems from the Enlightenment tradition; indeed, constitutional patriotism is not supported by the philosophies of prominent Enlightenment thinkers. I begin by dividing scholarship on constitutional patriotism into three camps: a universalist reading, a particularist (or communitarian) reading, and a compatibilist approach. From here, I argue that the universal nature of constitutional patriotism fails to provide a compelling reason for a citizen to swear allegiance to a European state; rather, constitutional patriotism explains why a citizen's loyalty ought to lie with the state that best promotes universal constitutional

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- 19 Jürgen Habermas, *The Crisis of the European Union: A Response*, trans. Ciaran Cronin (Cambridge, UK: Polity, 2012).
- 20 Richard J. Evans, *In Hitler's Shadow: West German Historians and the Attempt to Escape From the Nazi Past* (London: I.B. Tauris, 1989).
- 21 Ibid.
- 22 Jan-Werner Müller, "A 'Thick' Constitutional Patriotism for the EU? On Morality, Memory and Militancy," in *Law, Democracy and Solidarity in a Post-National Union: The Unsettled Political Order of Europe*, ed. Erik Oddvar Eriksen, Christian Joerges, and Florian Rödl, (London: Routledge, 2008).
- 23 Ibid.
- 24 Pauline Kleingeld, "Kantian Patriotism," *Philosophy & Public Affairs* 29:4 (2000): 313-341.
- 25 However, as Kleingeld points out, Immanuel Kant first proposed a European *völkerbund*, a league of states that promotes universalizable maxims and debates its own legitimacy. Though distinct from constitutional patriotism, constitutional Kantianism closely resembles constitutional patriotism in regards to its focus on universal values.
- 26 Habermas, *The Crisis of the European Union: A Response*, xi.

27 I chose these five because each was instrumental in conceptualizing the proto-constitutional underpinnings of the social contract and the Enlightenment's views on tradition. Additionally, each author represents a different dimension of the Enlightenment. Hobbes, one of the first Enlightenment thinkers, centralized reason; Locke and Rousseau advanced Hobbes' conception of the social contract; Hume comes out of the Scottish tradition, lending a distinct perspective and response to these views; and Burke's *Reflections* serves as a transitional text between Enlightenment thought and that of Romanticism.

28 Kleingeld.

29 Habermas, *The Crisis of the European Union*, 92.

30 Müller, *Constitutional Patriotism*, 29-30.

31 Clarissa R. Hayward, "Democracy's Identity Problem: Is 'Constitutional Patriotism' the Answer?" *Constellations* 14:2 (2007): 186.

principles. This criticism cites an inherent problem with the compatibilist approaches of Kleingeld, Muller, and Lacroix, all of whom attempt to reconcile Habermas' universalist reading of constitutional patriotism with the communitarian reading advanced by Hayward. I will then raise a counter-objection that Habermas could leverage against my claim on the grounds that constitutional patriotism appeals to the communal European values of the Enlightenment, primarily reason and progressivism, which are inextricable from European identity. However, looking at the works of major Enlightenment thinkers, such as Hobbes, Locke, Rousseau, Burke, and Hume,²⁷ I argue that constitutional patriotism's foundation on pure reason and its underlying assumption of inevitable progress fail to cohere with Enlightenment thought as seamlessly as Habermas would have us believe. I will conclude by suggesting that even if one were to overlook this paper's critique of constitutional patriotism on theoretical grounds, the prospect of success for constitutional patriotism in the EU is further complicated by Eastern Europe's dubious history with democracy.

THE TRIFURCATION OF CONSTITUTIONAL PATRIOTISM

Each of the three interpretations of constitutional patriotism—the universalist, the particularist, and the compatibilist—conveys a distinct advantage of the theory. The universalist critique advanced by Habermas relies on the assumption that constitutionalism is an inherently universalist principle that relinquishes the need for nation-specific forms of patriotism. Derived from the Kantian tradition, this view asserts that citizens of a political state are analogous to free and equal co-legislators of moral law, who have moral obligations to all citizens irrespective of nationality, language, and custom.²⁸ Any citizen can understand these obligations, since they are derived from reason and thus universally accessible. Thus, universalists underscore attachment to a democratic order that promotes coexistence amongst citizens of diverse pre-political identities.²⁹ This iteration of constitutional patriotism seems to favor European integration as a process by which a "deliberative 'we' emerges so that there is no out group."³⁰

A particularist understanding of constitutional patriotism principally argues that any form of patriotism requires civic bonds particular to a single state. In order for constitutional patriotism to generate civic bonds to constitutional principles, "people need some politically particular interpretation of such principles."³¹ Scholars such as Lacroix and Hayward have pushed back against constitutional patriotism's universal

landscape by articulating that the nation is the ultimate horizon for political identity. According to this argument, constitutional principles appealing to universalism establish “bonds of social unity” that are not sufficiently strong to survive democratic majoritarian politics.³² Though skeptical of the universalists’ reliance on reason, the particularists, i.e. communitarians, do not malign reason as the basis of civic attachment; rather, they emphasize that non-rational factors like language, culture, and history represent community affiliations that individuals prioritize over reason.³³ Though constitutional patriotism may be couched with “universal constitutional principles,” binding men’s “hearts” requires supplementary appeals to conventional channels and mores.

In recent years, Kleingeld, Lacroix, and Muller have endeavored to reconcile the communitarian and universalist views of constitutional patriotism. Muller asserts that theoretical justification for constitutional patriotism can only go so far. Reducing nationality and other non-rational attachments to the state to a secondary concerns, as the universalists do, may hastily dismiss the “ethical significance” that citizens place on these values.³⁴ That is, the basic unit of the universalist reading of constitutional patriotism, a rational being, will also be swayed by non-rational factors. As Lacroix’s account corroborates, the EU must make the shape and style of constitutional patriotism such that it both effectively advances its own universal principles while maintaining an inherent European character.³⁵ In her view, the particular characteristics of Europe’s constitutional patriotism are constituted by ‘militancy’ and ‘memory.’ Militancy, a characteristic influenced by Loewenstein, cultivates an “economy of moral disagreement” that seeks consensus on defining internal limits on democratic freedoms against illiberal democracies.³⁶ Crowding out emotional crowd politics that actively damage democratic life is an essential element of constitutional patriotism.³⁷

The memory of the European public sphere also endows constitutional patriotism with particularity. Habermas’ account is situated historically, in the identitarian shambles of post-war Germany, which may reflect constitutional patriotism’s inextricable connection to its own history. Some scholars have advocated critically opening European national memories between member states as a means of deliberating what defines the ‘European’ identity.³⁸ This view attempts to democratize European memory: European states would endeavor to share responsibility for each other’s pasts with the aim of constructing a common political culture. While it is not *prima facie* evident that historical memories can be converged, this has not precluded scholars such as David Marsh from proposing reconciliatory committees that reopen the annals of history in order to cultivate European civic bonds.

32 Justine Lacroix, “For a European Constitutional Patriotism,” *Political Studies* 50:5 (2002): 944-958.

33 Müller, *Constitutional Reform*.

34 *Ibid.*, 67.

35 *Ibid.*, 68.

36 Jonathan Allen, “Balancing and Social Unity: *Political Theory* and the Idea of a Truth and Reconciliation Commission,” *University of Toronto Law Journal* 49:3 (1999): 315-353.

37 James Q. Whitman, “What Is Wrong with Inflicting Shame Sanctions?” *The Yale Law Journal* 107:4 (1998): 1055-1092.

38 David Marsh, *Europe’s Deadlock: How the Euro Crisis Could Be Solved, and Why It Won’t Happen* (New Haven, CT: London, 2013).

'THE KNIFE OF REASON': COMPELLING A PARTICULAR CONSTITUTION

39 Jeremy Waldron, "Special Ties and Natural Duties," *Philosophy & Public Affairs* 22:1 (1993): 3-30.

40 Hayward, 187.

41 Müller, *Constitutional Patriotism*, 33.

However, the compatibilist view fails to consider how the universalist dimensions of constitutional patriotism may override any 'particular' or communal attachment to a single European state. The universalist understanding of constitutional patriotism asserts that citizens have general duties to defend just democratic states, but this does not seem to imply that these duties require citizens to support any (or all) such states.³⁹ As Hayward argues, democracy needs to give a compelling sense of why citizens form a "people" with one group of particular strangers and not with another.⁴⁰ While 'memory' and 'militancy' may provide a European blush to the universalist understanding of constitutional patriotism, they do not obligate citizens in the same manner as the universal rule of promoting a democratic order. We must ask why citizens would swear allegiance to or even favor a 'European' state over a more democratic, and thus more "just," state. Painting a European coat on constitutional patriotism endows it with militancy and memory, but these are "agent-relative" values that provide moral relevance to national borders and the birthplace of citizens. Yet, as previously mentioned, constitutional patriotism adheres to the Kantian principle that the basic unit of a state is a rational citizen, not a rational European citizen. What follows are universal constitutional truths that are accessible to all citizens. Introducing "European characteristics" to this theory would transmit agent-relative characteristics—such as being born in Europe—to an inherently agent-neutral philosophy, thus undermining the universalist appeal of constitutional patriotism. Under a universalist system, how can citizens be permitted to show partiality to one group of citizens, i.e. Europeans? Particularist attempts to vindicate constitutional patriotism "articulate definitions of who we are and who we want to be," but this seems to contradict any conception of universalism. Yet, without the particularist European tint in constitutional patriotism, how can European citizens be compelled to unite under a single European state (or any European state) if doing so would violate notions of universalism?

Habermas has at least two strong responses at his disposal. First, as Habermas has previously articulated, constitutional patriotism's erosion of "conventional" tradition i.e. its strict adherence to universalism, is not only permissible given the historical context but it expedites the acceptance of constitutional principles. Germany was a testing ground where citizens could only rationalize democracy if the traditions preceding this critical juncture were "wiped away" and replaced with the "knife of reason."⁴¹ Because the German tradition was ridden with problematic histories, the universal rule of law laid

by reason does not deter particular attachment to the state because it becomes the very basis of the state.

However, this rebuttal seems to beg the question by failing to preclude the threat of totalitarianism. Habermas' "knife of reason" logic lays in stark contrast to Hannah Arendt's prominent post-war account of totalitarianism. Arendt argues that communal bonds established by tradition are necessary to preempt totalitarianism's ability to alienate the citizen from the state and erode the social contract.⁴² Instead of "wiping away" history in an act of self-denial, West Germans should have structured a strong political culture informed by their traditions. According to Arendt, tying political structures to inherited tradition can overwhelm the "flimsy and fluid" forces of fascism. Totalitarianism came to fruition not as the culmination of the political tradition in Germany; rather, it was the perverted understanding of this tradition that uprooted the political cultures necessary to protect human rights. A progressive understanding that constitutional principles can rest on universal principles alone conserves nothing but the grounds of ideology "that tend toward the breakdown of social order by destroying communal bonds." In fact, one of the frightening realities of totalitarianism for Arendt is that as soon as one accepts the basic tenets, one is led to contradiction by reason and forced to ultimately accept the larger theory.⁴³

Another critique of Habermas' argument, advanced by Bruter, is that while this "particular" attachment to rationalism may be sufficient for West Germany, it is difficult to imagine its success on a larger scale.⁴⁴ In the status quo, the reference point to the state for EU citizens is not governmental institutions but rather horizontal characteristics specific to their own state, such as its language, history, arts, and culture. While the ideals of freedom and democracy may be vertically structured between the state and the European Union, the primary attachment to political institutions still rests on a national level.⁴⁵

CONTESTING ENLIGHTENMENT AS PARTICULARISM

Even if Habermas were to leverage the first counter-objection, he would still need to elaborate why constitutional patriotism can motivate allegiance to Europe specifically. One available response is that constitutional patriotism appeals to the cumulative and ultimate reference point for the entire European continent: the spirit of Enlightenment values.⁴⁶ To Habermas, "Enlightenment and modernism are synonyms," and the project of the Enlightenment is unfinished but can be realized through an embrace of universal constitutional principles.⁴⁷ Risse has also advanced this claim, arguing that "the preferences of

42 Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace & World, 1966).

43 *Ibid.*, 473.

44 Bruter.

45 *Ibid.*, 103

46 Muller cites Jürgen Habermas, *Die nachholende Revolution* (Frankfurt: Suhrkamp, 1990): 152.

47 Ehrhard Bahr, "In Defense of Enlightenment: Foucault and Habermas," *German Studies Review* 11:1 (1988): 97-109.

- 48 Thomas Risse-Kappen, *A Community of Europeans?: Transnational Identities and Public Spheres* (Ithaca: Cornell UP, 2010), 196-197.
- 49 *Ibid.*, 194.
- 50 Habermas, *The Crisis of the European Union*, xi. Perhaps this thought gained influence from Julien Benda's contention that a purely rationalist construct should be tacked to Europe, fully divorcing the self from the passions.
- 51 *Ibid.*, 134.
- 52 Rousseau, Jean-Jacques, "Discourse on the Origin of Inequality," in *The Basic Political Writings*, trans. Donald A. Cress (Indianapolis: Hackett Pub., 2011), 190.
- 53 Müller, *Constitutional Patriotism*, 29-30.
- 54 Rousseau, 175.
- 55 Habermas, *The Crisis of the European Union*, 14.

member state governments" in stipulating the conditions of European treaties reflect the Enlightened "ideas enshrined in their various constitutional traditions."⁴⁸ Following Risse's logic, constitutional patriotism could offer a strong model for further European integration since Enlightenment values, such as the central role of reason and secularism, are inherently prominent dimensions of what constitutes European identity.⁴⁹ Habermas argues that one can even conceive of the entire "European project" as teleologically targeted toward a singular world society constituted by the ideals first promulgated in the intellectual tradition of the Enlightenment.⁵⁰ The end of Habermasian constitutional patriotism is "A United Europe [as] a new kind of ethicopolitical entity, which could even serve as a model of concretely realized universalism to other parts of the globe."⁵¹

At first glance, constitutional patriotism's centralization of deliberation and constitutional culture seem to embrace the Enlightenment thought of thinkers such as Rousseau. Rousseau ascribes great importance to a constitution as a cornerstone of grounding civil bonds: "What makes the constitution of a state truly solid and lasting is that proprieties are observed with such fidelity that the natural relations and the laws are always in agreement...each people has within itself some cause that organizes them in a particular way and renders its legislation proper for it alone."⁵² To Rousseau, a constitution's "lasting" properties are most meaningfully manifest when citizens possess a particular fidelity to the constitutional principles that they deem correct for their society. Following this line of thought, constitutional patriotism centralizes the role of citizens deliberating and accepting the proper constitution for their society, and Habermas' worldview coheres with Rousseau's vision of a society led by a constitution. By elevating the role of public constitutional deliberation, constitutional patriotism adopts Rousseau's concept of the general will, which seeks to best serve "the common good" by establishing free public discourse. Habermas' articulation that "collective identity can be rationalized by European states" closely recalls Rousseau's language that "we can rationalize collective identities in the public sphere."⁵³

Moreover, in various ways, constitutional patriotism revives various questions central to Enlightenment inquiry. One can see how Habermas' concentration on universal democratic ideals echoes Rousseau's social contract and its emphasis on equality: "the social compact establishes among the citizens an equality of such a kind that they all commit themselves under the same conditions and should all enjoy the same rights."⁵⁴ Additionally, constitutional patriotism's assertion that "citizens are subject only to those laws which they have given themselves to in accordance with a democratic procedure" is consistent with the social contract formulated

by Locke and Hobbes.⁵⁵ Both of these thinkers argue that political orders necessarily imply consent from the citizens, and each vehemently advocated for the primacy of citizens consenting to such an order. Following this line of thought, constitutional patriotism's focus on the interplay between legitimate democratic order and "the increase in power of international organizations [undermining] the democratic procedures in a nation" implicitly refers to Hobbes' and Locke's concerns of sovereign states overextending their forces beyond pre-established (or pre-constituted) boundaries.⁵⁶ Thus, to a certain extent, constitutional patriotism does in fact cohere with the thoughts of Enlightenment thinkers.

Yet, on a more fundamental level, constitutional patriotism does not derive from the Enlightenment tradition. Upon closer examination, constitutional patriotism fails as a communal manifestation of Enlightenment values because it overstates the centrality of reason. Though Enlightenment thinkers reify reason in the confines of the state, the Enlightenment project should be understood as bringing reason "to terms with sentiment," not banishing it.⁵⁷ Liberal philosophers such as Habermas emphasize the "certitudes of reason," which can keep the strong passions of loyalty and belonging that inspire civic engagement at bay. However, many Enlightenment philosophers would argue that these conventional forces are not always pernicious; in fact, "cold rationalis[m]" may be a more pernicious force. In the works of prominent Enlightenment thinkers, from the social contract theorists, to the Scottish philosopher David Hume, to the reactionary views of Edmund Burke, there is a visible tension between reason and tradition, which is not accommodated by the universalist tenets of constitutional patriotism.

Hume's skepticism of reason's jurisdiction over human institutions may call into question constitutional patriotism's basis in rationalizing a citizen's identity. As one of the most prominent epistemic philosophers to influence the Enlightenment, Hume resisted the absolute rule of reason. Hume contends that *a priori* reason fails to provide a compelling explanation for gaps in human knowledge since its conclusions are not grounded in experience.⁵⁸ At best, reason must "invent or imagine some event, which...must be entirely arbitrary."⁵⁹ Admittedly, custom too may be fallible upon reflection: "the influence of custom...not only covers our natural ignorance, but even conceals itself."⁶⁰ Yet, instead of rejecting conventional custom on the grounds of its imperfection, as Habermas does, Hume attempts to delimit reason, not custom. He does so on the grounds that reason can destructively undermine any human institution or custom that is not derived in a priori thought. In other words, reliance on reason may tend toward the arbitrary rejection of profound human institutions, such as civil society, on the overly abstract

56 Habermas, *The Crisis of the European Union*, 15, 18-19.

57 Peter Gay, "The Enlightenment in the History of *Political Theory*," *Political Science Quarterly* 69:3 (1954): 375.

58 David Hume, *An Inquiry concerning Human Understanding: With a Supplement, An Abstract of A Treatise of Human Nature* (Indianapolis: Bobbs-Merrill Educational Pub., 1955), 28.

59 *Ibid.*, 29.

60 *Ibid.*, 29.

61 Hayward, 187.

62 Ibid.

63 Thomas Hobbes and E. M. Curley, *Leviathan: With Selected Variants from the Latin Edition of 1668* (Indianapolis: Hackett Pub., 1994), 23.

64 Edmund Burke, *Reflections on the Revolution in France: And on the Proceedings in Certain Societies in London Relative to That Event*, ed. Conor Cruise O'Brien (London, England: Penguin, 1986), 120-1.

grounds of being inconsistent with universal reason. Hume concludes that the price humanity would have to pay to sacrifice its own customs would not be worth the marginal expansion of reason's arbitrary jurisdiction over the human experience. Habermas' assertion that collective identities ought to be completely rationalized vis-à-vis constitutional principles seems to contradict Hume's empiricist claim that reason invites arbitrariness when not guided by experience, whereas inherited custom humbly admits the limits of reason to access all principles.

In fact, as Hayward argues, the pure reason of constitutional patriotism may leave citizens utterly devoid of the universal truths of reason. As a matter of civic identity, constitutional patriotism seems to implicitly violate Enlightenment principles by failing to reflect an enduring truth about "who I am" and what "my place is in the world."⁶¹ Because constitutional patriotism is deliberative and only arrived at through procedural adherence to constitutional principles, it fails to provide a constitutive understanding of one's civic identity that is stable, according to Hayward. If citizens, against Hume's advice, leave all principles open to "renegotiation by deliberation," then "the boundaries that delimit their political community can be renegotiated."⁶² Thus, constitutional patriotism's reliance on reason may be destabilizing.

In terms of attachment to the state, Hobbes would likely be critical of constitutional patriotism's reliance on pure reason and universal principles. Hobbes, like Hume, is an empiricist who doubts the absolute success of reason: "in any subject of reasoning, the ablest, most attentive [of] men may deceive themselves and infer false conclusions."⁶³ Reason may be an *end* of man, but Hobbes centralizes observation and sense perception as necessary tools to harness political power. Though "all men reasoneth alike," when two rational-beings come into conflict and neither is in error, how can the conflict be resolved? Hobbes' answer is civil society and a social contract. Reason is central to Hobbesian philosophy insofar as it grounds natural law and the necessity of the social contract; however, once Hobbes arrives at the civil state, reason seems to be an insufficient universal guide. If the absolute rule of the sovereign is based on the consent of the governed, with the sole condition that the sovereign *must* protect the citizenry, how can the state justify war? Would coercing citizens to abnegate their safety and fight not be an essential violation of the "constitution" derived in rationality? The conclusion must be that something *besides* reason gives rise to a citizen forgoing her own safety.

Perhaps, as Edmund Burke contends, love of country, custom, and the passions can explain citizens' commitment to the constitutional state. Only the state can "create in us" the sort of "love, veneration, admiration, or attachment" that "is

incapable of being filled...by that sort of reason.”⁶⁴ Reason attempts to cut through an instinctual affection that is a necessary component of stability since reason renders citizens into “mere machines and instruments of political benevolence.”⁶⁵ In order to “bind up the constitution of our country with our dearest domestic ties,” citizens must adopt the fundamental laws of the state “into the bosom of our family affections...procuring reverence to our civil institutions on the principle upon which nature teaches us to revere individual men and [from] whom they are descended.”⁶⁶ To Burke, patriotic sentiment toward a constitution is constituted by a respect for the tradition that citizens have inherited. The “moral imagination” inspired by ancestry and tradition compels individuals to respect the institutions in place, both stabilizing the polity and granting citizens their political rights.⁶⁷ It is conceivable that this non-rational patriotism driven by a citizen’s “moral imagination” may provide an answer to the question of dying for one’s state left open by Hobbes.

However, the “moral imagination” advocated by Burke seems to be inverted by Habermasian constitutional patriotism. By redefining rights and duties in reference to individual reason, Habermas empowers the sort of individualism that Burke says would undermine “the common agreement and original compact of the state.”⁶⁸ The non-teleological deliberation associated with constitutional patriotism would allow any generation to renegotiate the “pact of society...the constitution,” thus violating their promise of “public faith to the constitution.”⁶⁹ Furthermore, the universality of Habermas’ theory would tend toward subversion of the political order under Burke’s framework: it is “perhaps impossible to give limits to the mere abstract competence of the supreme power; but the limits of a moral competence...and the steady maxims of faith, justice, and fixed fundamental policy, are perfectly intelligible and binding on those who exercise authority.”⁷⁰ While one can conceive of citizens in the Burkean or Hobbesian state being compelled to die for their state by a force other than reason, it is difficult to imagine the rationalist constitutional patriotism compelling an individual to die for Brussels.⁷¹

Moreover, the essential Hobbesian question of *quis iudicabit* (who decides?), as Muller points out, cannot be answered by constitutional patriotism. Muller submits that constitutional patriotism functions as a non-positivist theory, whereby citizens are not asked to agree upon a particular constitution; rather, debate is “encouraged and constantly reflect[s] how coercion can be made legitimate by a set of constitutional essentials.”⁷² This strict adherence to a lack of concrete agreement does not cohere with the central importance of legitimacy inherent to the Hobbesian framework. According to the Hobbesian contract, men will only “confer all their power and strength” if there is “one man...that may reduce all their wills,

65 Ibid., 121.

66 Ibid., 170.

67 Müller, *Constitutional Patriotism*.

68 Burke, 105.

69 Ibid.

70 Ibid., 120-121.

71 Müller, *Constitutional Patriotism*.

72 Jan-Werner Müller, “Reimagining Leviathan: Schmitt and Oakeshott on Hobbes and the Problem of Political Order,” *Critical Review of International Social and Political Philosophy* 13:2-3 (2010): 330.

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- 73 Hobbes, 109.
- 74 Müller, *Constitutional Patriotism*.
- 75 Fritz Wilhelm Scharpf, *Governing in Europe: Effective and Democratic?* (Oxford: Oxford University Press, 1999), 2.
- 76 Hix and Hoyland.
- 77 Scharpf.

by plurality of voices, unto one will,” appointed to “bear their person, and every one to own and acknowledge himself to be author of whatsoever he that so beareth their person shall act.”⁷³ Constitutional patriotism not only fails to centralize power in one location, as outlined by Hobbes, but it also fails to provide a concrete constitution that can withstand the populist whims of public discourse. The European Union itself lacks a single locus of sovereignty, due to its permanent dispersal of power, with a dual executive, constituted by multiple sovereign forces that alternate rule at regular intervals.⁷⁴ Additionally, if we are to accept the criticisms of the European Council’s opacity, it seems that the EU’s upholding of Enlightenment values through free public discourse is not readily apparent. These sovereign states are also forbidden from leveraging criticisms of the Council’s decisions *ex post facto*, further suggesting a lack of an essential democratic element: political contest. Without the essential quality of centralization and visible legitimate power, the EU’s constitutional character fails to meet the Hobbesian standard of legitimacy, which served as a perennial concern for all subsequent Enlightenment thinkers.

Likewise, there are diminishing rates of “consent” amongst European citizens, which both fail the requirements of the Hobbesian contract and fail to maintain the democratic spirit of constitutional patriotism. Europe lacks “input-oriented authenticity,” meaning that the role of consenting citizens in supranational politics is marginalized.⁷⁵ This may breed a problem for constitutional patriotism, considering that the introduction of a European Constitution would likely, as it did in 2005, be done through electoral procedure. Yet, according to Hix and Hoyland, as European elections devolve into *de facto* second-order elections that reflect the citizenry’s satisfaction with national governments, the relative importance of the average European voter’s input is steadily declining.⁷⁶ The emergence of independent lobbying groups has further marginalized the European voter’s input on constitutional matters, and the prominence of such groups has coincided with a clear reduction in electoral accountability on the European level, thus eroding the EU’s legitimacy.⁷⁷ Consequently, constitutional patriotism will devolve into a mere aesthetic of legitimacy that purports an intimate, though unapparent, tie to enlightened values. This theory, without the consent of the people, will always rely on a thick historic majoritarian identity more closely aligned to citizens’ identities, and in turn, constitutional patriotism will become “secondary” to the ethno-cultural particularist bonds of a citizen’s current polity. Thus, one may not only question whether constitutional patriotism is a descendant of the Enlightenment but also if constitutional patriotism’s adherence to liberal values is even ripe for modern European politics.

Furthermore, underlying constitutional patriotism is an assumption of the inevitable progress and improvement of its liberal democratic order. In his book *The Crisis of the European Union*, Habermas claims, “the European Union can be understood as an important stage along the route to a politically constituted world society.”⁷⁸ The “constitutional culture” cultivated in the EU is based upon treaties and documents, but the *telos* of Habermas’ argument is not immediately clear: what is a “politically constituted world society”? Habermas lends some clarity to the end of constitutional patriotism by declaring that the end itself is not important; rather, the process by which the public sphere begins to deliberate and “rationalize” the law will establish a “systematic integration of a multicultural world society” that will consistently “progress towards civilizing relations between states through constitutional law.”⁷⁹ Citizens’ attachments to the state give “motivational pressure to find agreement” and to seek progress.⁸⁰ Central to this theory is the notion that a just democratic state is inconceivable without the consistent commitment of the citizens to constitutional principles. Prima facie, this seems to be a benefit of constitutional patriotism: there is no inherent complacency in the status quo that would impede efforts to better accommodate justice and democratic ideals. However, on a much more fundamental level, constitutional patriotism is not merely the accommodation of improved norms; rather, the validity of constitutional patriotism relies on the mechanism of progress. Kleingeld argues that a “love of shared political freedom” implies a duty to “sustain” the constitutional state through “commitment to its institutions.” Maintaining this constitutional order requires the “patriotic act” of consistently criticizing the body politic and finding ways to “enhance the common political good by calling for reforms.”⁸¹ The European project of integration is not only an ongoing process but also its so-called incompleteness demands progress.

Yet, constitutional patriotism’s assumption of progress contradicts the Enlightenment’s skepticism toward progress. The three primary social contract theorists—Hobbes, Locke, and Rousseau—each rejected linear conceptions of time. Locke has no theory of progress, and Hume’s attempt to vindicate custom is part of a larger project to “change no circumstance in the received orthodox system.”⁸² Rousseau’s *Second Discourse* stresses retrogression insofar as progress further entrenches civilization in inequality, and “the more we accumulate new knowledge, the more we deprive ourselves of the means of acquiring the most important knowledge of all.”⁸³ Peter Gay has even argued that a careful reading of the *Second Discourse* reveals Rousseau’s belief in an inevitable degeneration of all forms of government.⁸⁴ Therefore, constitutional patriotism’s call to consistently reform and progress the liberal democratic order seems to contradict Rousseau’s fear of

78 Habermas, *The Crisis of the European Union*, 2.

79 *Ibid.*, 7.

80 Müller, *Constitutional Patriotism*.

81 Kleingeld, 318.

82 Gay; Hume, 97.

83 Rousseau, 39.

84 Gay, 380.

85 Ibid.

86 Though beyond the scope of this paper, many of the German idealists, notably Hegel and Kant, may be more sympathetic toward Habermas' view. For example, Hegel's notion of the dialectic, i.e. a process of thesis, antithesis, synthesis, seems to imply some sort of evolution of thought and improvement toward what he calls "the absolute," the unachievable end of human inquiry. However, Hegel and Kant fit more clearly into the German idealist tradition than in that of Western Enlightenment.

87 Rudyard Kipling, *Ballad of East and West*, comp. Blanche McManus (New York: M.F. Mansfield and A. Wessels, 1899).

progress giving way to inequality. Hobbes only defends progress insofar as it leads to a stable and inert social contract. There is no "progress" from the Hobbesian social contract because the terms are non-negotiable; however, there is decline such that the contract may devolve into the state of nature, leaving all parties worse off. Burke, while not opposed to change a priori, argues that any progress ought to be weighed against the meaningful tradition that precedes it, and change that seeks to wipe away the institutions inherited by society is morally abhorrent and not "chivalric." However, Burke's argument that reasonable change is permissible is not a concession that progress is inevitable; rather, it is a mood that allows for reform, not an attitude that progress is inherent in history.⁸⁵ Thus, constitutional patriotism's underlying tendency toward progress seems to be at odds with the Enlightenment's skepticism toward such a phenomenon.⁸⁶

CONCLUSION: "EAST IS EAST AND WEST IS WEST"?

"Oh, East is East and West is West, and never the twain shall meet,
Till Earth and Sky stand presently at God's great Judgment Seat;
But there is neither East nor West, Border, nor Breed, nor Birth,
When two strong men stand face to face, though they come from the
ends of the earth!"— RUDYARD KIPLING ⁸⁷

This paper has sought to contextualize constitutional patriotism as a guiding principle for Europe, while also eliciting constitutional patriotism's departure from key tenets of the European Enlightenment. Borne out of West Germany's disillusionment with its past, constitutional patriotism is a manifestation of Kantian ideals grounded in reason that seek to be universally accessible to citizens of all states. There is bountiful scholarship on the topic, from those in the Kantian universalist tradition, the communitarian "particularists," and the compatibilists caught between these disparate views. An open question raised in this paper is whether the universal principles of constitutional patriotism can compel citizens in the European Union to join a "European" state, as opposed to any state that best upholds these constitutional values. Despite Jürgen Habermas' claim that constitutional patriotism appeals to Europe's communal identity derived in Enlightenment ideals, I have tried to demonstrate that prominent Enlightenment figures would likely reject the notion that constitutional patriotism upholds an Enlightenment understanding of reason or progress.

However, one further critique of constitutional patriotism warranting brief discussion is whether the European Union would likely face onerous obstacles in its implementation of this theory, specifically in the Eastern EU. As I have attempted to convey in this paper, constitutional patriotism is governed

by both concrete and abstract democratic principles, from separation of powers, to federalism, to equality under the law. Yet, there is evidence to suggest that in the newest EU member states from Eastern Europe, attachment to these constitutional principles is tenuous. Over the past twenty years, several Eastern European states—Poland, most noticeably—have successfully adopted constitutional cultures and auspiciously passed the “critical juncture of regime change.”⁸⁸ Nevertheless, this fate of embracing democratic principles is not shared by all Eastern member states.

In the view of Vachudova, the EU lacked an “ingrained ‘civilizing project’” capable of molding Soviet Republics into fledgling democracies.⁸⁹ When countries such as Slovakia, Bulgaria, and Romania were in the midst of accession, the metrics of the Council of Europe and the Copenhagen criteria used to evaluate these states’ democratic inclinations failed to exercise rigor. In fact, many of the democratic reforms made were ostensibly superficial attempts to expedite integration. For example, the EU could not allow the accession of a Vladimir Mečiar-led Slovakia due to the leader’s blatant authoritarian tendencies. In turn, the EU proposed an ultimatum stipulating that it would only grant Slovakia membership if Mečiar was ousted. Though this deal visibly deposed the authoritarian leader, it was by no means a display of Slovaks exercising their democratic will; rather, this action was externally imposed, raising reasonable concern that Slovakia’s “improved” democratic condition was merely symbolic. As Table 1 illustrates, this reality reaches beyond Slovakia insofar as many former Soviet Republics in the EU have significantly lower democracy index values when compared to those of Western EU member states:

88 Milada Anna Vachudova, *Europe Undivided: Democracy, Leverage and Integration after 1989* (Oxford: Oxford University Press, 2004), 15-21.

89 Ibid.

90 “Democracy Index 2012: Democracy at a Standstill” *The Economist Intelligence Unit*, 2013, <https://portoncv.gov.cv/dhub/porton_por_global.open_file?p_doc_id=1034>, 10-15; I winnowed the EU member states available from the Economist’s world report. The bolded values indicate states that are less than the mean value of 75.87 by greater than one standard deviation (7.29)

TABLE 1: EU MEMBER STATES DEMOCRACY INDEX ⁹⁰

MEMBER STATE	DEMOCRACY INDEX
Norway	88.3
Sweden	87.0
Finland	86.7
Switzerland	85.9
Denmark	84.4
Netherlands	83.5
Germany	82.2
Austria	81.2
Belgium	81.1
United Kingdom	79.9
France	78.2

- 91 Vachudova, 15.
- 92 Jacques Rupnik, *The Road to the European Union* (Manchester: Manchester University Press, 2003). Print.
- 93 Ibid.

Spain	76.9
Portugal	75.7
Slovenia	75.4
Estonia*	73.2
Czech Republic*	71.9
Cyprus	71.5
Lithuania*	71.3
Italy	71.2
Poland*	71.1
Latvia*	69.3
Slovak Republic*	69.2
Hungary*	68.4
Croatia	68.0
Greece	67.5
Bulgaria*	65.1
Romania*	64.4

*Indicates former Soviet Republic/post-Soviet state. See footnote for further explanation.

While constitutional patriotism promises to unite European states committed to democratic principles, this challenge is redoubled by the Eastern European states' nascent democratic mores. "Hollow and ineffective" institutions were transmitted from Western Europe to the East during the accession process, and these inherited institutions were not legitimately debated in the public sphere so as to accommodate bureaucratic efficiency.⁹¹ Consequently, joining the European Union with superficial benchmark criteria and "reform from above" may actually harm a country's democratic prospects. While Vachudova argues that the introduction of democracy will allow these states to learn democracy by going through the motions, Jacques Rupnik articulates that the EU's actions on this front may be a "Blessed plot" that incentivize hasty reforms that "empty the democratic process" due to blind commitment to liberal constitutional principles and stability.⁹² Simply put, the forced conditions of accession for Eastern European states is a cause for concern. These new member states have not only been handed democracy in a rather undemocratic fashion, but within the EU, these states may be relegated "to a permanent second-class status," due to their incomplete understanding of the institutions they have inherited.⁹³

Furthermore, the mere existence of democratic institutions in Eastern EU member states by no means generates

democratic institutions in these countries. Jack Snyder argues that there are potentially disastrous consequences to the liberal view that “it takes very little to establish a stable, peace-loving democracy: just get the authoritarian state out of the way.” Without “thick networks of social supports” and a long-standing understanding of liberal democracy characterized by more than “a single free and fair election,” the democratic transition of Eastern Europe to the EU can invite nationalism and instability, both of which are antithetical to constitutional patriotism.⁹⁴ Without the culture of a constitution or democracy, these new member states continue to fight an uphill battle. If the EU does not take deliberate and careful steps in cultivating such a constitutional culture in Eastern Europe, the democracy gap may not improve and will further undermine constitutional patriotism’s appeal as a guiding European principle. Without an organic “love” of constitutional principles in Eastern Europe and without a legitimate embrace of Enlightenment ideals, constitutional patriotism may march on as an “Old Lie,” promising the sweetness of universal principle and *patria*, without the laurels of a victorious European Union, integrated at last.⁹⁵

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94 Jack L. Snyder, *From Voting to Violence: Democratization and Nationalist Conflict* (New York: Norton, 2000), 316-317.

95 Bloom.

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The Armenian Genocide Centennial and the Politics of Remembrance

EMEFA AGAWU

After the bitter winter months, springtime brings hope and warmth to Yerevan, the Armenian capital. As the melting alpine snow gives way to roaring streams, wildflowers push through the sleepy soil, dotting the earth with yawning yellow daffodils and brilliant blue-purple irises. Bustling Armenians hastily prepare wreaths of willow and dye eggs a blood-red hue to prepare for the Easter Holiday. Neighbors drift through with plates of spiced rice pilaf with raisins, and chattering children return to rolling hills to play pretend. Springtime brings rebirth and celebration to Armenia. But late in the spring, the sweet air suddenly grows heavy with remembrance. The air is thickest on April 24, the day the nation grieves for the 1.5 million victims of the Armenian Genocide. Every year, the anniversary brings thousands of mourners to the ancient hill at Tsitsernakaberd who visit the memorial that commemorates the great tragedy committed against their countrymen.

On April 24, 2015, the thousands who pay tribute with their trek to Tsitsernakaberd will be joined by mourners from around the world. A flood of commemoration efforts, originating from within the country and in the Armenian diaspora will demand the ear of the world on this the 100th anniversary of the first genocide of the 20th century. From students and survivors, politicians and prayer-groups, among their disparate objectives for the 100th anniversary will arise a common plea: remembrance.

INTRODUCTION

As the successor state to the Ottoman Empire, Turkey's refusal to admit that the systematic slaughter of Armenian men, women and children constituted genocide reflects a steely strain of nationalism that permits no room for orchestrated atrocities in their painted narrative. Turkey alleges that the tragedy that befell the Armenians was the result of a civil war that claimed casualties on both all sides, and that the violence against Armenians was at least in part a preventative security measure aiming to stifle uprisings that threatened the Ottoman Empire.

1 Catherine Richert, "The Obameter: Recognize the Armenian Genocide," *PolitiFact*, Mar. 5 2010, <<http://www.politifact.com/truth-o-meter/promises/obameter/promise/511/recognize-armenian-genocide/>>.

2 Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: Basic, 2002), 5-6.

3 Power, 6.

4 *Ibid.*, 5.

5 *Ibid.*, 11-13.

6 *Ibid.*, 14.

7 Kemal, the new Turkish leader had kidnapped 29 British soldiers in 1920. For their safe return, Churchill exchanged the Ottoman leaders who were awaiting trial. In 1923, European powers agreed to a treaty with Turkey that dropped all mention of prosecution; *Ibid.*, 16.

On the eve of the 100th anniversary of the Armenian Genocide, the United States must carefully consider how to remember. Will it join the ranks of the 20+ nations that have officially recognized the genocide? Will it continue to express deep sympathy and condolences for the "terrible events of 1915,"¹ avoiding the explosive "g-word"? How will this chapter of history be recorded, and what role should the United States play?

The 100th anniversary of the Armenian Genocide presents a unique opportunity for the US to shift its current stance, recognize the genocide, and stand on the right stand of history.

EARLY NARRATIVE BATTLE: REMEMBRANCE UNDER FIRE

Accounts of the horrors of the Armenian Genocide first reached the US through the then-ambassador to the Ottoman Empire, Henry Morgenthau.² Unable to corroborate early reports of unbelievable atrocities, the ambassador waited a crucial three months before sending word back to Washington.³ With the international community still decades away from embracing the term "genocide" to describe the systematic extermination of a group, Morgenthau could only speak of the horrific "race murder" of the Armenians unfolding.⁴ Despite extensive coverage of the horrors in *The New York Times* and Morgenthau's own dogged determination to convince the United States to respond and prevent the possible extinction of the Armenian people, the United States declined to intervene, stopping short at offering humanitarian aid to survivors.⁵ It wouldn't be the last time that lack of domestic political capital and a shortsighted grand strategy would land the United States on the wrong side of history.

At the end of World War I, enthusiastic efforts to hold offenders in Germany, Austria, and Turkey responsible for what were at the time termed violations of the "laws of humanity" soon fell prey to wavering international will. They had already been damaged by the Wilson administration's refusal to participate, a boycott rooted in Wilson's disbelief in the existence of universal principles of justice.⁶ By 1921, even the Brits, who had keenly pursued trials for Ottoman leaders suspected of orchestrating exterminations, gave up the fight and surrendered to immediate strategic and political pressures.⁷ With this surrender disappeared the last remaining hope for a major power to chronicle a narrative faithful to history. The voices best placed to safeguard remembrance and facilitate transitional justice fell quiet, and the inheritors of the Ottoman State raised a new voice. Embarking on sweeping campaign ensure a proud and unified launch to a state that could boast of secularism and republicanism as founding

principles, Turkish leaders so began to re-write history and scrub away at the deep stain of genocide.^{8,9}

THE “G-WORD”

Reeling from the shock of the atrocities committed by the Nazi regime, the international community was forced to confront the failings a system that had permitted such a tragedy. On December 9, 1948, the United Nations General Assembly unanimously passed the Convention on the Prevention and Punishment of the Crime of Genocide, commonly referred to as the Genocide Convention.¹⁰ This act made two key introductions; first, a clear definition of the crime of genocide into international law,¹¹ and second, a crucial caveat to the iron immunity from intervention that state sovereignty in the post-Westphalian system guaranteed. Genocide would now not only authorize international interference, it would require it.¹² But even Raphael Lemkin, the father of the genocide convention, made a shrewd calculation in deciding to ignore the genocidal history of certain countries, in order to increase attract signatories and strengthen the convention’s future.¹³

Although the next half-century would bring case after case of inaction or delayed action in the face of genocide, this early work launched a crucial process by which the crime of genocide became “privileged,” entering international consciousness as a crime of irredeemable evil. The fierceness with which leaders accused of genocide reject the label is at once a testament to the potency of the accusation and a tacit acceptance of the hierarchy of atrocities erected by international law that places genocide at the very top.

PROGRESSION OF INTERNATIONAL OPINION

After the signing of the Genocide Convention and other seminal human rights treaties, international focus landed squarely addressing present atrocities and preventing those of the future. As such, the question and significance of retroactively labeling the slaughter of Armenians at the hands of the Ottoman Empire did not attract much attention on the international stage until the later part of the 20th century. Suddenly, in quickening succession, national governments and international entities embraced the label “genocide” to describe the Armenian situation. Once the g-word was out of the box, there was no stuffing it back in.¹⁴

A 1975 US House of Representatives resolution designated April 24, 1975 as “National Day of Remembrance of Man’s Inhumanity to Man,” specifically to referring to “those of Armenian ancestry who succumbed to the genocide perpetrated in 1915.”¹⁵ A 1982 resolution adopted by the Cypriot

8 See Ayla Göl, “The Identity of Turkey: Muslim and Secular,” *Third World Quarterly* 30:4 (2009): 795-811, for a discussion of Kemalism, Turkey’s founding principles, and their effect on Turkish Political History.

9 Before being summarily executed by Soghomon Tehlirian, a survivor of the genocide, Talaat Pasha, the former Turkish interior minister who played a central role in the atrocities, began to rewrite history in his own memoirs. His creative re-telling of history is marked by bold assignments of blame. He claims, “I admit that we deported many Armenians from our eastern provinces... [but] the responsibility for these acts falls first of all upon the deported people themselves;” Power, 15.

10 The Convention passed in no small part due to the unrelenting efforts of Raphael Lemkin, the Polish lawyer who coined the term “genocide” and tirelessly lobbied for the passage of the genocide convention; Power, 50-58.

11 The Convention defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

- A. Killing members of the group;
- B. Causing serious bodily or mental harm to members of the group;
- C. Deliberately inflicting on the group the conditions of life calculated to bring about its physical destruction in whole or in part;
- D. Imposing measures intended to prevent births within the group;
- E. Forcibly transferring children of the group to another group.”

12 Power, 58.

13 Ibid., 63-64.

14 There were of course earlier motions of commemoration, but many avoided the term ‘genocide.’ For example, the Uruguayan Legislature passed a resolution declaring April 24th a “Day of Remembrance for the Armenian Martyrs.” Despite not using the g-word, the Law compelled Official Radio Service stations to honor the date, excused Armenian descendants from government work, and more. [Ley No. 13.326, Uruguay Senate and House of Representatives]

15 House of Representatives Joint Resolution 148, 94th Cong. 1st Session (1975).

- 16 "Fact Sheet: Armenian Genocide," Knights of Vartan Armenian Research Center, Apr. 3, 1996, accessed, Dec. 8, 2014, <http://www.foothilltech.org/krenger/world_hist/ww1/armeniangenocidearticle.pdf>.
- 17 European Union, European Parliament, Resolution on a Political Solution to the Armenian question, Doc. A2-33/87, Brussels, 1987.
- 18 "Recognize the Armenian Genocide," The Coalition to Recognize the Armenian Genocide, accessed Dec. 7, 2014, <<http://www.recognizearmeniangenocide.org>>.
- 19 "Q&A: Armenian Genocide Dispute," *BBC News*, May 3, 2010, accessed Dec. 9, 2014, <<http://www.bbc.co.uk/news/world-europe-16352745>>.
- 20 "International Affirmation of the Armenian Genocide." *International Affirmation of the Armenian Genocide*. Armenian National Institute, accessed Dec. 10 2014, <<http://www.armenian-genocide.org/affirmation.html>>.
- 21 Ronald Reagan, "Proclamation 4838 – Days of Remembrance of Victims of the Holocaust," (Speech, April 22, 1981).
- 22 "U.S. Presidential Statements on Armenian Genocide—William J. Clinton & Barack Obama, Armenian National Institute, accessed Dec. 10, 2014, <http://www.armenian-genocide.org/current_category/4/affirmation_list.html>.
- 23 Peter Baker, "Obama Marks Genocide Without Saying the Word," *The New York Times*, Apr. 24, 2010, accessed Dec. 10, 2014, <<http://www.nytimes.com/2010/04/25/world/europe/25prexy.html>>.
- 24 Jake Tapper, "For 6th Year in a Row, Obama Breaks Promise to Acknowledge Armenian Genocide," Apr. 24, 2014, accessed Dec. 10, 2014, <<http://thelead.blogs.cnn.com/2014/04/24/for-6th-year-in-a-row-obama-breaks-promise-to-acknowledge-armenian-genocide/>>.
- 25 Elizabeth Kolbert, "Dead Reckoning," *The New Yorker*, Nov. 6, 2006, accessed Dec. 10, 2014, <<http://www.newyorker.com/magazine/2006/11/06/dead-reckoning-5>>.

House of Representatives also recognized and strongly condemned the "genocide of the Armenian people." In 1984, the Permanent Peoples' Tribunal was the first major international body to recognize the genocide.¹⁶ They were followed three years later by the European Parliament, which passed a 1987 resolution clarifying that the "tragic events in 1915–1917 involving the Armenians living in the territory of the Ottoman Empire constitute genocide."¹⁷ Faster and faster came the resolutions remembering, honoring, and condemning the Armenian genocide. Particularly significant was the resolution passed by the International Association of Genocide Scholars, which unanimously recognized the Armenian Genocide in 1997.¹⁸ Today, governments of at least twenty countries officially and consistently use the g-word to describe the atrocities.¹⁹ The US is not one of them.

FLIRTING WITH THE G-WORD: AN AMERICAN APPROACH

The United States' policies on recognizing the Armenian Genocide are riddled with inconsistencies that weave a tangled web out of the principles of representative democracy, constitutionalism, and federalism. Forty-three state governments to date have recognized the genocide, meaning that elected officials representing the vast majority of Americans unequivocally express the view that the tragedy that befell the Armenians constituted genocide.²⁰ Yet, the republican structures of government that the founding fathers enshrined in the constitution to capture the will of the American people have proven no match for federal executive supremacy in matters of foreign policy.

Gone are the days of deliberate presidential use of the g-word to describe the Armenian tragedy. Where President Ronald Reagan once plainly spoke of the "genocide of the Armenians," sitting presidents in recent memory vigilantly avoid the term, speaking instead of "horrific events," "inhumanity," and "great tragedy."^{21, 22} Before taking office, President Barack Obama repeatedly used the g-word to acknowledge the events of 1915, supporting a congressional resolution to that effect and even vowing to use the term 'genocide' if elected president.²³ But since taking office, Obama has assiduously avoided the g-word, renegeing on his vow year after year.²⁴ In response to the thoroughly unsatisfying language from the oval office (though not unrelated to urging from a well-organized Armenian lobby) Congress has attempted to take matters into its own hands several times.

In 2000, a resolution was introduced into the House of Representatives calling on President Clinton to refer to the atrocities as "genocide" in his annual message on the Armenian Day of Remembrance.²⁵ Two days after the

International Relations Committee voted to send the bill to the floor, the leaders of all five major political parties in Turkey issued a statement threatening to block US access to a crucial airbase in Incirlik.²⁶ Turkish officials also threatened that the bill would jeopardize a four and a half billion-dollar defense contract.²⁷ Under mounting pressure from the White House, the bill was soon pulled from the agenda.

Seven years later, a nonbinding resolution that labeled the Armenian tragedy ‘genocide’ and called upon then President Bush to do the same managed to pass through the House Foreign Affairs Committee over strong opposition from the Bush administration and a pleading letter signed by all living secretaries of state.²⁸ Turkey immediately recalled its ambassador in protest.²⁹ Eventually House Leader Nancy Pelosi succumbed to political pressure and declined to bring the bill to a vote on the House floor. The measure had been steadily losing steam as co-sponsors withdrew their support, overwhelmingly pointing to an unwillingness to strain relations with Turkey at what was considered an especially volatile geo-strategic moment in history. The strongest voices opposing the measure feared the worst from a Turkish leader who warned of “serious troubles in the two countries’ relations” if the measure passed.³⁰ Of concern were crucial supply routes through the country as well as access to a strategic US air base in Turkey.³¹ Deep fears of negative consequences for US security interests were reinforced by Ankara’s decision to cut military ties with Paris the previous year following France’s criminalization of genocide denial.³² To top it off, US operations in Iraq would be especially vulnerable to Turkish noncooperation. The most nightmarish scenario would have been for a reactionary invasion of northern Iraq to retaliate against and crush the PKK, the Kurdish militant group, a stunt the US had been desperately persuading Turkey not to pull.³³ One professor of international relations at a university in Ankara commented, “if the Armenian genocide resolution passes, then I think that the possibility of a cross-border operation is very high.”³⁴ And so, that time around, Congress backed off.

Three years later in 2010, the same resolution passed the House Foreign Affairs Committee, but by a margin of just one vote. Again, Turkey immediately recalled its ambassador and the White House stifled a floor vote, pointing to unstable US-Turkey relations.³⁵

Most recently, in April of 2014, the US Senate Foreign Relations Committee approved a measure that would have called upon Turkey and President Obama to acknowledge the genocide ahead of the April 24 Anniversary, but the resolution was not included in the full Senate agenda before the Easter recess and died.^{36, 37}

Over the course of a decade and a half, Congressional forces have persisted in their efforts to record the Armenian

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- 26 Ibid.
 - 27 Ibid.
 - 28 Gary Kamiya, “Genocide: An Inconvenient Truth,” *Salon*, Oct. 16, 2007, accessed Dec. 9, 2014, <http://www.salon.com/2007/10/16/armenian_genocide/>.
 - 29 Deirdre Walsh, Elise Labott, and Joe Sterling, “Turkey Recalls Ambassador over Genocide Resolution,” *CNN*, Oct. 12, 2007, accessed Dec. 10, 2014, <<http://www.theguardian.com/world/2010/mar/05/turkey-us-ambassador-armenia>>.
 - 30 “Bush Warns Congress Not to Recognise Armenian ‘genocide,’” *The Guardian*, Oct. 10, 2007, Dec. 10, 2014, <<http://www.theguardian.com/world/2007/oct/10/usa.iraq1>>.
 - 31 Ibid.
 - 32 Ibid.
 - 33 Kamiya.
 - 34 “Bush Warns Congress Not to Recognise Armenian ‘genocide.’”
 - 35 Bulent Aliriza, “Turkey Update: The Genocide Vote in Congress and US-Turkish Relations,” *Center for Strategic & International Studies*, Mar. 8, 2010, accessed Dec. 9, 2014, <<http://csis.org/publication/turkey-update-genocide-vote-congress-and-us-turkish-relations>>.
 - 36 Senate Resolution 410, 113th Congress 2nd Session, (2013-2014).
 - 37 Richard Falk, “The US Senate and the Armenian Genocide,” *Al Jazeera*, Apr. 25, 2014, accessed Dec. 10, 2014, <<http://www.aljazeera.com/indepth/opinion/2014/04/us-senate-armenian-genocide-201442211422021850.html>>.

Genocide as such once and for all, especially in the face of the executive branch's reluctance to do so. The constitutional division of foreign policy powers between the President and Congress ensures at least *some* messiness in foreign affairs. But the institutional structure upon which we have relied for a balanced, flexible, and democratic foreign policy in the past may not be sufficient to handle the delicate question of the g-word. Among the critics of congressional efforts to recognize the Armenian Genocide are those who consult a calculus that prioritizes short-term geo-political strategic interests over remembrance. But there are also those who find it inappropriate for Congress to influence foreign policy so aggressively and so directly, especially in the face of overwhelming executive opposition. While some advocates of the g-word in Congress may be electorally motivated, it must also be the case that supporters of these resolutions see a great value in remembrance that outweighs the obvious risks that accompany recognition.

What do these members of Congress see that the White House does not? Is each side enlightened or encumbered by its perspective and priorities? What shifting external factors could give rise to a productive way forward? The rest of this paper will suggest that the 100th Anniversary of the Armenian Genocide on April 24th, 2015 presents an exceptional opportunity for the Obama administration to adjust its policy on the g-word.

The key lies in understanding the shifting tide of Turkish political will, capitalizing upon opportunities to levy broad international pressure, and recognizing the crucial normative and strategic value of remembrance. In doing so, the US can leap over the black hole of weak political capital and short-sighted grand strategy that has wrought so much havoc in the past, to stand firmly on the right side of history.

RUMBLINGS IN TURKEY

Although Turkey's categorical rejection of the use of the word "genocide" to describe the events of 1915 is as ferocious as it is predictable, under a knee-jerk exterior lie important trends in Turkey's denialism that may indicate an opportune softening. Sossie Kasbarian, a lecturer at the University of Lancaster, writes of the growing "proliferation of counter-narratives and counter-memories circulating and undermining the denialist discourse [in Turkey]."³⁸ Kasbarian credits these counter-narratives with reframing academic discourse outside of the denialist framework.³⁹

These subtle forces accelerate around an inflection point that on first glance appears to be proof of the Turkish commitment to denialism: the murder of a Turkish-Armenian journalist who wrote and spoke about the Armenian Genocide, Hrant

38 Sossie Kasbarian, "A Discourse of Denial: Memories of the Armenian Genocide," *OpenDemocracy*, Aug. 6, 2014, accessed Dec. 10, 2014, <<https://www.opendemocracy.net/sossie-kasbarian/discourse-of-denial-memories-of-armenian-genocide>>.

39 *Ibid.*

Dink. Dink was thrice prosecuted under article 301 of the Turkish Penal Code, which makes it a crime to insult the Turkish Nation.⁴⁰ But in the wake of his assassination by a young Turkish Nationalist, thousands protested both his murder and the court decision to acquit 18 defendants who were implicated in the conspiracy.⁴¹ In 2008, four Turkish intellectuals gathered over 30,000 signatures from Turks and Kurds as part of a campaign to apologize for the events of 1915.⁴² In the past year, the Human Rights Association of Turkey issued a statement calling for the Turkish Government to recognize the Armenian Genocide, and the Turkish Greens Party tweeted, “we recognize unequivocally the Amernian Genocide.”^{43, 44} Last year, ahead of the 99th anniversary of the Armenian Genocide, then Turkish Prime Minister Tayyip Erdogan issued an unexpectedly conciliatory statement.⁴⁵ Despite the rhetorical gymnastics to reaffirm the tragedy of losses on all sides, the statement offered unprecedented “condolences” to the grandchildren of victims of “inhuman” acts.⁴⁶ Just as significant as Erdogan’s conciliatory tone was the unusual release of the statement in nine different languages, a clear signal that he meant his words to be widely noted.

Beneath a reactionary denialist stance, movement within Turkey hints at a slow but quickening introduction of counter-narratives and recognition that atrocities were indeed perpetrated against the Armenians at the hands of the Ottoman Empire. Without overstating the significance of these events, this subtle but crucial progression has enormous implications for domestic political support for reactionary denialist actions by Turkish leaders.

INTERNATIONAL INTERDEPENDENCE: BURDEN OR OPPORTUNITY?

Turkey’s effective gag rule on the g-word in the US is sustained by the reluctance to trouble relations with an ally so central to US strategic interests. Without a doubt, direct Turkish cooperation is key to a number of pressing US concerns from providing crucial intelligence in the War on Terror to granting access to in country airbases. But recently, issues requiring Turkey’s cooperation that affect US interests may be moving from bilateral to multilateral consideration. One such issue is stemming the threat from the jihadist group, ISIL. As part of a general strategy to manage US obligations in an arena of dissipating power, diplomatic pressure exerted by the US is and will continue to be broadly supported by other nations, somewhat relieving pressure on the US and dispersing coercive responsibilities.

Turkey is essential in undercutting ISIL’s potency as a global threat. Among other issues, without cracking down on the enormous black market that facilitates the sale of oil,

40 “The Water Finds Its Crack: An Armenian in Turkey,” *OpenDemocracy*, Jan. 19, 2012, accessed Dec. 10, 2014, <https://www.opendemocracy.net/democracy-europe-future/europe_turkey_armenia_3118.jsp>.

41 Sebnem Arsu, “Thousands in Turkey Protest Verdict in Journalist’s Murder,” *The New York Times*, Jan. 19, 2012, accessed Dec. 10, 2014, <<http://www.nytimes.com/2012/01/20/world/europe/in-turkey-thousands-protest-verdict-in-journalists-murder.html>>.

42 Kasbarian.

43 “Turkish Rights Group Calls on Turkey to Recognize Genocide,” *Asbarez News*, Apr. 23, 2014, accessed Dec. 10, 2014, <<http://asbarez.com/122221/turkish-rights-group-calls-on-turkey-to-recognize-genocide/>>.

44 “Turkish Green Party Recognizes Armenian Genocide,” *ArmenPress*, Nov. 11, 2014, accessed Dec. 11, 2014, <<http://armenpress.am/eng/news/783523/turkey%E2%80%99s-green-party-recognizes-armenian-genocide.html>>.

45 Jonny Hogg, “Turkey’s Erdogan Offers Condolences for 1915 Armenia Killings,” *Reuters*, Apr. 23, 2014, accessed Dec. 11, 2014, <<http://uk.reuters.com/article/2014/04/23/uk-turkey-armenia-erdogan-idUKBREA3M0XP20140423>>.

46 “Turkish Prime Minister Mr. Recep Tayyip Erdogan Published a Message on the Events of 1915,” *Republic of Turkey Ministry of Foreign Affairs*, Apr. 23, 2014, accessed Dec. 10, 2014, <http://www.mfa.gov.tr/turkish-prime-minister-mr_recep_tayyip-erdogan-published-a-message-on-the-events-of-1915.en.mfa>.

47 "Turkey Cracks down on Oil Smuggling with ISIS in Mind," *CBSNews* Oct. 6, 2014, accessed Dec. 11, 2014, <<http://www.cbsnews.com/news/turkey-cracks-down-on-oil-smuggling-with-isis-in-mind/>>.

48 Brig. Gen. Russell D. Howard, Jonathan Prohov, and Marc Elliott. "Opinion: How ISIS Funds Terror Through Black Market Antiquities Trade," *USNI News*, Oct. 27, 2014, accessed Dec. 10, 2014, <<http://news.usni.org/2014/10/27/isis-funds-terror-black-market-antiquities-trade>>.

49 Nick Robins-Early, "UK's Prime Minister Heads To Turkey To Discuss ISIS Foreign Fighter Problem," *The Huffington Post* Dec. 8, 2014, accessed Dec. 11, 2014, <http://www.huffingtonpost.com/2014/12/08/isis-foreign-fighters_n_6287486.html>.

50 *Ibid.*

51 "EU's Mogherini pledges Syria aid in Turkey visit," *BBC News*, Dec. 8, 2014, accessed Dec. 11, 2014, <<http://www.bbc.com/news/world-europe-30373261>>.

52 *Ibid.*

53 Kevin Sullivan, "Three American Teens, Recruited Online, Are Caught Trying to Join the Islamic State," *Washington Post*, Dec. 8, 2014, accessed Dec. 11, 2014, <http://www.washingtonpost.com/world/national-security/three-american-teens-recruited-online-are-caught-trying-to-join-the-islamic-state/2014/12/08/8022e6c4-7afb-11e4-84d4-7c896b90abdc_story.html>.

commodities, weapons, antiquities and more, a steady stream of revenue will continue to provide tens of millions of dollars to what is regarded as the best-financed terrorist group in history.^{47, 48}

Returning foreign fighters pose a threat many Western nations, but the UK is particularly concerned with how to prevent Britons from joining ISIL in Syria and Iraq through Turkey.⁴⁹ UK Prime Minister David Cameron traveled to Turkey in the middle of December 2014 to discuss the matter.⁵⁰ This meeting was followed a visit by the EU foreign policy chief, who also discussed the issue of foreign fighters on a visit to Turkey earlier in the year.⁵¹ She remarked that the "visit [was] a strong indication of the strategic importance of the EU-Turkey relationship and our desire to step up engagement."⁵² In this way, we see nations waking up to the reality that ISIL's ability to destabilize the region poses a broad threat to the international commons and stepping up to do their part. The broadening of international consensus and diplomatic pressure may mean that inasmuch as US strategic objectives align with the objectives of the international commons, the risk in derailing these objectives is tempered by broader coalitions.

RE-EXAMINING REMEMBRANCE

The decision of recent US presidents not to use the g-word reflects a shortsighted understanding of the normative moral and strategic value of remembrance. It may be difficult to argue in the case of a centuries-old genocide that not using the term "genocide" emboldens potential offenders today. Unfortunately, would-be offenders could find many more recent examples of atrocities committed in the face of international inaction, if they were looking for encouragement. All the same, accurate remembrance holds incalculable psychological value to the Armenian diaspora.

Additionally, waning US soft power and a narrative of US immorality clearly has tangible negative consequences, not least being to fuel global jihad.⁵³ While no country has a perfect record on human rights, central to American exceptionalism is an appeal to morality, even in the face of strategic challenges. It is in this spirit that the country was able to engage in an intense debate over the recent CIA Torture Report. The risk that the report could endanger American lives or compromise security objectives was balanced against a ruthless pursuit of self-improvement in light of past moral failings. A similar opportunity presents on the eve of the 100th anniversary of the Armenian Genocide.

Those who remain unconvinced of morality's role in US foreign policy might consider in the starkest realist terms the

very dangerous results of the US being seen as an immoral nation, particularly with the bar to do harm in the world being lower than ever. It is hard to determine the extent to which not recognizing the Armenian Genocide actively contributes to a negative international reputation, but a reversal of executive g-word avoidance policy would certainly buttress a moral reputation. Finally, one might consider the political capital that recognizing the genocide could earn the US with Russia. Having recognized the genocide in 1995, a Russian spokesperson was particularly disdainful of US Congressional failure to vote on a g-word resolution, calling it a “test for American democracy, which would serve to clarify the priorities of America: good relations with Turkey or historical truth.”⁵⁴ US bravery in accepting possible negative consequences in order to record historical truth could go a short way in smoothing relations with a nation that believes the US to be conveniently selective about naming and shaming,

THE WAY FORWARD

For the dead and the living, we must bear witness.

—ELIE WIESEL

The 100th anniversary of the Armenian Genocide is likely to draw an unprecedented level of focused public attention on the use of the g-word. It would be prudent for Obama administration to recognize the factors that could make official recognition a less costly action than it has been in the recent past, and likely less costly than it would be without a centennial planting the issue firmly on the international agenda. From the pace of international recognition,⁵⁵ overwhelming recognition by individual US states, and the strong consensus by scholars, history will show the Armenian Genocide to be a matter of fact and not of opinion. Future generations may wonder what prevented the United States from siding on the right side of history. A look through the “retrospectoscope” could very well reveal that while at every point, decision makers judged Turkish cooperation to be too crucial to threaten, increasing interdependence and a slow destabilization of the Middle East would only make Turkish cooperation more and more valuable over the years meaning that a long-sighted grand strategy might judge the costs of using the g-word to be lower than in the future.

In other words, the decision to switch from g-word avoidance to g-word utterance is like swimming through piranha-infested waters in order to get to safer land. The safer land is the right side of history, and the hungry piranhas are the negative consequences the US would be vulnerable to in the case of an explosive response from Turkey. At any given point in

54 Isaac Wasserman [Yale 2014 B.A. Russian and East European Studies], trans., “Константин Затулин: Планы Турции по вторжению в Ирак – ‘циничный, но грамотный блеф,’” *ИА REGNUM*, Oct. 21, 2014, accessed Dec. 10, 2014.

55 The most recent national government to recognize the Armenian Genocide was Bolivia. The unanimous approval by the Legislative Assembly may indicate that governments that have yet to pass such resolutions may do so with little contention whenever the action tops the agenda; “Bolivia Unanimously Approved a Resolution on the Armenian Genocide,” *Horizon Weekly*, Nov. 30 2014, accessed Dec. 10, 2014, <<http://www.horizonweekly.ca/news/details/54170>>.

time, no person in her right mind is eager to plunge into these dangerous waters. But the longer one waits to swim through, the more piranhas gather in wait. The 100th Anniversary of the Armenian Genocide affords us a temporary protective armor and highlights a path of least resistance through murky waters that the US will plausibly make sooner or later, but the longer we delay, the more our armor erodes.

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