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# Staff

# Dear Reader,

We are proud to present to you the 2019-2020 Winter Issue of the Yale Review of International Studies. This issue, the second of the academic year, features the work of undergraduates from universities across the United States. Their research draws attention to a diversity of pressing subjects, including examinations of the femicide crisis in El Salvador, how the Arab Spring led to increasing securitization in Europe, and rising authoritarianism in Venezuela and Nicaragua. This issue also presents an essay on the development of an Asian-American political identity against the background of the Cold War, as well as a comparative analysis of monuments and collective memory in Northern Ireland, Lebanon, and Bosnia and Herzegovina. The latter of these works, written by Diana Knott of American University, inspired our cover design: one of thousands of gravestones at the Srebrenica memorial-cemetery honoring the victims of the 1995 Srebrenica genocide in Bosnia and Herzegovina.

These pieces, and the import of their subject matters, continue to inspire YRIS in our work as editors and writers. And our work is evolving. You may have noticed our staff writers writing articles last semester as part of regional desks, highlighting our mission to represent developments in all parts of the international community. Even as this issue goes to press, our website is undergoing a makeover to celebrate the tenth birthday of YRIS and the decade ahead.

We look forward to another semester of YRIS, to our new online look, and to the upcoming Spring and Acheson Issues. But for now, check out these compelling pieces. We hope they will draw you in as much as they captivated us.

With love,
**Jake Mezey and Qusay Omran**
**Editors-in-Chief**

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# Essays

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# Collective Memory, Reconciliation, & Disillusionment
## Monuments in Post-Civil War Settings

**F**ollowing civil wars, states struggle to reckon with the violence and loss suffered and inflicted by multiple, often competing parties.

While some states and groups tackle their newfound task of state-building through remembering and honoring victims of the conflict – either othering or conciliatory in purpose – others opt for a collective forgetting or silencing of their bloody pasts to overlook old grievances. At times, this means refusing to hold parties accountable for violence or to prosecute crimes. Many scholars have explored the necessity of dialogue-based reconciliation processes in establishing peace. One such example is "truth and reconciliation" committees which have become popular over the last two decades — particularly in cases marked by civilian abuses.[1] Few, however, have explored the role of implicit forms of collective memory (often visual, such as monuments and murals) in state-building and reconciliation.

These monuments, memorials, and murals operate in public spaces and serve as visible manifestations of collective memory. Maurice Halbwachs first developed the notion of collective memory: the idea that in reproducing thoughts of past events, an individual's construction of them conforms to

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1    Examples include Jeremy Sarkin, "The Necessity and Challenges of Establishing a Truth and Reconciliation Commission in Rwanda," Human Rights Quarterly 21, no. 3 (1999): 767-823; Richard Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State*. Cambridge: Cambridge Univ. Press, 2008.

the customs, tastes, beliefs, and interests of society.[2] Thus, while memory is inherently private, it is also collective in that it has no place or frame of reference without social context. Because of this, collective memory develops a prestige and sense of surety that it is accurately steeped in reality, despite the strong influence by group consciousness. Monuments, memorials, and murals, then — what I call public displays of collective memory — are avenues of expression of these collective memories because they are erected in open, shared spaces and reflect these memories. However, they are also particularly important because they are not just passive reflections; in addition to potentially impacting those who do not share that collective memory (members of the "out-group"), past research has found that these monuments have the potential to become the memory themselves.[3] In other words, they are cyclical and operate as self-perpetuating, even for generations who may not have experienced the trauma themselves.

The presence of these public displays of collective memory in the context of post-civil war states is particularly interesting because members of these states have generally experienced a large amount of trauma and share intense collective memories. Following civil wars and extensive internal conflict, groups have three options for addressing the conflict: official silence, conciliatory memorials, and othering memorials. In practice, states often abandon concepts of justice and truth in favor of negative peace, or simply the absence of violence — most commonly demonstrated through the enactment of official silence. Other times, there are widespread attempts at achieving a unitary narrative in an effort to rebuild and quickly heal wounds. Still, other times, groups erect memorials that are intentionally contentious, delivering narratives of who was victim and who was perpetrator.

The latter is particularly puzzling considering these groups have formally agreed to end hostilities and have often taken actions such as giving up arms, suggesting their capitulation is in good faith. In addition, the establishment of these othering memorials is far from a universal practice across post-conflict settings — as seen through conciliatory memorials and official silence. I seek to address this empirical puzzle through responding to the question: Why do some groups erect public displays of collective memory that intentionally promote othering in post-civil war settings?

## EXISTING EXPLANATIONS

This study involves an inquiry into the presence of public displays of collective memory following intense conflict. Overall, the most common explanations scholars offered were not in direct response to my question of why (which means to account for the difference in intention of public displays of memory post-civil war), but instead were offered up contextually or as second-hand support for analyses of how collective memory coalesces in public spaces. The three groups these explanations largely fall under explain the presence of othering displays of collective memory as: 1) manipulation and/or abuse of chosen traumas by political elite, 2) the presence of female activism through imagery of motherhood and victimization, and 3) a mechanism for psychological relief by shifting personal traumas to the collective. These three

2   Maurice Halbwachs, *On Collective Memory,* translated by Lewis A. Coser, Chicago: University of Chicago Press, 1992.
3   James E. Young, *The Texture of Memory: Holocaust Memorials and Meaning*.

core scholarly groups inform my own research into the disparity between those cases where othering displays are erected and those in which they are not.

Scholars within the first group stress the domination of political elite over public spaces. Within this group, the common argument is that political elites selectively recall chosen traumas for their own purposes. Kenneth Bush, for example, argues that the absence of graffiti in Northern Ireland in indicative of a failed peace process, with the paramilitarization of the "quotidian" and public space dominated by intimidation by political elites or "hard men of violence."[4] Igrejia, in turn, discusses the abuse of narratives by politicians of the primary opposition parties in Mozambique who, "use memories as weapons to settle accounts with former wartime foes."[5] They do so most notably by appropriating the past only in public spaces, such as parliament, and avoiding these memories during private social gatherings.[6] Rolston differs in part. Though he does not explicitly place blame on these elites, he highlights how the obsession with these memories is guided by "memory entrepreneurs" who interpret them based on current political needs, prioritizing their own ideological ends.[7] In other words, these memories and displays are co-opted and spread amongst the collective for present-day political reasons. These scholars argue that abuses of the trauma of the past are governed from above.

IN OTHER WORDS, THESE MEMORIES AND DISPLAYS ARE CO-OPTED AND SPREAD AMONGST THE COLLECTIVE FOR PRESENT-DAY POLITICAL REASONS.

In contrast, theories about female involvement and activism emphasize the role of women (rather than strictly from above or below) and the use of imagery of motherhood and victimization in othering memorials. These scholars include Suzanne Evans, who writes on mothers of martyrs and the politics of grief, Jacobs, and Bianchi.[8] The shared conclusion amongst them is that women – particularly mothers – have consistently played the role of the sacrificial mother, victimized by loss, or willing to sacrifice her child for some greater good. Because mothers are seen as fulfilling the unique role of shaping the minds of the next generation, women's involvement in highly symbolic acts that communicate victimization and sacrifice is a powerful resource on which societies capitalize.[9] In the context of post-conflict societies, which have experienced significant trauma, female involvement results in substantially othering public displays of collective memory, such as the memorial at Srebrenica, for which women championed and which offers "visual texts of

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4   Kenneth Bush, "The Politics of Post-Conflict Space: The Mysterious Case of Missing Graffiti in 'post-troubles' Northern Ireland." *Contemporary Politics* 19, no. 2 (2013): 167-89.
5   Victor Igreja, "Memories as Weapons: The Politics of Peace and Silence in Post-Civil War Mozambique." *Journal of Southern African Studies* 34, no. 3 (2008): 539.
6   Ibid, 551.
7   Bill Rolston, "'Trying to Reach the Future through the Past': Murals and Memory in Northern Ireland." *Crime, Media, Culture: An International Journal* 6, no. 3 (2010): 285-307.
8   Suzanne Evans, *Mothers of Heroes, Mothers of Martyrs: World War I and the Politics of Grief*, (Montreal: McGill-Queen's University Press, 2007), preface; Janet Jacobs, "The Memorial at Srebrenica: Gender and the Social Meanings of Collective Memory in Bosnia-Herzegovina." *Memory Studies* 10, no. 4 (2016): 423-39; Kendall Bianchi, "Letters from Home: Hezbollah Mothers and the Culture of Martyrdom," *CTC Sentinel* 11, no. 2 (2018): 20-24.
9   Evans, preface.

maternal vulnerability."[10]

The final group of scholars entirely shape their arguments at the micro-level, focusing exclusively on psychological phenomena at play.[11] In this way, they distinguish themselves from theories of female involvement that briefly touch upon psychological elements at play, such as those that argue that supporting cultures of martyrdom might be less psychologically taxing. Scholars within this group include Paul Ricoeur, Makarem, and Young.[12] They argue that othering memorials act as a mechanism for shifting personal traumas to the collective, triggering a personal and purposeful "forgetting," serving as immense psychological relief. It's important to note that within this

## OTHERING MEMORIALS ACT AS A MECHANISM FOR SHIFTING PERSONAL TRAUMAS TO THE COLLECTIVE, TRIGGERING A PERSONAL AND PURPOSEFUL "FORGETTING."

framework, individuals are fully aware that they are erecting othering displays, but their reasons for doing so are their own personal relief. This is the group I draw most upon, and will discuss thoroughly in the next few pages.

### THEORY

The central contention of my theory is that the presence of intentionally contentious public displays of collective memory reflects post-conflict disappointment and disillusionment in political changes at the lower echelons (i.e. not political leadership/elite). The psychological relief argument provided by scholars is a necessary condition, in that it explains the inherent psychological reasons for creating othering memorials. Indeed, othering memorials are heavily costly: financially and because they risk sparking future conflict. Yet groups that erect these memorials do so knowing these costs. To deny, at least in part, a psychological component to this choice seems foolish, especially considering humans are widely accepted to have bounded rationality: the idea that our rationality has limits.[13] However, the psychological relief argument is ultimately an insufficient condition, as almost all groups in post-civil war setting experience significant trauma and thus this phenomenon, yet not all erect othering displays. Additionally, although female activism could play a role, it is unclear if all places where othering displays are present have a large degree of female activism at present (such as Northern Ireland), or how and when female activism may be weaponized (as not all female activism is). My theory runs most contrary to the political elite theory, however, as it argues in

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10   Jacobs, 430.
11   Bianchi, 23.
12   Paul Ricoeur, *La mémoire, l'histoire, l'oubli*, (Paris : Seuil, 2000) ; Amal Makarem, *Mémoire pour l'avenir, actes, du colloque tenu à la maison des nations unies* (Beyrouth : Dar el Nahar, 2001); James E. Young, *The Texture of Memory: Holocaust Memorials and Meaning.* New Haven, CT: Yale Univ. Press, 2000.
13   Herbert A. Simon, *Models of Bounded Rationality,* Cambridge, Mass.: MIT Press, 1983.

favor of coming 'from below,' not 'above.' I argue against these public displays of collective memory coming from above because in many cases, political elites actually face pressures to lift official silence by members of civil society. These members have also been the most prolific in contesting politicians' narratives and establishing grass-roots mechanisms for facilitation of reconciliation.[14] Furthermore, rises in politicians who refer to past traumas in attempt to "manipulate" collective memory have not consistently been accompanied by a rise in othering memorials.[15]

Collective memory theory has long posited that monuments serve both conciliatory and inflammatory purposes. The creation of inflammatory monuments by groups that have previously agreed and taken concrete steps towards peace suggests that there has been a shift in satisfaction towards the agreement since it was signed. The intersection of perception, distrust, and collective action has been used to explain civil wars, but has not been widely applied to post-civil war contexts, and even less so within the framework of reconciliation and public displays of collective memory.[16] Furthermore, this shift in satisfaction can be traced back to the lower echelons, not the elites. Ending conflicts via negotiated settlements – inextricably political agreements – requires a great deal of collective buy-in from constituencies. Despite a "spokesperson" being chosen for each respective group, negotiated settlements fail immediately (or almost immediately) if they do not conform to what teach faction and their constituents desire or intend. This is so essential that it is frequently cited as the number one barrier to successfully negotiating an end to a civil war.[17] Following through with these agreements in concrete and irreversible – or, at a minimum, very costly – ways that seriously hinder groups' security indicate that these agreements have popular support when they are agreed to. These actions include surrendering arms, transferring territory, and dissolving militias. But more importantly, these actions also suggest that these agreements are made in good faith and with a heavy level of commitment, trust, and optimism toward change.

In formulating my theory, I draw on the psychological framework of Paul Ricoeur, who identifies the phenomenon of an "oubli de réserve," or reversible forgetting, in which individuals selectively forget events and periods.[18] Various situations, however, can pull forth these memories and render them "unforgettable."[19] In other words, collective memory is heavily moldable by the events and sentiments of the present. According to Sylvie Mahieu, who writes on the strategic ordering of ceasefires and settlements, civil wars have the potential to come to a negotiated end when they are "ripe," or when parties are exhausted by the conflict and genuinely desire an end to the fighting.[20] While these groups willingly make concessions in order

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14  "Despite Srebrenica's Horror, A Grass-Roots Optimism Sprouts in Bosnia," NPR.org, July 11, 2015, https://www.npr.org/sections/parallels/2015/07/11/422211165/despite-srebrenicas-horror-a-grass-roots-optimism-sprouts-in-bosnia.
15  Maxim Edwards, "The President Who Wants to Break Up His Own Country," *The Atlantic*, January 2, 2019, https://www.theatlantic.com/international/archive/2019/01/serb-president-dodik-bosnia/579199/.
16  An example is Nils B. Weidmann, "Violence 'from above' or 'from below'? The Role of Ethnicity in Bosnia's Civil War," *The Journal of Politics* 73, no. 4 (2011): 1178-1190.
17  I. William Zartman, *Elusive Peace: Negotiating an End to Civil Wars*, (Washington, D.C.: The Brookings Institution, 1995), 23.
18  Ricoeur, *La mémoire, l'histoire, l'oubli*.
19  Ibid.
20  Sylvie Mahieu, "When Should Mediators Interrupt a Civil War? The Best Timing for a

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# THE PRESENCE OF INTENTIONALLY CONTENTIOUS PUBLIC DISPLAYS OF COLLECTIVE MEMORY REFLECTS POST-CONFLICT DISAPPOINTMENT AND DISILLUSIONMENT.

to reach a negotiated settlement, the conditions and changes (or, perhaps more accurately, the lack thereof) made following these agreements have the potential to "unripen" conflicts. Mahieu recognizes this phenomena in the prioritization of ceasefire agreements over settlements.[21] I, however, apply her theory to settlements that have effectively done little more than ceasefires — those which ultimately fail to address deeper issues at the source of the conflict, and/or enact little meaningful change. It is in these situations that disappointment and disillusionment present themselves in post-conflict societies. They further appear in greater intensity than they might in frozen conflicts born of ceasefires, as settlements carry greater weight and expectations toward positive future change.

Thus, in conflicts with negotiated settlements (particularly power-sharing deals) which require a good deal of collective buy-in from constituencies, three potential sentiments can later present themselves: 1) satisfaction with changes, 2) disappointment with changes (or the lack thereof), or 3) an uncertainty or lack of consensus within a group toward changes. These each correspond to the presence of conciliatory memorials, othering memorials, or official silence (the absence of memorials) within these post-conflict states. In explaining the presence of othering memorials by some groups, I hypothesize that popular political disillusionment reshapes collective memory of the conflict, and therefore results in intentionally contentious public displays of that memory.

## RESEARCH DESIGN

To answer my research question (why do some groups erect public displays of memory that intentionally promote othering in post-civil war settings), I chose to use qualitative methods to conduct a case study analyzing Northern Ireland following the Troubles (late 1960s-1998), Lebanon following its civil war (1975-1990), and Bosnia-Herzegovina following the Bosnian War (1992-1995). Because I am addressing a 'why' question that is embedded in the context of states' mixed approaches and, at times, reluctant willingness to speak directly on the conflict, qualitative methods serve to investigate the complex and competing forms of collective memory, their manifestation via public displays, and their conciliatory or othering intention. Additionally, it would be difficult to quantify the degree to which a state experiences public displays of collective memory; for example, how does one quantify states that have monuments and museums that are both conciliatory and othering in nature, as is the case of Bosnia and Herzegovina?

I chose Northern Ireland, Lebanon, and Bosnia and Herzegovina as the most likely cases for my theory. Although the Troubles might not be categorized as a civil war under the commonly used death toll of 1,000 a year, it did result in 3,500 killed and 50,000 injured — 0.002 of Northern Ireland's population, which barely totaled 1.5 million.[22] Following Sambanis's discussion of defining civil war and his example of the Greco-Turkish war in Cyprus, even 100,000 deaths in a country of 100 million (or 0.001 of the population) would be considered a massive tragedy and fall under the category of civil war.[23] Therefore, I categorize these three states as post-civil war states.

Ceasefire," *International Negotiation* 12 (2007): 210-212.
21  Ibid.
22  *CAIN Web Service – Conflicts and Politics in Northern Ireland.*
23  Nicholas Sambanis, "What is Civil War? Conceptual and Empirical Complexities of an Op-

I further control for ethnonationalism, time period, and negotiated power-sharing settlements. All three cases are states whose civil wars were ethnonationalist in nature; this suggests greater in-group cohesion and out-group enmity. However, these three cases witnessed variations in whether or not monuments were present, and in what form; ethnonationalism, therefore, cannot be an explanatory variable. They also all ended in military stalemates and outside intervention; in other words, no one group left the conflict with greater power and legitimacy. This is important because power and legitimacy based on how civil wars end play a key role in who is then able to assign guilt and monopolize collective memory of the conflict. All three civil wars ended in the 1990s, providing similarities in global context. Lastly, these conflicts ended through peace deals that established power-sharing governmental structures. Power sharing governments, while establishing equal rights to governance, openly and clearly label those groups as distinct and different.

However, these cases do demonstrate variation in three key ways: population size, intensity of violence, and prosecution of crimes. Northern Ireland, Bosnia, and Lebanon differed in population size, with approximately 1.5 million inhabitants in Northern Ireland during the Troubles versus 4.4 million in pre-war Bosnia and approximately 2.5 million in at the start of the Lebanese Civil War.[24] Furthermore, although violence committed during the Troubles was significant, recognized tit-for-tat violence and 3,500 deaths (52% of which were civilians), the Bosnian war witnessed immense atrocities, with over 100,000 deaths and thousands of rapes.[25] The Lebanese Civil War, while more comparable to the Troubles than the Bosnian War in duration, resulted in double the amount of deaths at 200,000.[26] It is important to note that, though it varied in intensity from the Bosnian War and the Lebanese Civil War, the Troubles was witness to strict ethnoreligious divisions, fear, and hatred — evident through Belfast's "peace walls" and the virulent othering of Protestants and Catholics. Following these conflicts, dozens of actors in the Bosnian war have been prosecuted for their crimes during the war. A key part of the peace deal in Northern Ireland, however, was effective amnesty for those deemed "political prisoners" or members of paramilitary groups who had taken violent actions during the conflict. Lebanon has had a mixed approach, with amnesty largely granted, and limited trials for some notable events such as a massive car bombing, but only a decade later.

My independent variable, in application of my theory, is the degree of satisfaction with social and political changes. I determined this variable through three key indicators: if underlying issues were addressed, if there are divides in the physical-social landscape, and sense of optimism when available. The two former were measured respectively through discussion in the public

**THIS IS IMPORTANT BECAUSE POWER AND LEGITIMACY BASED ON HOW CIVIL WARS END PLAY A KEY ROLE IN WHO IS THEN ABLE TO ASSIGN GUILT AND MONOPOLIZE COLLECTIVE MEMORY OF THE CONFLICT.**

erational Definition." *The Journal of Conflict Resolution* 48, no. 6 (2004): 814-858.

24    *CAIN Web Service – Conflicts and Politics in Northern Ireland*; Encylcopedia Princetoniensis, "Bosnia-Herzgovina," Accessed 8 March 2019, https://pesd.princeton.edu/?q=node/6; John Chamie, "The Lebanese Civil War: An Investigation into the Causes," *World Affairs* 139, no. 3 (1976/77): 171-188.

25    *CAIN Web Service – Conflicts and Politics in Northern Ireland*; Ewa Tabeau and Jakub Bijak, "War-Related Deaths in the 1992-1995 Armed Conflicts in Bosnia and Herzegovina: A Critique of Previous Estimates and Recent Results," *European Journal of Population* 21, no. 2/3 (2005): 187-215.

26    Moe Ali Nayel, "Lebanon marks civil war anniversary," *Al Jazeera,* 13 April 2014, https://www.aljazeera.com/news/middleeast/2014/04/lebanon-civil-war-anniversary-2014412171036541966.html.

sphere, whether there was any sort of consensus, and if any political actions were taken; and divided neighborhoods, separate schools and community institutions, etc. I found this last indicator the most relevant, as it most closely correlates with degree of satisfaction. However, this was my major limitation; this data was only available when previous research had been conducted specifically measuring it, and it was often inconsistently available across these three states. My dependent variable is the presence, or lack thereof, of intentionally othering memorials. I determined whether these memorials were intentionally othering based on whether they pronounced blame and stereotypes and if exclusively one ethnic group was mentioned.

These cases were also chosen because they display various results of intentionally othering displays of public memory. Northern Ireland is well-known for its contentious murals, which a plurality of scholars has recognized as highly sectarian.[27] Bosnia and Herzegovina has numerous othering displays — most notably the Srebrenica Memorial – which depict villainy and victimhood, but have in the past few years since ventured toward conciliatory displays, such as the Museum of War Childhood.[28] Following a brief period of official silence, Lebanon has erected conciliatory memorials and museums which place collective blame and victimhood on every population group — despite some outside critics' complaints that this unfairly alleviates the burden of blame from Lebanon's political elite who stoked the conflict.[29] The changing nature of these public displays allows me to further apply my theory to the same context in changing post-war conditions.

## CASES AND FINDINGS
*Northern Ireland*

The Troubles in Northern Ireland was an ethno-nationalist intrastate conflict that lasted from the late 1960s to 1998, with the Good Friday (or Belfast) Agreement demarcating the official end of the conflict. Although the conflict officially began in the 60s, its roots can be traced back to centuries of English imperialism over the entire island, the Easter Rising in 1916, and the Irish War of Independence from 1919 to 1921.[30] With the end of the Irish War of Independence, the island of Ireland was partitioned into two: Northern Ireland, and Southern Ireland, which soon became the Irish Free State. Northern Ireland, which, unlike "Southern Ireland" at the time, had a majority Protestant population, remained a part of the United Kingdom.[31] Following a civil rights movement in Northern Ireland to end discrimination against the Catholic minority, which made up roughly one-third of the population, and suppression via police brutality, armed paramilitary organizations emerged by

27    Examples include Kenneth Bush, "The Politics of Post-Conflict Space" and Duncan Morrow, "The Rise (and Fall?) of Reconciliation in Northern Ireland." *Peace Research* 44, no. 1 (2012): 5-35.
28    Janet Jacobs, "The Memorial at Srebenica: Gender and the Social Meanings of Collective Memory in Bosnia-Herzegovina"; Tatjana Takseva, "Building a Culture of Peace and Collective Memory in Post-Conflict Bosnia and Herzegovina: Sarajevo's Museum of War Childhood," *Studies in Ethnicity and Nationalism* 18, no. 1 (2018): 3-18.
29    Elsa Abou Assi, "Collective Memory and Management of the Past: The Entrepreneurs of Civil War Memory in Post-War Lebanon," *International Social Science Journal* 61, no. 202 (2011): 399-409.
30    Michael Laffan, "The emergence of the 'Two Irelands', 1912-25," *History Ireland: Ireland's History Magazine* 4, no. 12 (2004), https://www.historyireland.com/20th-century-contemporary-history/the-emergence-of-the-two-irelands-1912-25/.
31    Ibid.

both Catholic nationalists and Protestant unionists.[32] The former sought a united Ireland, while the latter sought to stay within the United Kingdom. Sectarian warfare and tit-for-tat violence characterized the region for the next three decades, leading to the creation of no-go areas and public areas clearly marked as "territory" belonging to one side or another.[33] Accordingly, "peace walls" were constructed by British troops as a method of physically keeping warring neighboring communities apart from one another.[34]

In the 1990s, a series of ceasefires were pursued, with talks between the main parties in the conflict ultimately leading to the Good Friday Agreement in 1998. This agreement restored self-government to Northern Ireland – as opposed to British rule – and established a power-sharing Executive and Assembly.[35] The agreement required a great deal of collective buy-in, with fringe republican movements slowly peeling away as negotiations continued.[36] It was followed by a slow but progressive disarmament, with the Provisional IRA announced as completely disarmed by 2005.[37] However, since then, there has been a widespread sense of disappointment and disillusionment amongst both Catholic and Protestant communities in the lack of changes made. Rather than being dismantled and disappearing in the twenty-one years since the signing of the Good Friday Agreement, the peace walls have grown taller and even been extended.[38] Despite a government plan enacted in 2013 to bring down all the peace walls by 2023, an estimated one-third of these walls were erected following the ceasefires of the 1990s and continue to be extended today.[39] The disparity between the extension and creation of new peace walls and the government-purported plan to pull them down indicates the disconnect between political elite and sentiments at the bottom by the people who live in these communities. Furthermore, Northern Ireland experiences high levels of unemployment and a high percentage of long-term unemployment — significantly higher than the rest of the United Kingdom.[40] But most importantly, in measuring this sense of disillusionment, a majority of people in Protestant communities, in particular, are pessimistic toward the possibility of future positive change.[41]

In line with my theory, Northern Ireland is home to an abundance of othering memorials. These are most recognizable through the highly sectarian murals which decorate the streets of Derry, or Londonderry, and Belfast. They feature hooded and armed gunmen, symbols that refer to origin myths

32  Richard English, *The State: Historical and Political Dimensions*, Ed. Charles Townshend (London: Routledge, 1998), 98; Dominic Bryan, *Orange Parades: The Politics of Ritual Tradition and Control* (London: Pluto Press, 2000), 94.

33  *CAIN Web Service – Conflicts and Politics in Northern Ireland*.

34  Johnny Byrne et al., "Attitudes to Peace Walls: Research Report to Office of First Minister and Deputy First Minister," *University of Ulster,* 2012.

35  Charles Landow and Mohammed Aly Sergie, "The Northern Ireland Peace Process," *Council on Foreign Relations*, March 12, 2019, https://www.cfr.org/backgrounder/northern-ireland-peace-process.

36  "Eighteenth Report of the Independent Monitoring Commission," HC502, May 1, 2008.

37  Brian Lavery and Alan Cowell, "I.R.A. Renounces Use of Violence; Vows to Disarm," *New York Times,* July 29, 2005, https://www.nytimes.com/2005/07/29/world/europe/ira-renounces-use-of-violence-vows-to-disarm.html.

38  Byrne et al.

39  Sean O'Hagan, "Belfast, Divided in the name of peace," *The Guardian*, January 21, 2012, https://www.theguardian.com/uk/2012/jan/22/peace-walls-troubles-belfast-feature.

40  "Unemployment figures at record low in Northern Ireland," BBC News, April 16, 2019, https://www.bbc.com/news/uk-northern-ireland-47949165.

41  Bernadette C. Hayes and Ian McAllister, "Protestant Disillusionment with the Northern Ireland Peace Agreement," Irish Journal of Sociology 13, no. 1 (2004): 109-125.
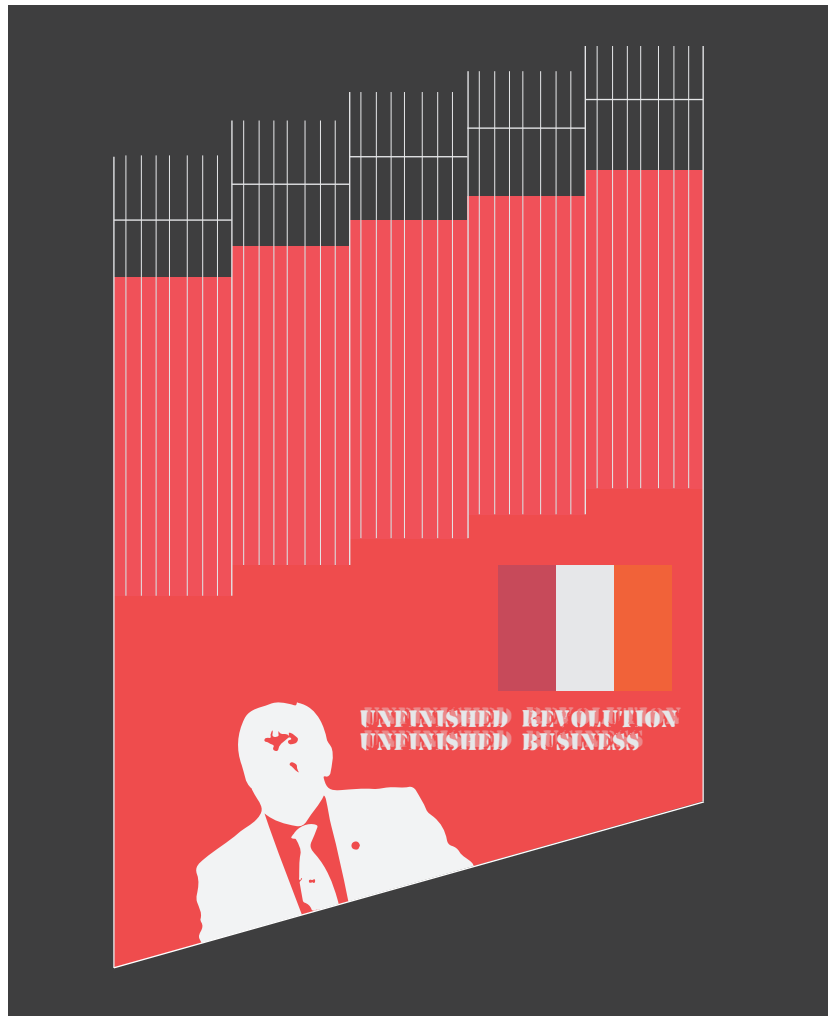
**"Peace walls"** often featured graffiti with conflicting messages, including "Peace by Piece" and "Unfinished Revolution, Unfinished Business."

(such as the red hand of Ulster), explicit parallels between the Israel-Palestine conflict and the Northern Irish one and statements such as "Prepared for Peace, Ready for War."[42] In addition, contentious memorials that are on private land but which are visible in public spheres dot the landscape, often defining those who died as "victims of terrorism." When these murals are taken down, they are frequently traded out with equally contentious murals carrying similar narratives. Despite a sense of dissatisfaction among both Catholic and Protestant communities, the feeling of disillusionment appears higher amongst Protestant loyalists.[43] They perceive themselves as having benefited less than Catholics, who faced greater discrimination prior to the Troubles and whose unemployment level have since decreased significantly,

42   "Belfast – Loyalist Mural on Mount Vernon Community House 'prepared for Peace; Ready for War," 2014, https://www.repository.cam.ac.uk/handle/1810/218712?show=full.
43   Hayes and McAllister.

and are thus more pessimistic.[44] Accordingly, they more often employ terms like "terrorism" in these memorials, and almost all of their murals have masked gunmen;  in contrast, there are relatively few gunman in republican murals, despite still having othering content.[45] Some of these memorials have even explicitly declared there is no difference between Sinn Féin and ISIS, reshaping collective memory in the context of the present.[46]

*Bosnia and Herzegovina*

The Bosnian War was an armed conflict that took place between 1992 and 1995. Following the breakup of Yugoslavia in 1991, the multi-ethnic state secured independence in 1992, but quickly fell into civil war.[47] Made up of Muslim Bosniaks, Orthodox Serbs, and Catholic Croats, the newly founded state experienced the mobilization of armed forces, ethnic cleansing, and mass rape.[48] With the significant assistance of international parties, including the United States and NATO-backed forces, the war finally ended with the Dayton Agreement in 1995.[49] The settlement outlined a clearly defined border and set the state of Bosnia Herzegovina as composed of the Federation of Bosnia-Herzegovina and the Republika Srpska.[50] The state would retain a central government but generally be highly decentralized. Following the agreement, groups took concrete steps to fulfill its implementation, including transfers of territory between the three groups.[51] The priority of the agreement was to freeze military conflict and prevent violence from continuing. However, it was designed to be flexible and allow progressive transformation from a typical ceasefire agreement to one facilitating reconstruction in future years.[52]

Since the agreement was enacted, there has largely been disappointment in Bosnia and Herzegovina's social-political changes. Economically, there is an extremely high unemployment rate, which rose to 30% in 2014, and Bosnia and Herzegovina is by far the poorest of the Balkan states.[53] This has resulted in a brain drain with a large portion of educated youth leaving the state. Public anger over the dismal economic situation and political corruption and mismanagement, specifically the lack of any real political guidance and progress since the Dayton Accords, resulted in mass protests and riots across the country in February 2014.[54] Furthermore, the various groups still receive segregated education and there is general disapproval of mixed marriages.[55]

44   Ibid.
45   Dominic Bryan, Walking tour and lecture, Belfast, March 14, 2019.
46   Diana Knott, photo taken of public memorial in Belfast, Northern Ireland, March 14, 2019
47   John R. Lampe, "Bosnian War: European History (1992-1995)," *Encyclopaedia Britannica*, March 27, 2019, https://www.britannica.com/event/Bosnian-War.
48   Ibid.
49   Ibid.
50   Paula Pickering et al., "Bosnia and Herzegovina," *Encyclopaedia Britannica*, https://www.britannica.com/place/Bosnia-and-Herzegovina#ref476256.
51   Edward Morgan-Jones et al., "20 years later, this is what Bosnians think about the Dayton peace accords," *The Washington Post*, December 14, 2015, https://www.washingtonpost.com/news/monkey-cage/wp/2015/12/14/20-years-later-this-is-what-bosnians-think-about-the-dayton-peace-accords/?utm_term=.73bf68005881.
52   Charles-Philippe David, "Alice in Wonderland meets Frankenstein: Constructivism, Realism and Peacebuilding in Bosnia," *Contemporary Security Policy* 22, No.1 (2001): 1-30.
53   Denis Dzidic, "Bosnia-Herzegovina hit by wave of violent protests," *The Guardian*, February 7, 2018, https://www.theguardian.com/world/2014/feb/07/bosnia-herzegovina-wave-violent-protests.
54   Ibid.
55   Barbara Surk, "In a Divided Bosnia, Segregated Schools Persist," *The New York Times*, December 1, 2018, https://www.nytimes.com/2018/12/01/world/europe/bosnia-schools-segregat-

These indicators point to the presence of disillusionment in the political changes and the political elite more generally. As expected, a plethora of othering memorials are present across the landscape of the country, including the prominent Srebrenica Memorial. Long-planned but delayed by controversy, the memorial was erected in 2003 with strong roots in women's activism.[56] According to Jacobs, the memorial visually perpetuates the "political-historical discourse of Serbian aggression and international complicity."[57] Although it is a genocide memorial, it nonetheless reflects a collective memory that excludes the context of the conflict and implicitly carries stereotypes of the sacrificial Bosniak mother and the Serbian aggressor.[58]

However, in recent years, there has been some suggestion of limited satisfaction with changes. There is a slight increase in mixed marriages, an increase in attendance at interfaith meetings, and some reports of an increasing sense of optimism.[59] This limited satisfaction has seen the concurrent presence of some limited conciliatory memorials. However, I could not find any record of the destruction of othering memorials, suggesting that it is unclear if

## ACCORDING TO JACOBS, THE MEMORIAL VISUALLY PERPETUATES THE "POLITICAL-HISTORICAL DISCOURSE OF SERBIAN AGGRESSION AND INTERNATIONAL COMPLICITY."

the shift in attitude toward post-war changes is sizable and will continue. Most notable amongst these conciliatory memorials is the Museum of War Childhood, which opened in 2017. Located in Sarajevo, it is non-sectarian and recounts the experiences of children who lived through the Bosnian War, assembled from thousands of young adults who submitted their memories of the conflict and objects connected to these memories.[60] Because it relates the stories of children across ethno-religious lines and their universal experiences as children affected by violence, the museum highlights the pain of war across identities while avoiding blame on any particular group. In this sense, it is the first prominent public display of collective memory in Bosnia and Herzegovina that is conciliatory in nature since the end of the conflict. This is especially notable as political elites in Bosnia and Herzegovina of late have espoused extremely othering views; yet, this is not reflected through the

ed-ethnic.html; Angelina E. Theodorou, "How Bosnian Muslims view Christians 20 years after Srebrenica massacre," *Pew Research Center*, July 10, 2015, https://www.pewresearch.org/fact-tank/2015/07/10/how-bosnian-muslims-view-christians-20-years-after-srebrenica-massacre-2/.
56  Jacobs.
57  Ibid, 429.
58  Ibid.
59  "Despite Srebrenica's Horror"
60  Maja Zuvela, "Bosnian museum of wartime childhood aims to go global, wins top prize," Reuters, December 8, 2017, https://www.reuters.com/article/us-bosnia-museum/bosnian-museum-of-wartime-childhood-aims-to-go-global-wins-top-prize-idUSKBN1E216B.

memorials that are constructed.[61] In other words, the presence of conciliatory memorials cannot be tied back to political elites.

*Lebanon*

The Lebanese Civil War lasted from 1975 to 1990 and was fought between Maronite Christian forces and pro-Palestinian Muslims.[62] As a multisectarian state, the war is rooted in the intersection of politics and religion, further aggravated by French colonialism, which favored Maronite Christians politically.[63] Due to the establishment of Israel and the arrival of a hundred thousand Palestinian refugees over the course of two decades in Lebanon, the balance of power and demographics changed significantly and rapidly.[64] The war was thus marked by highly sectarian shifting alliances and influenced by outside actors including Syria, Israel, Iran, and other Arab governments.[65] There was a great deal of disregard for human rights by militias on all sides, and non-combatant civilians were frequently targeted.[66] The conflict began to come to an end in 1989, with the Taif Agreement chaired by the Arab League, and allocated Syria with the role of occupying Lebanon.[67] In 1991, an amnesty law that pardoned all political crimes (with a few exceptions) was enacted and was swiftly followed by the dissolution of all militias (with the key exception of Hezbollah).[68] Because this research is specific to groups that take concrete steps to fulfill the conditions of negotiated settlements, Hezbollah and its members, as well as any Hezbollah-related memorials are excluded from this study.

In the years following the end of the conflict, there was a sense of uncertainty over the agreement, with a lack of consensus and tensions within groups. This apprehension was most clear through strict de-facto sectarian divides by neighborhood.[69] There were also serious attempts to create unified curriculum across identities. However, due to debates over the narrative and conflicting collective memories of the war, these attempts ultimately

> IN THE RECONSTRUCTION PHASE THAT IMMEDIATELY FOLLOWED THE END OF THE CONFLICT, THERE WAS SIGNIFICANT DEMOLITION OF HISTORIC BUILDINGS –– PARTICULARLY THOSE THAT HAD SIGNIFICANCE IN THE WAR.

61   Edwards.
62   Roger Hardy, "The Lebanese crisis explained," BBC News, May 22, 2007, http://news.bbc.co.uk/2/hi/middle_east/6173322.stm.
63   Youssef M. Ibrahim, "THE WORLD; A French Presence in Lebanon, A Lebanese Presence in France," The New York Times, September 3, 1989, https://www.nytimes.com/1989/09/03/weekinreview/the-world-a-french-presence-in-lebanon-a-lebanese-presence-in-france.html.
64   Hardy.
65   Ibid.
66   Haugboolle Sune, "The historiography and memory of the Lebanese civil war," *SciencesPo*, October 25, 2011, https://www.sciencespo.fr/mass-violence-war-massacre-resistance/fr/document/historiography-and-memory-lebanese-civil-war.
67   The Taif Agreement, *UN Archives*.
68   "Lebanon: Human Rights Developments and Violations," *Amnesty International*, October 1997.
69   Alice Fordham, "Ghosts Of The Past Still Echo in Beirut's Fragmented Neighborhoods," *NPR.org*, October 2, 2014, https://www.npr.org/2014/10/02/353042413/ghosts-of-the-past-still-echo-in-beiruts-fragmented-neighborhoods.

failed.[70] Still, these attempts suggest that there was not a widespread sense of dissatisfaction, nor of satisfaction. The according result was official silence. School textbooks do not discuss the war, as contemporary history ends with the end of French occupation. In the reconstruction phase that immediately followed the end of the conflict, there was significant demolition of historic buildings — particularly those that had significance in the war.[71]

In recent years, however, there has been increasing satisfaction with changes. This is indicated through the reconstruction of churches and individuals' returns to pre-war areas; it is important to note that this is still limited in scope, and many neighborhoods are still at least semi-segregated.[72] More importantly, there has been an outspoken desire for public memorialization by individuals who are not politicians.[73] This is particularly significant because, due to the amnesty law that was passed, leaders in the various factions during the war largely transferred over as political elites following the war.[74] This desire, then, for public memorialization (and the rejection of official silence), along with significant non-sectarian civil society work (especially in the arts) suggests that people at the lower echelons – and not politic elites – have expressed a sense of optimism in future change, and satisfaction with changes up to present. There is little to no sense of disillusionment. As expected per my theory, this has been met with a rise in conciliatory memorials, including non-sectarian murals and most recently, the opening of the Beit Beirut Museum of War and Memory in January 2017.[75] The exception, however, of a conciliatory memorial being present during the period of official silence is the Espoir de Paix (or Hope for Peace) Monument. Although this does not fit with my theory, the monument could be a potential outlier, because it was designed by a French-American (an outsider) and was designed decades prior; it was first offered to France, the United States, and Israel (all three countries refused the offer), before finally being accepted by the Lebanese government.[76] It is significant that Lebanon chose to accept the memorial. However, the country avoided many of the barriers that come with erecting a memorial themselves: that of making the active choice to establish a memorial, finding an artist to design it, and then erecting it.

## CONCLUSION

Scholars have long recognized the historic presence of civil war as a key contributing factor to a state's likelihood of experiencing another civil war. Similarly, there have recently been efforts to push toward reconciliation to

70   Samar Kadi, "Teaching war, reconciliation and history in Lebanon," *The Arab Weekly,* November 13, 2016, https://thearabweekly.com/teaching-war-reconciliation-and-history-lebanon.
71   Abby Sewell, "Ravaged by war, Beirut's historic sites are being reimagined," *National Geographic,* https://www.nationalgeographic.com/travel/destinations/asia/lebanon/beirut-war-damaged-landmarks-becoming-cultural-sites/.
72   Tom Perry, "In a Lebanese village, civil war scars fade slowly," *Reuters*, September 1, 2016, https://www.reuters.com/investigates/special-report/lebanon-brih/.
73   Louisa Loveluck, "Beirut civil war museum is haunting, but few Lebanese want to disturb the ghosts," *The Washington Post*, January 14, 2018, https://www.washingtonpost.com/world/beirut-civil-war-museum-is-haunting-but-few-lebanese-want-to-disturb-the-ghosts/2018/01/13/0761c102-f581-11e7-9af7-a50bc3300042_story.html?utm_term=.cf9eb98566b0.
74   Dima de Clerck, "Positive Peace for Lebanon: Reconciliation, reform and resilience," *Conciliation Resources* 24, 2012: 24-26.
75   Loveluck.
76   Nadine Brozan, "CHRONICLE," *The New York Times*, August 1, 1995, https://www.nytimes.com/1995/08/01/style/chronicle-898095.html?mtrref=undefined&gwh=E9F9A1C0EDE3D-F19931EFA9B07921AD1&gwt=pay.

address the underlying factors which initially contributed to the development of the conflict. Thus, it is essential that states, NGOs, and IOs develop a comprehensive understanding of how collective memory – which is closely associated with a group's identity – contributes to reconciliation efforts to avoid latent conflict or even a return to civil war. My research on why some groups erect intentionally contentious public displays of collective memory sheds light on the how monuments reflect the success (or lack thereof) of reconciliation, and opens doors to larger questions of how space, memory, and peace interact. In other words, in taking comprehensive stock of the type of public displays of collective memory present or not present, states, NGOs, and IOs can track how satisfied various identity groups are with the changes and progress made following peace agreements.

Furthermore, while my research established the relationship between sentiment toward changes and the presence of various types of memorials, it also suggested potential connections between negotiated settlements and/or post-agreement governance and the aforementioned sentiments. Although it was out of the scope of this paper to fully investigate this connection, further research should consider if the sentiments outlined in this paper (and their corresponding memorials) are correlated with specific features of negotiated settlements and/or strategies of implementation. Does this sense of disillusionment, when present, arise from failures in the agreement itself or in the governance of the provisions following the agreement? And what are these failures?

An additional avenue for further research builds on Ricoeur's "oubli de réserve," or reversible forgetting, and my concept of bottom-up disillusionment.[77] His argument that various situations can recall these memories, rendering them "unforgettable," and my discussion of the consequences of this – othering memorials – begs the question: *Can these situations be redressed as they occur, and thus return to reversible forgetting?*[78] My analysis of the situation in Bosnia and Herzegovina, where there has been a slight emergence of conciliatory memorials, suggests that a return to reversible forgetting is possible, but can these situations be countered promptly and result in a return to this "réserve" just as promptly? Past research has found that these monuments have the potential to become the memory themselves, sometimes reaching hegemonic proportions and cyclically risking successful post-conflict reconciliation.[79] Further study of questions like these, then, is particularly important because it offers real policy opportunities for combatting potential risk of latent violence or even a return to conflict. It is essential that we obtain a more knowledgeable application of urban planning and public mourning or honoring in the context of state building and reconciliation, and ultimately cultivate a sustainable, positive peace.

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77   Ricoeur.
78   Ibid.
79   Young.

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# El Salvador's Femicide Crisis
## Government Apathy and The Culture of Machismo

**B**y the time a Salvadoran woman turns thirty, she will more likely than not have experienced gender–based violence.

This is the grim reality of life in a country where 67.4% of women report having experienced at least one instance of gender-based violence in their lifetimes, and 45.8% of women under thirty report having been abused within the last twelve months.[1, 2] Even more grim is the fact that these staggering statistics on gender violence account only for the "lucky" ones—that is, those who survive the abuse. Women who do not survive—victims of femicide, or gender-based homicide—are all too numerous. One woman is murdered by a man every 24 hours in El Salvador, making for the highest rate of femicide in the world.[3] This paper will address the nature of El Salvador's femicide epidemic, its causes, and the impact of increased rates of femicide on both Salvadoran society and on United States security. It will also report and analyze the ways that the Salvadoran government has attempted to manage this crisis, and the current impact of US policy on rates of femicide and on the

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[1]  *Encuesta Nacional De Violencia Contra La Mujer, El Salvador* 2017. Direcciyn General De Estadнstica y Censos, 2017. Gender based violence is defined as psychological, physical, sexual, economic, or an attempted femicide against a woman committed in public or in the home. Statistics are from the National Survey of Violence Against Women, conducted by the El Salvadoran government in 2017.

[2]  Ibid.

[3]  Nugent, Ciara. "Violence in El Salvador Is Driving Women to the U.S. Border." *TIME*, time.com/5582894/gender-violence-women-el-salvador/.

safety of Salvadoran women.

## THE NATURE AND SCOPE OF THE PROBLEM

Article 45 of a 2011 Salvadoran Law defines femicide as the murder of a woman where "the motives [of her murder] are hatred or contempt for

**THOUGH RATES OF IMPUNITY FOR FEMICIDES ARE HIGH ALL ACROSS LATIN AMERICA, THE SITUATION IN EL SALVADOR IS PARTICULARLY CHALLENGING AND TRAGIC.**

her status as a woman."[4] Such motives are often difficult to identify, but may manifest in the context of the murder, the identity of the killer (a male family member, or a current or ex-domestic partner), and the nature of the killing (where and how the woman is wounded, how her body is disposed of, whether the victim was raped prior to being murdered). Nevertheless, the difficulty of categorizing femicides, and the reticence of Salvadoran law enforcement in reporting these murders as gender-based, means that the statistics available for gendered homicides are likely underestimated.[5] Furthermore, femicide statistics fail to account for forced disappearances of women and girls, despite the fact that 209 disappearances of women and girls were reported in the first five months of 2018 alone.[6] Even so, El Salvador's officially recorded femicide rate stands out from countries around the world, not only because it is the world's highest, with 13.49 deaths per one hundred thousand women, but also because it has risen significantly in recent years.[7] According to the Observatory on Gender Violence, femicide rates more than doubled between 2013 and 2017, with 218 femicides a year rising to 520.

Salvadoran femicides are also notable for the shocking impunity with which they are carried out. A 2018 study found that only 5% of femicide cases brought to court end in a sentence, and only 3% of cases carry a guilty verdict.[8] Given that many cases never make it to court, this statistic likely underestimates the true extent of impunity. A 2009 report by the United Nations Special Rapporteur on Violence Against Women reflects the fact that few cases ever result in the trial of an alleged perpetrator. The report analyzed 164 femicides reported in four major national newspapers from January to June 2009 and found that "perpetrators were only identified in 14 of the above murders, despite the presence of witnesses at the crime scene in at least 41 per cent of cases."[9] Though rates of impunity for femicides are high all across Latin America, the situation in El Salvador is particularly challenging and tragic.

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4   DECRETO No 520. ASAMBLEA LEGISLATIVA - REPUBLICA DE EL SALVADOR, 4 Jan. 2011, es.scribd.com/document/398012177/Trabajo-zCompleto-2018.
5   Recinos, Marvin, et al. "In the Region's Most Violent Country, Killings of Women Pushed Aside." *Univision*, 3 Apr. 2018
6   Observatorio De Violencia De Gйnero Contra Las Mujeres, May 2018, http://observatoriode-violencia.ormusa.org
7   "Un 67% De Las Mujeres Ha Sufrido Algън Tipo De Violencia En El Salvador | Noticias ONU." United Nations, United Nations, news.un.org/es/story/2018/04/1431372.
8   Observatorio De Violencia De Gйnero Contra Las Mujeres, May 2018, http://observatoriode-violencia.ormusa.org/boletinas/2018-0506_BOLETINA_VG.pdf
9   El pecado de nacer mujer: Informe sobre el femicidio en El Salvador", Instituto de Estudios de la Mujer Norma Virginia Guirola de Herrera, January − July 2009

According to TIME Magazine, one women is murdered by a man **every 24 hours** in El Salvador**.**

## THE CAUSES OF FEMICIDE

El Salvador's femicide crisis is fueled by an ingrained culture of virulent machismo, high levels of gang and narco-violence, and a corrupt, unaccountable police force, untrained in the appropriate handling of gender violence cases. Machismo permeates every sector of society, not only as a central tenet of gang culture but also as an ideology deeply embedded in law enforcement, including among both police and judges. Cecilia Menjivar, an expert on gender violence in El Salvador, writes: "[m]ost men and many women in El Salvador believe that domestic violence is normal; it is what men do...Women are treated as property...[and] women must accept their role in the home, which includes demands for sex and physical abuse."[10]

The normalization of violence against women is, in part, a product of the nation's recent history. In 1979, Carlos Humberto Romero, the dictator of El Salvador, was pushed out of power by a junta of reformist politicians and officers. As living conditions failed to improve under the new government, and right wing paramilitary groups perpetrated increasingly worse human rights violations, a leftist coalition, the Farabundo Martí National Liberation Front (FMLN), formed an army to oppose the government and paramilitary

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10   Menjivar, Cecilia. *The Status of Women in Domestic Relationships in El Salvador.* Arizona State University, 28 Aug. 2014.

forces. El Salvador's government was soon embroiled in what would be a brutal twelve-year civil war against the FMLN insurgents. Seeking to prevent the rise of communism in Latin America, the United States sent one to two million dollars a day in support of the right-wing military.[11]

A gruesome part of the US-funded Salvadoran military strategy against the FMLN was the shockingly brutal rape and torture of civilian women. The Salvadoran Civil War thus contributed to a pattern of extreme gender violence that would shape the nation for decades to come. In her book, State-Perpetrated Wartime Sexual Violence in Latin America, Michele Leiby details one 1981 massacre in El Mozote, Morazán: "The soldiers of the Atlacatl battalion separated the men from the women and the children of the community. The women were taken to the nearby hills where they were raped (perhaps gang raped) before all of the residents were systematically executed."[12] This massacre would later become a rallying cry for human rights advocates in the region. But at the time, the systematic rape, and often mutilation, of women was a routine part of wartime violence. In her book Rape During Civil War, Dara Kay Cohen writes, "One human rights advocate who was an activist during the [Salvadoran] war recalled that of the women who founded a prominent organization, 'all of their daughters were raped.' This [activism] was dangerous work during the war."[13] The high-profile rape and murder of four American churchwomen was also attributed to the El Salvadoran National Guard.

Though the war ended almost three decades ago, El Salvador has yet to confront this legacy of gender violence. Just this year, the country passed a "National Reconciliation Law" that all but guarantees impunity for war crimes including rape committed during conflict or wartime.[14] As most of the men who were either perpetrators or witnesses of wartime sexual violence remain alive and free, the legacy of the Civil War continues to impact Salvadorian society through the normalization of contemporary sexual violence and gendered homicide in El Salvador.

The machista ideology shows no signs of lessening among El Salvadoran youth, who were born after the end of the war. One 2018 OXFAM survey found more than half of young Salvadoran men aged 15-19 believe "women endure violent relationships because they believe violence in a relationship with a man is normal." Eighty-five percent of young men agreed that "a decent woman should not dress provocatively, nor be out on the streets late at night."[15] Such beliefs make it easier to blame male violence on the actions of women. These widespread attitudes thus make it particularly difficult for women to access social support to leave an abusive relationship. Women who face sexual and physical violence are often said to be deserving of it; families

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11  Donovan, Louise, and Christina Asquith. "El Salvador Kills Women as the U.S. Shrugs." Foreign Policy, 7 Mar. 2019, foreignpolicy.com/2019/03/07/el-salvador-kills-women-as-the-us-shrugs/.
12  Leiby, Michele. "State-Perpetrated Wartime Sexual Violence in Latin America." *UNM Digital Repository*, digitalrepository.unm.edu/pols_etds/4/.
13  Cohen, Dara Kay. *Rape during Civil War*. Cornell University Press, 2016.
14  "OAS - Organization of American States: Democracy for Peace, Security, and Development." *IACHR Notes with Concern the Passage of the National Reconciliation Bill in El Salvador, Which Contains Provisions Contrary to Human Rights*, 21 May 2019, www.oas.org/en/iachr/media_center/PReleases/2019/123.asp.
15  "Young People in Latin America Still Think Violence against Women Is 'Normal.'" *Oxfam*, 25 July 2018, www.oxfam.org/en/pressroom/pressreleases/2018-07-25/young-people-latin-america-still-think-violence-against-women.

and the police see domestic violence as "just the way things are." Too many abusive relationships end in femicide instead of breakups, owing to insufficient intervention and a lack of social support prior to the woman's death.

Social isolation for women facing physical and sexual abuse is compounded by a police force that fails to recognize domestic violence as a crime and does little to protect women from their abusers. Indeed, The Organization of Salvadoran Women for Peace in El Salvador (ORMUSA) found in 12 percent of the cases of violence against women, "the perpetrators were the judges, prosecutors, lawyers, or police officers in the communities in question."[16] One Salvadoran woman was asked if she had ever considered calling the police on her abuser. She responded, "The police? Who would think of calling the police back there [in El Salvador]?. . . Everyone will laugh if a woman calls for help if her husband is beating her."[17] The Observatory of Gender Violence against Women reports at least six women murdered in 2012 were murdered by partners who were serving police officers.[18]

Widespread gang violence is another contributor to the epidemic of femicides in El Salvador. Agnes Callamard, the United Nations' Special Rapporteur on Extrajudicial Killings, describes this phenomenon in a 2018 CNN report: "[B]odies are treated as a territory for revenge and control. Gangs are male-dominated and girls and women are parts of the territories they control."[19] If a woman tries to leave a relationship with a gang member, or if she refuses to have sex with a gang member, the result is all too often violent retribution. Violence against women is a part of how gangs retain control over communities and intimidate those who challenge their power. This is why the government of El Salvador has primarily blamed gangs for the epidemic of femicide. "The rise in violent deaths of women in recent years coincides with the entry of these gangs," said David Munguía, Minister of Justice and Public Safety.[20] Yet, though gangs certainly drive violence against women, it is important not to overemphasize gang perpetration of femicides over other perpetrators, particularly men previously known to the victims. The United Nations Special Rapporteur on Violence Against Women reflected on a 2009 investigation of femicides in El Salvador: "The fact that only seven murders [out of 164 analyzed] were clearly associated with gang members and that the majority of identified perpetrators were men known to the victims contradicts some official claims that gangs are the primary perpetrators of such crimes."[21] Clearly, for female partners of gang members, intrafamilial violence and gang violence gruesomely intersect.

16   "Femicide and International Women's Rights." *Global Americans, https://theglobalamericans.org/reports/femicide-international-womens-rights/*.

17   Menjívar, Cecilia. *The Status of Women in Domestic Relationships in El Salvador.* Arizona State University, 28 Aug. 2014.

18   Lakhani, Nina. "Violence against Women Rises in El Salvador." *El Salvador | Al Jazeera*, Al Jazeera, 7 June 2013, www.aljazeera.com/indepth/features/2013/06/20136493135956422.html.

19   Walsh, Nick Paton. "Gangs in El Salvador Use Women's Bodies for 'Revenge and Control'." *CNN*, Cable News Network, 14 June 2018, www.cnn.com/2018/06/14/americas/el-salvador-gangs-women-intl/index.html.

20   "El Salvador Tiene La Tasa De Feminicidios Más Alta Del Mundo." *Elsalvador.com*, 5 Mar.  2013, historico.elsalvador.com/historico/102949/el-salvador-tiene-la-tasa-de-feminicidios-mas-alta-del-mundo.html.

21   Manjoo, Rashida. "Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences." *Follow-up Mission to El Salvador*, United Nations Human Rights Council, 14 Feb. 2011.

# SOCIAL ISOLATION FOR WOMEN FACING PHYSICAL AND SEXUAL ABUSE IS COMPOUNDED BY A POLICE FORCE THAT FAILS TO RECOGNIZE DOMESTIC VIOLENCE AS A CRIME...

## LEGISLATIVE DEVELOPMENTS TO COMBAT FEMICIDE: STRENGTHS AND WEAKNESSES

In 1995, El Salvador signed the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, proclaiming the right of all women to "a life of dignity and free of violence." Fifteen years after signing onto the convention, El Salvador still faced rising femicide rates. Under pressure from human rights activists, the Salvadoran government began a series of meaningful legislative attempts to ameliorate the crisis.

In 2011, the Salvadoran government (under their first leftist president since the war, Mauricio Funes) passed a remarkably progressive law entitled "For a Life Free of Violence Against Women." The legislation criminalized all forms of violence against women, "from female murders (with 20-35 years of imprisonment for those convicted), to mocking, disparaging or isolation of women in their workplaces, communities or schools (with punishments such as fines of between 2-25 times the national monthly minimum wage, or community work)."[22] The document also contains dozens of articles aimed at combating the misogyny that women encounter in courtrooms. It prohibits discriminating against women in proceedings based on "sexual history," and it outlaws court-mandated reconciliation or mediation efforts, which are widely seen as grossly ineffective among Salvadoran women. Referencing those now outlawed programs, Menjivar writes, "rather than men being punished for their abuse, the mediation process...teaches women how to cope with an abusive man."[23] Thus, the prohibition of court-mandated reconciliation is a particularly meaningful and positive step in combatting Salvadoran gender violence. Finally, the law encourages the creation of programs that seek to help people "unlearn conventional models...and learn a new model based on equality, equity, diversity, and democracy." An effort to change the culture around gendered violence is a necessary component of any policy aimed at ending femicide. It is also perhaps the most difficult, and as evidenced by continued machista attitudes amongst young Salvadoran men, re-education initiatives have a long way to go. Still, the goals laid out in the 2011 law are admirable and indicate a will for progress.[24]

> AN EFFORT TO CHANGE THE CULTURE AROUND GENDERED VIOLENCE IS A NECESSARY COMPONENT OF ANY POLICY AIMED AT ENDING FEMICIDE.

Nevertheless, as a result of severely inadequate funding, and, in some areas of law, plain bureaucratic resistance toward enforcement, the full implementation of the laws has been slow and remains incomplete. Since the law does not legally appropriate new funds to proposed projects, some promised programs either insufficiently serve the needs of the population

22  "Global Database on Violence against Women." *Law for a Life Free of Violence against Women,* 2011, evaw-global-database.unwomen.org/en/countries/americas/el-salvador/2011/law-for-a-life-free-of-violence-against-women--2011-.
23  Menjivar, Cecilia. *The Status of Women in Domestic Relationships in El Salvador.* Arizona State University, 28 Aug. 2014.
24  "Young People in Latin America Still Think Violence against Women Is 'Normal.'" *Oxfam*, 25 July 2018, www.oxfam.org/en/pressroom/pressreleases/2018-07-25/young-people-latin-america-still-think-violence-against-women.

or have yet to materialize. For example, despite legislative commitments to establish women's shelters across the country, the government has only created two such shelters, both with extremely limited capacities (one accommodates only 15 women).[25] Moreover, the 2011 law has had little short-term impact on reported femicide rates. In fact, in the years after its passage, the rate of femicide in El Salvador has increased, not decreased.

Since then, the Salvadoran government has endeavored to improve upon its previous efforts. In 2017, a group of specialized courts was created for dealing with femicides and other forms of violence against women. Its purpose was to remove proceedings from patriarchal institutions that have typically failed to punish male perpetrators in the past. Judges in these specialized courts are trained by the government to avoid biased behavior. Glenda Baires, an appointed judge to one specialized court, spoke to a reporter about her aspirations for the new system: "My hope is that ... the women who today will be our initial users can convey to their daughters that there's no longer a culture of enduring violence."[26] The purview of these courts, however, is surprisingly limited, as it excludes both sexual and intrafamilial violence, the two most common forms of violence against women. Furthermore, there are only six established courts, located in only three departments, meaning that women in rural areas have geographical challenges in accessing specialized court systems. Another major issue is that the court system is arranged in such a way that a woman must go to an ordinary court prior to being heard in a specialized court, thus allowing ordinary court proceedings to undermine the avowed purpose of the specialized courts.[27]

In conclusion, while El Salvador continues to make some legislative progress toward preventing femicide and ending widespread impunity for abuse and violence against women, the reality faced by the average Salvadoran woman is changing substantially slower. Femicide rates remain extremely high, and the limited scope of anti-violence programs–along with a serious lack of funding and systemic resistance on the judicial and law enforcement level–mean that even the most progressive laws can only do so much.

## U.S. POLICY AND SECURITY CONCERNS

The United States government should be deeply concerned about the ongoing crisis of femicide in El Salvador. Not only does the crisis represent an egregious violation of human rights, but it is also a major security concern, as widespread femicide both destabilizes El Salvador and fuels mass migration toward our southern border. According to a study from the Icahn School of Medicine at Mount Sinai, in 2016 alone, 65,000 women from El Salvador, Honduras and Guatemala "fled gender based violence...and attempted to seek asylum in the USA."[28] Salvadoran petitioners represent one of the largest groups of U.S asylum grants, second only to those from China.[29] The

25  Musalo, Karen. *EL SALVADOR--A PEACE WORSE THAN WAR: VIOLENCE, GENDER AND A FAILED LEGAL RESPONSE.* Yale Journal of Law & Feminism, 2018.
26  Moloney, Anastasia. "Judge at New El Salvador Women's Courts Ready to Tackle Gender Violence." *Reuters*, Thomson Reuters, 24 Aug. 2017.
27  Musalo, Karen. *EL SALVADOR--A PEACE WORSE THAN WAR: VIOLENCE, GENDER AND A FAILED LEGAL RESPONSE.* Yale Journal of Law & Feminism, 2018.
28  Nugent, Ciara. "Violence in El Salvador Is Driving Women to the U.S. Border." *TIME*, time.com/5582894/gender-violence-women-el-salvador/.
29  Bray, Ilona, and J.d. "Which Countries Do Most People Granted Asylum in the U.S. Come From?" *www.nolo.com*, Nolo, 20 Jan. 2017, www.nolo.com/legal-encyclopedia/which-countries-

massive influx of female asylum seekers from the region, combined with a new presidential administration, has led to several fundamental changes in the last two years regarding US policies meant to address femicide in El Salvador.

Prior to the Trump Administration, USAID programs had proven effective in El Salvador, particularly in the United States' efforts to prevent violence against women. Notable examples are the seven "assistance centers" for victims of gender-based violence created and run with the help of US foreign assistance. The centers "provide services ranging from medical treatment and psychological counseling to legal representation and vocational training," and are, according to the USAID website, "among the first multi-institutional, fully integrated domestic violence service providers in Central America."[30] USAID reports that these shelters have been remarkably effective in reducing impunity rates for perpetrators of violence against Salvadoran women. A sample study in one of the centers found that out of 99 domestic violence cases taken on by the center, 97 resulted in convictions.[31] Compared to a national 95% impunity rate for cases involving violence against women, the success of this program is astounding. Locally based violence-prevention projects have also seen impressive results. According to USAID, between 2015 and 2017, "El Salvador saw a 61 percent reduction [in murders] in the municipalities in which USAID operates. This compares to a 42 percent reduction nationwide."[32]

Yet, the Trump administration has placed the future of these USAID projects in question by severely cutting the amount of aid sent to El Salvador. From 2017 to 2018, aid to El Salvador was cut almost in half–from 88 million to 46 million USD a year–with much of the remaining funds redirected to programs for border and drug control. Requested funding for human rights programs went from 46% of the budget to 32% of the budget. Funding for programs meant to combat violence against women dropped from $2.3 million in 2017 to $600,000 the following year.[33] With such a small operating budget to handle the largest femicide crisis on the planet, effective programs like the aforementioned US-funded assistance centers are in jeopardy. In April 2018, the Trump administration decided to freeze all funding to El Salvador, Guatemala, and Honduras, due to their failure to prevent migration.[34] The move alarmed many lawmakers who believe that continued aid is vital to US security, contributing to decreased migration rates in those areas which are beneficiaries. The president resumed a small fraction of aid in June 2019, but the immediate future of US-funded anti-violence programs in El Salvador remains in question.

Meanwhile, changes to domestic policies on asylum have done little to relieve Salvadoran women trying to escape extreme violence. In June 2018, US

do-most-people-granted-asylum-the-us-come-from.html.

30   "Preventing and Responding to Gender-Based Violence." *U.S. Agency for International Development*, 7 May 2019, www.usaid.gov/gbv.

31   Albaladejo, Angelika. "How Violence Affects Women in El Salvador." *How Violence Affects Women in El Salvador* | Security Assistance Monitor, 22 Feb. 2016, securityassistance.org/blog/how-violence-affects-women-el-salvador.

32   *USAID/El Salvador Country Fact Sheet*. USAID, July 2018, www.usaid.gov/sites/default/files/documents/1862/El_Salvador_External_Fact_Sheet_July_2018.pdf.

33   "El Salvador Foreign Assistance." *El Salvador | ForeignAssistance.gov,* Department of State and USAID, www.foreignassistance.gov/explore/country/El-Salvador.

34   McDonnell, Tim. "Trump Froze Aid To Guatemala. Now Programs Are Shutting Down." *NPR*, NPR, 17 Sept. 2019, www.npr.org/sections/goatsandsoda/2019/09/17/761266169/trump-froze-aid-to-guatemala-now-programs-are-shutting-down.

Attorney General Jeff Sessions overrode an asylum grant for a woman fleeing domestic violence in Guatemala, claiming that "married women in Guatemala who are unable to leave their relationship" does not count as a particular social group under asylum law.[35] Sessions then used that decision to issue a new policy, writing "[g]enerally, claims by aliens pertaining to domestic violence or gang violence perpetrated by non-governmental actors will not qualify for asylum."[36] His logic: domestic violence is perpetrated by an individual, not by the government as asylum laws specify must be the case. A study of gender violence in the region shows how misguided this argument is. Epidemics of gender violence and femicide are a deeply institutional problem, a crime abetted by a judicial and political system unable and often unwilling to step in. In December of 2018, Session's policy barring migrants from seeking asylum

## EPIDEMICS OF GENDER VIOLENCE AND FEMICIDE ARE A DEEPLY INSTITUTIONAL PROBLEM, A CRIME ABETTED BY A JUDICIAL AND POLITICAL SYSTEM UNABLE AND OFTEN UNWILLING TO STEP IN.

on the basis of domestic violence was overturned by a US District Judge.

Nonetheless, the future of almost all Salvadoran asylum applicants remains in doubt. On September 19th, the Trump administration signed a deal that paved the way for a "safe third country" agreement with El Salvador. The United States will now require migrants who passed through El Salvador on their way north to first apply for asylum there. Though this particular policy will not affect native Salvadoran asylum seekers, similar safe-third-country agreements with Honduras and Guatemala (2nd and 4th worst in Latin America for femicides, respectively) will force fleeing Salvadoran women to settle in countries not much safer for vulnerable women than their own.[37] The Associated Press reported that El Salvador signed onto the deal in hopes that it would result in resumed aid to the region. Alexandra Hill Tinoco, El Salvador's foreign minister, commented that the deal "has to be a real partnership."[38]

In October of 2019, Trump fulfilled his end of the agreement: aid was restored to El Salvador, Guatemala, and Honduras, in exchange for their actions to stem the flow of asylum seekers north. Yet the end result of the deal put Salvadoran women in a significantly worse position than that which they were in before. Moreover, the mere fact that the United States is trying to designate El Salvador as a "safe third country" for female migrants represents a

35   *Matter of A-B-, Respondent*. The United States Department of Justice, Office of the Attorney General, 2018, www.justice.gov/eoir/page/file/1070866/download.
36   Ibid.
37   "Femicide and International Women's Rights." Global Americans, https://theglobalamericans.org/reports/femicide-international-womens-rights/
38   Long, Colleen. "US, El Salvador Sign Asylum Deal, Details to Be Worked Out." *AP NEWS*, Associated Press, 20 Sept. 2019, www.apnews.com/de6a00632755415fad2a952c7cd4bd72.

complete denial of the extreme dangers women face in El Salvador—dangers detailed by their own human rights reports. The US State Department's 2018 Human Rights Report describes the situation for Salvadoran women, stating "[Salvadoran l]aws against rape were not effectively enforced... Laws against domestic violence remained poorly enforced, and violence against women… remained a widespread and serious problem."[39] With Salvadoran asylum grants largely blocked in the United States, along with decreased anti-violence funding from USAID, El Salvador's women have little recourse against the high rates of gender violence and widespread impunity that plague their country, and the United States is doing very little to help them.

## CONCLUSION

While El Salvador has made genuine legislative progress in the last decade, their solutions have thus far suffered from deep structural flaws, inadequate funds for implementation, and most pervasively, widespread cultural norms that condone violence against women. The United States has always been intimately connected to the Salvadoran femicide epidemic. Its historic support of paramilitary forces that condoned and perpetrated the mass rape and murder of civilian women during the nation's civil war contributed to the contemporary femicide epidemic now rebounding as a national security concern to the US. Violence against women is both an effect and a driver of the destabilization plaguing northern Central American countries and of the droves of desperate migrants arriving at our southern border. Clearly, any viable solution must combine national security interests with a respect for fundamental human rights. What is required is a sustained effort to strengthen law enforcement institutions in El Salvador and to shift national cultural attitudes. At the present moment, it seems that neither El Salvador nor the United States are fully prepared to make that happen.

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39 *EL SALVADOR 2018 HUMAN RIGHTS REPORT*. US Department of State, 2018, www.state.gov/wp-content/uploads/ 2019/03/EL-SALVADOR-2018.pdf.

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# Democratic Identity in Postwar America

## The Politicization of Asian Americans in the Early Cold War

**A**series of unresolved fragments, we come together as a contingent whole. We gain social recognition as a racial collective in the face of this communal loss… It is the naming of these losses that transforms difference into a politicized identity.

- David Eng and Shinhee Han,
Racial Melancholia, Racial Dissociation:
*On the Social and Psychic Life of Asian Americans*

### INTRODUCTION

2018 was a pivotal year for Asian Americans. We saw the unparalleled success of the highest-grossing romantic comedy film Crazy Rich Asians, the first film of its kind in Hollywood to feature an all-Asian cast. We followed the Students for Fair Admissions v. Harvard affirmative action lawsuit, wherein a number of Asian American plaintiffs sued Harvard University for "racially discriminating" against Asian Americans in the admission process. We watched prominent Olympians from snowboarder Chloe Kim to figure skating champion Mirai Nagasu take home medals on the world stage and stun audiences

in Pyeongchang. Andy Kim became the first Korean-American elected to Congress in nearly 20 years, and Hasan Minhaj became the first Indian-American to host a weekly comedy show. But these so-called accomplishments brought forth complicated questions of fragmentation and loss within the Asian American community. What did it mean that a film glorifying Asia's economic rise opened up new avenues of being seen, shifting entire narratives of identity and difference? What did it mean that Asian Americans sided with Ed Blum, a legal advocate who wanted affirmative action gone – someone who once advocated for Abigail Fisher, a woman who claimed racial discrimination in the admissions process because she was white? What did it mean for us people to self-identify as Asian Americans, in a country that had always found it more convenient to identify what it meant to be Asian American for us?

Since 2018, Asian American political identity has shifted to the forefront of America's national discourse, and Asian American political participation has become an increasingly salient topic. Currently, Asian Americans comprise of 5.6% of the American population, an ethno-racial group that includes 20 million people of various ethnicities and backgrounds.[1] The economic and political growth of Asia in the last decade or so has resulted in fundamental demographic changes, with the Asian American population growing by 75% from 2000 to 2015—the highest growth rate of any racial or ethnic group in America.[2] Many Asian Americans are highly concentrated at the higher and lower ends of the spectrum in regards to socioeconomic class, with large percentages of specific Asian American subgroups (such as those of East Asian descent) owning more homes, having higher median incomes, and holding more bachelor's degrees than the average American.

However, the Asian American experience is not monolithic, and perceptions of Asian Americans as the "model minority" while remaining the "perpetual foreigner" remain influential. First defined more than half a century ago, the model minority myth is often used to refer refers to minority groups that are perceived as particularly successful. Asian Americans are often defined as the model minority because they are seen as more successful across academic, economic, and cultural domains.[3] In contrast, the perpetual foreigner stereotype casts Asian Americans as inherently foreign and therefore not genuinely American, regardless of their academic, economic, and cultural successes.[4] David Eng and Shinhee Han, amongst other Asian American academics, designate the model minority as a primarily harmful stereotype, "[delineating] Asian Americans as academically successful and rarely well-rounded." Asian Americans "must therefore submit to [this] model of economic rather than political and cultural legitimation,"[5] because the alternative is being perceived as the foreign, the unassimilated, and the other. In choosing to conform with the model minority stereotype, Asian Americans are often doing so because they

1    Gustavo Lopez, Neil G. Ruiz, and Eileen Patteen, "Key facts about Asian Americans, a diverse and growing population" *Pew Research Center* (Sep 8 2017), http://www.pewresearch.org/fact-tank/2017/09/08/key-facts-aboutasian-americans/
2    Ibid.
3    "The Model Minority Myth" in Asian Americans in the Law, Vol. 5, Issue 1 (Nov/Dec 2018), 2018, https://thepractice.law.harvard.edu/article/the-model-minority-myth/
4    Stacey J. Lee et. al,"The model minority and the perpetual foreigner: Stereotypes of Asian Americans" in Asian American Psychology: Current perspectives (New York: Routledge/Taylor & Francis, 2009), 69-84
5    David Eng and Shinhee Han, "Racial Melancholia" in Racial Melancholia, Racial Dissociation (Duke University Press, 2018), 46-47

**Hasan Minhaj, Chloe Kim, Constance Wu, and Andy Kim**
have increased the visibility of Asian Americans in comedy,
sports, film, and politics, but some call for more extensive
representation.

become "attached" to its seemingly admirable qualities, much preferred over the
seemingly despicable qualities of a perpetual foreigner.[6]

The heightened importance of Asian geopolitics in American foreign
affairs has exhibited a profound impact on Asian Americans, as well as on the
dispersal and movement of Asian Americans across the world broadly known
as the Asian diaspora. From President Obama's "pivot to Asia" to the Trump
administration's trade war with China, we have seen a significant shift in U.S.-
East Asia relations over the past decade. The fear of Chinese hegemony in the

6    Ibid.

region has forced the U.S. to confront questions of polarity and waning U.S. influence in Asia, and recent disputes over the South China Sea and North Korea have become key concerns for American policymakers.

While most Asian immigrants arrived in the United States after the 1970s, the politics and ideology of the early Cold War had already begun to shape American perceptions of Asian Americans. Forces prior to this era had already begun to shape American perceptions of Asian Americans, and the politics and ideology of the early Cold War were incredibly influential in this respect. The United States' strong geopolitical interest in Asia has undoubtedly been characterized and influenced by Cold War forces over the decades, and its effects are still seen on Asian Americans today. Although there exists a considerable amount of scholarship regarding the effects of foreign policy on domestic politics in relation to African Americans, the Civil Rights movement, and decolonization movements in the "Third World," it is also important to conceptualize how Asian Americans fit into this era of racial upheaval and social change. By understanding the role of Asian Americans in the processes of racialization that took place in the middle of the 20th century, we are offered much more insight as to why Asian Americans occupy their current political identity in relation to other minority identities. We can often trace such relative characterizations and subjective constructions of Asian Americans to the impact of the early Cold War on domestic American society.

The victory of the Chinese Communist Party in 1949 and America's entry into the Korean War in 1950 in the early Cold War would affect foreign policy decisions and perceptions towards Asia in the years to come, not only in the minds of policymakers, but also within the domestic racial politics of the United States. While mainland Asia and Asian America remain separate entities shaped by different political imaginations and experiences, this paper will specifically investigate the various Cold War forces that came to influence Asian American diasporic communities in regards to foreign policy. How did America's involvement in Asia during the early Cold War, as well as the expansion of public and cultural diplomacy to promote a liberal, post-war democratic order, contribute to the formation and politicization of Asian American communities? Furthermore, how did Cold War ideology, such as conceptions of American democracy in contrast to illegitimate Soviet communism, shape Asian America as a racial construct in American society?

By contextualizing the history of Asian America from World War II to the late 60s, I aim to define several turning points for Asian American political identity formation in the context of Cold War foreign affairs, including the 1950 McCarran Internal Security Act, the Chinese Confession Program, and national responses to the Hukbalahap Rebellion in the Philippines. I will

also address the broader trajectory of Washington's "Asia First" policy and policymakers' expanding focus on public and cultural diplomacy in the post-war world, especially with regard to U.S. involvement in Asia at the time. Ultimately, I hope to trace the early Cold War origins of the two dominant, often conflicting myths that Asian Americans are still forced to confront.

While the myth of the model minority suggests the economic rise and seamless integration of Asian Americans into mainstream white society, the myth of the perpetual foreigner continues to distinguish Asian Americans as foreign visitors and adversaries, remaining forever on the borders of what it means to be "American."

The expansion of public and cultural diplomacy in the creation of the American postwar order expanded notions of citizenship to include Asian Americans within the ideals of a democratic, multiracial society. However, American perceptions of the communist threat were shaped by Washington's geopolitical interests and involvements in Asia, in addition to policies that targeted Asian Americans as un-American subversives, painted Asian Americans as unassimilable foreigners that were inevitably tied to their unfamiliar homelands. Such racist policies, when implemented against an American vision for racial "integration," contributed to the paradox of Asian American identity. They also allowed for the relative positioning of Asian Americans in relation to African Americans during the Civil Rights movement, wherein Asian Americans were perceived as "not white" but also "not black"— a perception that remains relevant today, even in light of the changes that Asian American political identity has faced over time.

## BACKGROUND AND HISTORICAL CONTEXT

Over a century ago, Asian Americans made up a small percentage of the American population. The exclusionist policies of the late 19th and 20th centuries reinforced beliefs of the failure of Asian immigrants to assimilate to American society, despite the contribution of Asian immigrants to historical developments such as the transcontinental railroad and the California Gold Rush.

The U.S. enacted several policies that made Asian immigrants, unlike their German, Italian, or Irish counterparts, ineligible for citizenship by naturalization, had setting quotas as low as 200 for anyone hailing from Asia. Asian America was more or less a smattering of immigrants who had come to America seeking work, seen by many Americans as a burden seeking to infiltrate American borders, more commonly known as the "yellow peril." The immigrants who stayed or brought families over from their homelands in Asia were mostly illegal, often operating by bringing "paper children" who claimed that they were related to Asian Americans living in the United States. It was not until the 1940s that Congress relaxed successive laws that permitted admission and naturalization of immigrants from Asian countries, beginning with Chinese nationals in 1943, and eventually including Filipino, Korean, and Japanese nationals by 1952. The subsequent decade would provide more avenues for Asian Americans to immigrate to the United States legally with the passing of the 1965 Hart-Celler Immigration Act. From the 1950s to the 1990s, the Asian American population would increase by six times its original size, though this paper will not explore the impact of the Vietnam War and the Indochina Wars on the formation of Asian American communities in the United States.

THE UNITED STATES' STRONG GEOPOLITICAL INTEREST IN ASIA HAS UNDOUBTEDLY BEEN CHARACTERIZED AND INFLUENCED BY COLD WAR FORCES OVER THE DECADES, AND ITS EFFECTS ARE STILL SEEN ON ASIAN AMERICANS TODAY.

CURRENT SCHOLARSHIP SUGGESTS THAT THE EARLY COLD WAR, AS WELL AS WORLD WAR II, WERE CRUCIAL IN ESTABLISHING A SENSE OF ASIAN AMERICAN CITIZENSHIP AND IDENTITY.

Current scholarship suggests that the early Cold War, as well as World War II, were crucial in establishing a sense of Asian American citizenship and identity. According to Christina Klein, the legal reforms towards Asian Americans in the 1950s represented the "double meaning of integration in the postwar period,"[7]  wherein the inclusion of Asian and African Americans was essential to the international project of integrating the decolonizing nations into a capitalist, free-world order. Ellen Wu, whose work focuses on the historical origins of the model minority myth, also emphasizes the motivations behind the federal government's actions to legitimate the place of racial minorities within the early Cold War: "Racial discrimination in the United States was drawing negative attention from both domestic and international critics, and it stained the image of American democracy at a time when U.S. officials hoped to win the hearts and minds of people around the world."[8]  Scholars point to the centrality of World War II and how it shifted American perceptions of the Chinese and Japanese due to alliances during the war, which would consequently shape how both Chinese and Japanese American populations were integrated as American citizens. Thus, the concept of citizenship on conditional grounds, or the idea that deserving Asian Americans would have to "earn" their citizenship,[9] defined many of the changes impacting Asian American communities in the 1950s and 60s.

Japanese internment during World War II particularly enforced the racialization of Asian Americans, perpetuating yet another paradox under the guise of democracy and freedom. As previously mentioned, shifting perceptions of the  Chinese and Japanese, mostly due to alliances during the war, also indicated a shift in policies towards Chinese and Japanese American populations during and after the war, despite many of them having no political connection to mainland China or Japan themselves. After the bombing of Pearl Harbor in 1942, President Roosevelt instituted wide-ranging Japanese internment policies under Executive Order 9066, outlining three primary directives: curfew, exclusion, and internment. Despite the United States preaching liberal democratic values in contrast to Nazi authoritarianism, Supreme Court decisions such as Hirabayashi v. U.S. (1943) and Korematsu v. U.S. (1946) upheld the constitutionality of race-based interment in times of "national emergency."[10] These legal interpretations of national security and race also enforced the perception of Asian Americans as automatic extensions of their ancestral homelands, even though many of the Japanese-Americans affected were Nisei, or second-generation Japanese-Americans whose grandparents had immigrated to the United States before they were even born.

In Hirabayashi v. U.S., the Court deemed that the application of curfews against members of an entire ethnic group was constitutional. The plaintiff, Gordon Hirabayashi, was born in Seattle to a Christian family and was a student attending the University of Washington at the time. In Korematsu v. U.S., the Court emphasized the "military necessity" for the incarceration of

7   Klein, Cold War Orientalism: Asia in the Middlebrow Imagination, 1945-1961 (University of California Press, March 2003)
8   Ellen Wu, ""America's Chinese": Anti-Communism, Citizenship, and Cultural Diplomacy during the Cold War" in Pacific Historical Review, Vol. 77, No.3 (University of California Press: August 2008), 391-422
9   Madeleine Hsu and Ellen Wu, ""Smoke and Mirrors": Conditional Inclusion, Model Minorities, and the Pre-1965 Dismantling of Asian Exclusion" in Journal of American Ethnic History, Vol. 34, No. 4 (University of Illinois Press: Summer 2015), 43-65
10   Korematsu v. United States, 323 U.S. 214 (1944)

Japanese-Americans, despite the deliberate suppression of evidence from the FBI which found that Japanese-Americans posed no real security threat.[11] Like Hirabayashi, Fred Korematsu was born in Oakland to Japanese parents who immigrated to the US in 1905 and barely had any political connection to Japan aside from ethnic heritage itself. "My father was not a complicated man," Karen Korematsu remarked, "he had learned about the Constitution in high school. He thought he had civil rights as an American citizen."[12]

The treatment of Japanese-Americans as Japanese subversives was unsurprising, considering American attitudes towards Japanese-Americans and Chinese-Americans at the time of the war. Japanese-Americans were conceptualized as enemy aliens, enduring "mass removal, internment, and the effective nullification of their citizenship, and a coercive dispersal."[13] In a pictorial for Life magazine from 1941 titled "How to Tell Japs from the Chinese," the author juxtaposes two facial portraits of a Chinese person and a Japanese person, one above the other. The Chinese portrait is of the Minister

## JAPANESE INTERNMENT DURING WORLD WAR II PARTICULARLY ENFORCED THE RACIALIZATION OF ASIAN AMERICANS, PERPETUATING YET ANOTHER PARADOX UNDER THE GUISE OF DEMOCRACY AND FREEDOM.

of Economic Affairs for the Chinese national government, captioned "Chinese public servant," whereas the Japanese portrait is of Prime Minister Admiral Tojo, frowning, with the caption "Japanese Warrior." The pictorial included labels of essentialist physical descriptions that sought to differentiate the Chinese from the Japanese, such as "never has rosy cheeks" as opposed to "sometimes has rosy cheeks." The main purpose was to help Americans tell whether their neighbors were Chinese or Japanese, distinguishing them based on the wartime dichotomy of ally versus foe, again despite many Asian Americans having little political connection to their ancestral homeland.

At the same time, Chinese-Americans received different treatment as a result of their real and presumed ties to Beijing, a wartime ally. Chinese inclusion, therefore, became a prominent national policy goal. The Magnuson Act repealed the Chinese Exclusion Act in 1943, which had previously prohibited the immigration of all Chinese laborers when it was signed into law in 1882. For China, the repeal of Chinese exclusion was a success, as it had also been a foreign policy goal for the two Chinese governments for more than half a century.[14] In her work on migration as diplomacy, Meredith Oyen

11   Ibid.
12   Avi Selk, "FDR issued an executive order sending Japanese Americans to internment camps — 75 years ago" in The Washington Post (Washington DC, Feb 9 2017)
13   Ellen Wu, The Color of Success: Asian Americans and the Origins of the Model Minority (Princeton, NJ: Princeton University Press, 2014), 43
14   Robert G. Lee, "The Cold War Origins of the Model Minority Myth," in Orientals: Asian Americans in Popular Culture (Philadelphia: Temple University Press, 1999), 149

emphasizes the symbolic nature of the repeal of the Chinese Exclusion laws, with the most popular arguments in favor of repeal centered on the idea that doing so would aid the war effort. The Magnuson Act passed through Congress mostly on the grounds that it would keep the nationalist Chinese government of Chiang Kai-Shek committed to the war against Japan. Furthermore, the U.S. would use successive changes in migration policy to placate Nationalist China when it couldn't fulfill other promises.[15] The policies created a foundation for the formation of Asian American political identity, serving not as a method of racial integration and assimilation, but rather as a means for the U.S. and both Chinas to pursue diplomatic goals and negotiation.

The treatment of Chinese- and Japanese-Americans during wartime also prompted public responses to policies such as Chinese Exclusion. In 1942, Charles Spinks, a specialist on East Asian relations, published an article calling to repeal Chinese Exclusion. He pointed out that the U.S. fighting side by side with China to destroy fascism and build a new world order of freedom, justice, and equality was contradictory to the US not treating Chinese people with the "justice and equality they deserve."[16] Furthermore, some media outlets even outlandishly claimed that there was a correlation between Japanese protests against Asian exclusion and the cooling of U.S.-Japanese relations until Pearl Harbor – a mostly baseless argument that sought to connect Japanese ethnic heritage to broader themes of American foreign policy.[17] Other cultural portrayals and depictions of Chinese inclusion included casting Chinese-Americans as American, highlighting the "American-ness" of urban Chinatowns and typical Chinese families.[18] In 1943, Sun Yat Sen's third wife and esteemed diplomat Soong Ching Ling went on a national tour in the U.S., signaling that China shared principles of democracy with the United States and was willing to collaborate with the United States to uphold democratic values. World War II was therefore pivotal in changing the cultural and political attitudes towards Asian Americans at the beginning of the Cold War.

# CHINESE AMERICANS RECEIVED DIFFERENT TREATMENT AS A RESULT OF THEIR REAL AND PRESUMED TIES TO BEIJING, A WARTIME ALLY.

Asian American communities were also highly engaged in various forms of postwar activism, with Chinese veterans demanding fairer treatment especially in terms of immigration. Their activism eventually paved the way for the 1945 War Brides Act. Wu attests that United States' emphasis on national unity in diversity during the war meant that Chinese-Americans could claim a stake, welcoming chances to perform "inclusion" on the public stage.[19] The War Brides Act allowed Chinese American veterans to bring wives into the U.S. as non-quota immigrants. This was followed by the Chinese Alien Wives of American Citizens Act, which allowed Chinese

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15   Meredith Oyen, The Diplomacy of Migration: Transnational Lives and the Making of U. S. -Chinese Relations in the Cold War (Ithaca; London: Cornell University Press, 2015), 5
16   Xiaohua Ma, "The Sino-American Alliance During World War II and the Lifting of the Chinese Exclusion Acts" in American Studies International, Vol. 38, No.2 (Mid America American Studies Association: June 2000)
17   Oyen, The Diplomacy of Migration: Transnational Lives and the Making of U. S. -Chinese Relations in the Cold War
18   Wu, The Color of Success: Asian Americans and the Origins of the Model Minority, 56
19   Ibid., 56

American citizens, regardless of veteran status, to bring spouses to the United States. The result was the reunification of thousands of Chinese families and the influx of Chinese women into mostly male-dominated Chinatowns.

After witnessing the Chinese American victory in repealing Chinese exclusion, various communities of Asian ancestry sought to lobby for similar rights, yet Japanese and Korean migrants remained ineligible for citizenship and immigration until long after Chinese inclusion. The Japanese American Citizens League (JACL), a key organization for advancing Japanese-American rights, began a campaign to gain naturalization rights for Japanese immigrants whose children had served in World War II. The War Brides Act was eventually revised to include Japanese wives of American citizens, resulting in over 45,000 Japanese wives and 6,000 Chinese women coming to the U.S. after the war.[20] Moreover, lobbyists from the JACL such as Mike Masaoka would often utilize the politics of post-war inclusion and "Asia First" to his advantage, collaborating with "internationalist" Republicans whose party had just won the 1946 elections.

The consequences of World War II for Chinese- and Japanese-Americans sketched out a familiar trajectory for how Asian American political identity would develop in the decades to follow. As demonstrated by the federal government's actions in response to Japan and China's involvement in the war, the lines between Asian America and Asia became increasingly blurred, contributing to seemingly paradoxical perceptions of Asian Americans as both the ally and the foe. Considering that persons of Japanese and Chinese descent consisted of a majority of the Asian American population at the time, such perceptions of Asian Americans would prove crucial in the formation of Asian American communities in the years to come, shaping policies that often conflated the interests of Asian Americans and Asian populations overseas. The foreign affairs of the United States, namely America's participation in World War II, had a powerful impact on the domestic racial environment at the time. Foreign affairs and domestic racial politics would become more intertwined, with Asian Americans becoming crucial in the American project of conveying the U.S. as a multiracial liberal democracy in the new post-war order.

## PUBLIC & CULTURAL DIPLOMACY IN POST-WAR AMERICA

The United States' interest in maintaining the post-war order also contributed to the expansion of public and cultural diplomacy. The heightened importance of public and cultural diplomacy, as evidenced by America's responses to global perceptions of domestic racial oppression against African Americans, meant that Asian Americans would play a significantly outsized role in portraying America as an enlightened multicultural democracy. In his work on public diplomacy, Jason Parker suggests that both the U.S. and the Soviet Union sought to "win hearts and minds" during the early Cold War, and that media influence was a significant means of ensuring the allegiance of the public to either superpower.[21] Soviet propaganda's influence on racial relations in the U.S., as well as the subsequent policies implemented by the Truman and Eisenhower administrations, underscored the importance of foreign affairs on domestic public opinion.. This became a reciprocal relationship in which

20   Charlotte Brooks, Between Mao and McCarthy: Chinese American Politics in the Cold War Years (Chicago: University of Chicago Press, 2015)
21   Jason C. Parker, Hearts, Minds, Voices: US Cold War Public Diplomacy and the Formation of the Third World (Oxford, UK: Oxford University Press, 2016)

domestic race policy became a means of political signaling in the conduct of foreign affairs.

Soviet propaganda on the racial relations of the U.S. often contributed to the global perception of America as losing the Cold War and the failure of the American political order, especially the failures of American racism in contrast to the image that the U.S. presented to the rest of the world. Soviets often "disseminated stories on rampant racism in US society that proved US democracy 'an empty fraud' and in so doing, replaced the WW2 propaganda of Germany and Japan that sought to accomplish the same."[22] Japanese propaganda during World War II, for example, were directed against America's anti-Chinese laws, attempting to appeal to Asians by emphasizing the flaws in American racial legislation.[23] Soviets utilized a similar logic of post-racialism, depicting the Soviet Union as a truly egalitarian communist utopia in contrast to the tense racial environment of the United States, with some instances of propaganda even predating World War II.

Soviets attempted to undermine American depictions of a liberal, multiracial society, signifying the importance of racial politics in Cold War diplomacy during the 1950s. In a poster created in 1932 by one of the Soviet Union's most famous propagandists, a menacing statue of liberty stands above nine African American men in chains.[24] The words "Freedom to the Prisoners of Scottsboro" are plastered at the top of the poster, appearing next to a wooden gallows with several nooses attached. The poster was referring to the nine black teenagers who were falsely accused and convicted of raping two white women in Scottsboro. Similarly, another poster from 1948 is a diptych of a black and white image of an African American man bound by ropes, gazing upward at the statue of liberty in the background, alongside a red-stained depiction of men and women of various races and ethnic clothing standing together.[25] The poster is captioned "Under Capitalism vs. Under Socialism", with the black man tied by ropes associated with the woes of American capitalism.

As the 1950s and 60s brought a wave of decolonization and independence movements amongst the "Third World," the USSR, just like the U.S., also wanted to promote the appeal of an egalitarian communist society to those who had long criticized the impact of Western imperialism and dominance. It worked, to a certain extent—at the same time, waves of Africans were immigrating to the USSR from former colonies, many of which included students participating in state-led opportunities to study at Soviet universities.[26] In attempts to expand their influence to the Third World, the Soviets continued to condemn instances of racism in the United States. When federal troops intervened in Little Rock after schools refused to desegregate, communist youth newspaper Komsomolskaya Pravda ran a story with photographs of Little Rock,

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22   Cheng, Citizens of Asian America - Democracy and Race During the Cold War, 2
23   Ma, "The Sino-American Alliance During World War II and the Lifting of the Chinese Exclusion Acts"
24   Steve Rose, "Racial harmony in a Marxist utopia: how the Soviet Union capitalised on US discrimination" in The Guardian (Jan 24 2016), https://www.theguardian.com/artandde-sign/shortcuts/2016/jan/24/racial-harmony-in-amarxist-utopia-how-the-soviet-union-capital-ised-on-us-discrimination-in-pictures
25   Ibid.
26   Olga Chudinovskikh and Mikhail Denisenko, "Russia: A Migration System with Soviet Roots" (Migration Policy Institute, 2017), https://www.migrationpolicy.org/article/russia-migra-tion-system-soviet-roots

sensationally titling the article "Troops Advance Against Children!"[27] Another state-sponsored newspaper, Investia, also covered the incident and called "so-called American democracy" a mere facade. As Mary Dudziak emphasizes in Cold War Civil Rights, the Russian objective was to disrupt U.S. international relations and undermine U.S. power in the world, thereby undermining the appeal of U.S. democracy to those living in other countries.

Consequently, the U.S. sought to address the issue of civil rights much earlier than when the Civil Rights Movement gained momentum through impact litigation in the 1950s. Immediately following World War II, President Truman established the President's Committee on Civil Rights through Executive Order 9808 on December 5th, 1946, seeking to explain why it was essential to ensure civil rights for all in the post-war period. Not only did the Committee point to the rise of a new world conflict drawn amongst the lines of both economic ideology and race, it directly emphasized that American racism compromised the national security of the United States.[28] This was one of the ways that race became increasingly intertwined with national security at the beginning of the Cold War, and it would become even more interconnected in the 1950s.

Many of Truman's initiatives indicated a willingness to take civil rights seriously in the context of foreign policy and national security. In Truman's speech to Congress on February 2, 1948, a year after the Committee was created, he spoke of freedom and equality under the law, as well as the protection of civil rights. To do so, he proposed the establishment of a Civil Rights Division in the Department of Justice, a permanent commission on Civil Rights reporting to the President, and a Committee on Civil Rights in Congress. The equality in naturalization for immigrants and the evacuation claims of Japanese-Americans from the era of interment formed two significant policy recommendations and goals in his speech, even though the Asian American population was comparatively smaller at the time. In regards to the Magnuson Act, he stated, "I urge the Congress to remove the remaining racial or nationality barriers which stand in the way of citizenship for some residents of our country."[29] He also defended the evacuation claims of Japanese-Americans, many of whom wanted reparations for the losses they suffered after being forced to abandon their homes and businesses to evacuate to internment camps. "During the last war more than one hundred thousand Japanese-Americans were evacuated from their homes in the Pacific states solely because of their racial origin...The Congress has before it legislation establishing a procedure by which claims based upon these losses can be promptly considered and settled."[30]

Five months later in July 1948, Truman signed a bill in response to his request to deal with the evacuation claims of Japanese-Americans, authorizing the settlement of property loss claims by Japanese-Americans who were forcibly removed. As the Soviet Union promoted a communist utopia, America also sought to promote their own image of racial harmony—an image that began by "righting the wrongs" of the past, such as dealing with the consequences of

**THE CONSEQUENCES OF WORLD WAR II FOR CHINESE- AND JAPANESE-AMERICANS SKETCHED OUT A FAMILIAR TRAJECTORY FOR HOW ASIAN AMERICAN POLITICAL IDENTITY WOULD DEVELOP IN THE DECADES TO FOLLOW.**

27  Julia Ioffe, "The History of Russian Involvement in America's Race Wars" (The Atlantic, 2017), https://www.theatlantic.com/international/archive/2017/10/russia-facebook-race/542796/
28  Cheng, Citizens of Asian America - Democracy and Race During the Cold War (New York: New York University Press, 2013)
29  Harry S. Truman, "Special Message to the Congress on Civil Rights" (Harry S. Truman Library and Museum, 1948)
30  Ibid.

Chinese Exclusion and Japanese internment. There was also federal intervention on behalf of civil rights as early as 1948 in Shelley v. Kraemer, where the federal government's brief supporting the dismantling of racial restrictions in housing relied on the State Department's view that the U.S. had been "embarrassed" in diplomacy due to racial discrimination at home.[31] The violation of basic liberties for racial minorities in the U.S. was therefore tied to matters of national security; Truman's adherence to such a paradigm would later be underscored by his veto of the McCarran Internal Security Act, which had passed through Congress to limit the political power of potential Communist subversives. In the next section, this paper will explore the impact of the McCarran Internal Security Act on Asian American communities.

## THE VIOLATION OF BASIC LIBERTIES FOR RACIAL MINORITIES IN THE U.S. WAS THEREFORE TIED TO MATTERS OF NATIONAL SECURITY.

The outbreak of the Chinese Revolution in 1949 and the Korean War in 1950 also caused a shift in the way domestic policy was tied to national security: the threat of communism appeared greater than ever, and the preeminent strategy at the time was to emphasize the importance of the U.S. and the rest of the free world in combating the communist threat of "Red Colonialism." Only now, it was not just limited to Soviet Union and other Eastern European countries. As a result of the Chinese Communist Party's victory in 1949 and its alliance with North Korea and the Soviets in the Korean War, the rest of Asia was just as susceptible to the "domino theory:" one country's "fall" to communism would cause other countries to follow its lead, much like a set of dominoes. Following the United States' entry into the Korean War, the Truman Administration committed to a "Campaign of Truth" that sought to portray America in a positive light by "coherently and aggressively pressing the American case, and improving American standing, in foreign eyes." [32]

When President Eisenhower came into power, he also established components of a "New Look" national security policy that focused on undermining Soviet influence on non-aligned countries. In his analysis of public diplomacy, Parker suggests, "American analysts found that profound political and psychological changes that were the result of anti-colonial nationalism, racial awakening, and economic underdevelopment would greatly affect the US ability to achieve Western objectives."[33] Preaching western liberal values in theory were not enough to offset anti-colonialist sentiments and race-based movements in the Third World. Such a realization would lead to the creation of agencies such as the United States Information Agency (USIA) in 1953. Under the Jackson and Rockefeller Committees, the USIA formulated "country plans" on-site, tailoring information that drew on the theme of free world unity to be disseminated in countries with strong nationalist movements such as Guatemala.[34] Eisenhower was so determined to present this vision to the world because from the

31  Lee, "The Cold War Origins of the Model Minority Myth," in Orientals: Asian Americans in Popular Culture, 157
32  Parker, Hearts, Minds, Voices: US Cold War Public Diplomacy and the Formation of the Third World, 42
33  Ibid, 66.
34  Ibid.

administration's point of view, transnational racial sensitivities were so strong that even dominant forces like the U.S. could not neutralize communism's abilities to absorb them. In 1957, U.S. Senator Henry Cabot Lodge wrote to President Eisenhower about the riots in Little Rock, stating the following: "Here at the United Nations I can see clearly the harm that the riots in Little Rock are doing to our foreign relations…more than two-thirds of the world is non-white and the reactions of the representatives of these people is easy to see."[35]

The domestic racial politics in postwar America played an important role in the conduct of U.S. foreign policy and diplomacy. The racial tensions and demands of African Americans that arose at home could no longer be ignored, and the U.S. government scrambled to reconcile what they wanted the rest of the world to see, and what the world was actually seeing. The rise of public and cultural diplomacy meant that American soft power could now be consolidated in new ways--such methods eventually became essential to the relative positioning of Asian Americans in the wake of America's geopolitical subsequent involvement in Asia, and during the height of the Civil Rights movement.

*The McCarran Internal Security Act*

Truman's "loss" of Nationalist China, as well as China's entry into the Korean War, instilled fears of Asian Americans at home. The logic that justified Japanese internment during World War II had returned: policies that restricted the civil liberties of those who looked like the enemy were perfectly warranted so long as it was in the interest of national security. As Bruce Cumings stresses, China's entry into the Korean War cast Asians as an "enemy race" that sought to destabilize the global political order.[36] Asians, including Asian Americans, were perceived as enemies who were part of a global communist mission seeking to destroy the American way of life. Popular portrayals of American involvement in Asia such as a 1962 film titled The Manchurian Candidate emphasize how pervasive this logic was even nine years after the war ended. In the film, a platoon of U.S. soldiers become brainwashed by evil Korean communists, becoming part of an international communist conspiracy to undermine the U.S. government.

In 1949, the federal government's conviction of eleven Communist Party members for teaching or advocating the overthrow of the U.S. government established a precedent for imprisoning both citizens and non-citizens for their political beliefs. This was followed by the 1950 Emergency Detention Act, which gave the U.S. Attorney General the authority to establish concentration camps for anyone who might be deemed a domestic threat in a national emergency. Like Japanese-Americans who were interned during World War II, the Asian Americans who were commonly perceived as behind enemy lines often had no connection to their ancestral homeland. Many were first- or second-generation immigrants for which America was their only home and culture. Regardless, widespread anger and fear over China's loss prompted the United States to implement policies that upheld

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35  Dr. Cary Fraser, "Crossing the Color Line in Little Rock: The Eisenhower Administration and the Dilemma of Race for U.S. Foreign Policy", Diplomatic History 24 no.2 (2000)

36  Bruce Cumings, "American Orientalism at War in Korea and the United States: A Hegemony of Racism, Repression, and Amnesia" in Orientalism and War, ed. Tarak Barkawi and Ketih Stanski (Oxford, UK: Oxford University Press, 2013)

the ability of the U.S. government to punish citizens for their political beliefs, many of which were based on assumptions from American encounters with the Asian enemy abroad.

One of the first major pieces of legislation that responded to fears of the Communist threat at home was the McCarran Internal Security Act, which passed on September 23rd, 1950.

The Act was established by Democratic Senator Pat McCarran, who was a supporter of Joseph McCarthy. McCarran was firmly convinced that immigrants were bringing communism to the United States. The Act required communist organizations to register with the U.S. Attorney General and established the Subversive Activities Control Board (SACB), which prompted the investigation of those suspected of subversive activities or promoting totalitarian dictatorship. Citizens that were suspected or found in violation of the act could lose citizenship for up to five years or be detained; the Act also authorized state detention of persons suspected of espionage or sabotage in the event of an invasion, war or insurrection.[37]

The McCarran Act normalized and legitimized prejudices towards Asian Americans, despite the post-World War II characterization of some, but not all, Asian Americans as wartime allies. Ellen Wu states,

*Almost overnight the prevailing images of Chinese in the American public eye had metamorphosed from friendly (if weak) Pacific allies to formidable, threatening foes. Businesses reported losses as nervous clientele began canceling orders. Individuals became targets of verbal harassment and physical assaults, as was the case of one unfortunate Texan who was shot when mistaken for a 'Communist.'*[38]

Public hysteria and fears amongst policymakers would force Chinese-American communities to react. Unsurprisingly, Chinese-Americans were already extremely wary of U.S. policy after China's entry into the Korean War, especially after witnessing the effects of Japanese internment. Although the actual numbers of communists in Chinese-American communities were tiny, Chinese-American fears also led many Chinatown elites to support Chiang Kai-Shek. Many pro-Chiang Chinese elites ended up working with the FBI to suppress any expression of support for the new communist regime—the Trading with the Enemy Act, for example, prevented currency transfers to the People's Republic of China (PRC), including remittances to family.[39] The actions of Chinese-American and other Asian American communities to collaborate with the government did not necessarily quell fears amongst decision-makers, however; the United States' intervention in Asia exaggerated an "Us vs. Them" mentality that remained ingrained in the American consciousness.

Despite passing in Congress, the McCarran Act was vetoed by Truman. True to his concerns of America's perception in international politics, he justified his veto with the potential negative consequences of the legislation on the conduct of foreign affairs, emphasizing how the passing of the Act would help communists in their attempt to undermine American freedom. In

37   Ellen Wu, The Color of Success: Asian Americans and the Origins of the Model Minority
38   Ibid., 111
39   Lee, "The Cold War Origins of the Model Minority Myth," in Orientals: Asian Americans in Popular Culture, 152

a speech on September 22, 1950, Truman stated, "But in actual operation the bill would have results exactly the opposite of those intended…It would help the Communist propagandists throughout the world who are trying to undermine freedom by discrediting as hypocrisy the efforts of the United States on behalf of freedom."[40] The suggestion that the U.S. could not betray its tradition of freedom of expression because it would help communists undermine American liberties attested to the importance of promoting the American commitment to freedom and democracy, at least in the eyes of the public.

> ## PREACHING WESTERN LIBERAL VALUES IN THEORY WERE NOT ENOUGH TO OFFSET ANTI-COLONIALIST SENTIMENTS AND RACE-BASED MOVEMENTS IN THE THIRD WORLD.

*The Filipino Uprising and the Hukbalahap Rebellion*

The United States' domestic response to the CCP victory and the Korean War propelled Asian Americans to the forefront of concerns regarding national security and the conduct of foreign affairs. In a region of Asia south of the equator, another popular uprising was also starting to brew. The Hukbalahap (Huk) Movement, which had initially begun as an anti-Japanese guerrilla force during World War II, merged with the Communist Party in the Philippines in 1950. Partially a response to the internal distributions of wealth—inequalities which U.S. policies had done little to curb when the Philippines was a U.S. colony—the Huk movement mainly targeted wealthy Filipinos who collaborated with the Japanese during the war.[41] Eventually, the Huks seized numerous large estates in central Luzon and established a regional government, collected taxes, and even administered their own laws.

After the Philippines gained independence in 1946, the Huk movement started to gain more momentum and eventually led to a popular uprising. The containment doctrine, as well as previously established fears of a communist takeover in Asia, allowed the U.S. to suppress the uprising, working together with the Philippine establishment to curb the rebellion. Many members of the Huk Rebellion called for the removal of American military bases, which the U.S. viewed as a "direct geopolitical threat."[42] As a result, Truman authorized large shipments of military supplies to the Manila government under Ramon Magsaysay, which would prove effective in suppressing the rebellion. The U.S. also spent special military advisors to the Philippines to develop counterinsurgency tactics that would later be used in the Vietnam and Indochina Wars.[43] Perceptions of the Filipino threat were highly connected to the loss of China and the view that China was attempting to expand its influence in the Asiatic region. In John Foster Dulles' address of Secretary in 1957, he states:

> *[The Chinese Communist Party] retains power not by will of the Chinese people, but by massive, forcible repression. It fought the United Nations in Korea, it supported the Communist war in Indochina; it took Tibet by force. It*

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40   Harry S. Truman, "Veto of the Internal Security Bill" (Harry S. Truman Presidential Library and Museum, 1950)
41   Rick Baldoz, "Asian Americans During The Cold War" in Finding a Path Forward: Asian American Pacific Islander National Historic Landmarks Theme Study, ed. Franklin Odo (Washington, D.C.: U.S. Government Publishing Office), 227

*fomented the Communist Huk rebellion in the Philippines and the Communists'*
*insurrection in Malaya. It does not disguise its expansionist ambitions. It is*
*bitterly hateful of the United States, which it considers a principal obstacle in the*
*way of its path of conquest.*[44]

## THE UNITED STATES' INTERVENTION IN ASIA EXAGGERATED AN "US VS. THEM" MENTALITY THAT REMAINED INGRAINED IN THE AMERICAN CONSCIOUSNESS.

These perceptions of threat also resulted in political consequences for Filipino-Americans. As demonstrated by the McCarran Internal Security Act, the United States was both willing and able to persecute individuals on the basis of their political beliefs, and policies towards Filipino-American communities were no different. Along with prior beliefs that established Asians as the enemy, the United States began to perceive transnational networks linking Filipino leaders and Filipino-American activists as a major threat, pursuing domestic policies that specifically targeted Filipino-Americans. These policies included the aggressive persecution of Filipino labor leaders and the monitoring of Filipino activists. An activist named Carlos Bulosan, a high profile Filipino-American writer who chronicled the Filipino-American experience from the 1930s to the 1950s, was an avid supporter of the Huks and attempted to mobilize support for them amongst American leftists.[45] As a result, he was blacklisted and surveilled by the FBI.

The U.S. government also targeted Filipino members of the International Longshoremen's and Warehousemen's Union (ILWU), who were known for their daunting critiques on white supremacy and anti-imperialist views. Filipinos and other Asian Americans had dominated the workforce in Alaskan canneries since the 1900s, comprising a majority of the ILWU. They distributed materials that served to educate Asian American communities on the failures of the American political system to truly promote a multiracial society, including a pamphlet entitled "The McCarran Act: 57 varieties of union harassment: a digest and analysis of the Internal security act of 1950." According to the University of Washington Seattle Civil Rights and Labor History Project, "the unionization of workers in the Alaska canneries and the fields of western Washington gave Filipinos an important tool to fight for better wages and working conditions and also for civil rights."[46] The ability of activists such as ILWU members to point out the civil rights violations of the U.S. government, however, also meant that they contradicted the image of the multiracial democracy that the United States wanted to depict to audiences abroad. "Liberals of the time envisioned Asian inclusion as adaptation to white, middle-class norms and behaviors... Asians would need to 'earn' legitimation as fellow citizens by performing in ways deemed acceptable by the state and other powerful actors," Madeleine Hsu and Ellen Wu said. "This meant that only those who were sufficiently patriotic, anti-communist, heteronormative, and upstanding could pass muster."[47] Filipino-American members of the ILWU certainly did not fit the bill. As a result of their activism and the United States' geopolitical entrenchment in

44  John Foster Dulles, "Address by the Secretary of State, San Francisco, June 28, 1957" in FOREIGN
RELATIONS OF THE UNITED STATES, 1955−1957, CHINA, VOLUME III (Washington, DC.:Office of the Historian, U.S. Department of State)
45  Rick Baldoz, "Asian Americans During The Cold War", 227
46  "Filipino Cannery Unionism Across Three Generations 1930s-1980s" in Seattle Civil Rights & Labor History Project (Seattle: University of Washington, n.d.), http://depts.washington.edu/civilr/Cannery_intro.htm
47  Hsu and Wu,"Smoke and Mirrors": Conditional Inclusion, Model Minorities, and the Pre-1965 Dismantling of Asian Exclusion, 55

Asia, members of the ILWU were investigated by federal authorities for alleged communist sympathies, and hundreds were arrested or arbitrarily deported for their subversive political beliefs.

The United States' domestic response to the Huk Rebellion, while certainly not as broad in scope as the McCarran Act, stoked underlying racialized fears about Asian Americans solidified the means of threat perception that had provided much of the justification for the McCarran Act. The emphasis on the transnational nature of the Asian communist threat would shape policies regarding Asian immigration and the political identity of Asian Americans in the years to come. It would also contribute to the continued fears of an ideological takeover, with decision-makers such as Dulles viewing Asian countries as both particularly vulnerable to and seeking to exert communist influence.

*Chinese Confession Program*

The perception of a transnational Asian threat profoundly impacted Chinese-American communities. In 1955, U.S. consul in Hong Kong Everett F. Drumwright, issued a report warning that communist China was making use of "massive fraud and deception to infiltrate agents into the US undercover as immigrants," providing a rationale for FBI and INS raids into Chinatowns across the country.[48] Chinatowns were flooded with public notices, street fliers, and warnings of potential spies and subversives that only exacerbated the underlying fear of the McCarran Act. More importantly, the Drumright Report also called for federal investigations and subpoenas of Chinese-American populations in order to investigate Chinese immigration fraud, which had become a prevalent issue at the time. In 1950, at least 25% of the Chinese-American population was undocumented, and most were in the U.S. as a result of fraud and surreptitious entry.[49] Most of the undocumented population consisted of "paper sons:" people who had immigrated to the U.S. during the first half of the 20th century by

## PERCEPTIONS OF THE FILIPINO THREAT WERE HIGHLY CONNECTED TO THE LOSS OF CHINA AND THE VIEW THAT CHINA WAS ATTEMPTING TO EXPAND ITS INFLUENCE IN THE ASIATIC REGION.

posing as sons of naturalized Chinese-American immigrants. Due to this system of paper immigration, the discovery of one fraudulent claim could implicate about 30 other individuals.

Ending paper immigration, however, was not as easy as government officials envisioned. Even if white officials regarded Asian Americans as potentially disloyal because of their ancestry and supposed connection to enemies in Asia, authorities could no longer make publicly make such claims.[50] This also meant that Immigration and Naturalization Services (INS) could no

48   Lee, "The Cold War Origins of the Model Minority Myth," 153
49   Mae Ngai, "Legacies of Exclusion: Illegal Chinese Immigration during the Cold War Years" in Journal of American Ethnic History Vol. 18, No. 1 (University of Illinois Press, 1998)
50   Brooks, Between Mao and McCarthy: Chinese American Politics in the Cold War Years, 158

longer operate in the same way they had before. The national embarrassment of the U.S. government failing to address civil rights was too prominent, and the issue was one that both the Truman and Eisenhower administrations sought to address. At the time, President Eisenhower was also dealing with the delicate situation of the Quemoy-Matsu crisis, a military conflict between China and the ROC which had exacerbated tensions between the United States and China. Moreover, many Chinese-Americans across the country were extremely frustrated, and multiple communities on the west coast had started to become more affiliated with liberal politicians. Chinese activists and leaders like Chinese-Americans Citizens Alliance (CACA) President Henry Lem forced the government to respond to concerns of Chinese activists who emphasized that Chinese exclusion was the cause of Chinese illegal immigration. The subpoenas and investigations by the Department of Justice, as prompted by the Drumright report, had to be replaced with something slightly more accommodating, so long as it did not appear like the government was pandering to those who were perceived as intimately connected with communist conspirators in Asia.

After blanket subpoenas were thrown out in March 1956, the Chinese Confession Program officially started in 1956. The program was set up to prevent communists from entering the U.S. fraudulently and requested that Chinese-Americans with paper citizenship come forward in exchange for "amnesty." While they were offered immunity from prosecution, they were still subject to deportation, and the program was more of an administrative adjustment for confessors as opposed to an actual method of integration. As Cindy I-fen Cheng argues, the government relied on the Chinese Confession Program to "reinstate illegal immigrants back into the alien/citizen dichotomy."[51] Rather than integrating undocumented Asian immigrants as American citizens, it placed the responsibility on Asian Americans themselves to claim their own legality as American citizens. Many Chinese-Americans ended up outing close friends and relatives in exchange for immunity from the lack of persecution. It was also likely the best deal that Chinese-Americans could have received at the time in the midst of the anti-communist hysteria that had swept up the United States.[52]

## CHINATOWNS WERE FLOODED WITH PUBLIC NOTICES, STREET FLIERS, AND WARNINGS OF POTENTIAL SPIES AND SUBVERSIVES THAT ONLY EXACERBATED THE UNDERLYING FEAR OF THE MCCARRAN ACT.

At least 11,336 Chinese-Americans entered the Chinese Confession Program, implicating another 19,124 people and subsequently closing off 5,800 slots for citizenship.[53] The main problem underlying the Chinese Confession Program was that it utilized a method of selective enforcement. The INS could choose whom they wanted to deport, and the U.S. government's prior focus on stripping those with "subversive" political beliefs of their citizenship and liberties meant that those perceived as political radicals would be more subject to deportation,

51  Cheng, Citizens of Asian America - Democracy and Race During the Cold War, 187
52  Brooks, Between Mao and McCarthy: Chinese American Politics in the Cold War Years, 178-179
53  Cheng, Citizens of Asian America - Democracy and Race During the Cold War, 187

even when the actual number of leftists in Chinese-American communities was minuscule.[54] Secondly, the program was unreliable. It was often difficult to verify the claims of paper citizens because the documentation was not there in the first place. Mae Ngai stresses that authorities found paper immigration to be nearly impossible to eliminate, as it rested on documentation that was created by the State. "Just as oral testimony and interrogation helped create that body of evidence, 'confession' became the only method of proving its fraudulent character."[55] In other words, confessions were almost just as unreliable as the testimonies of the Asian immigrants who claimed to be paper sons.

After decades of facing racism and discrimination from the state, Chinese confessions were also not necessarily predicated on any sense of trust between Chinese communities and the government. Most Chinese-Americans were skeptical of the government's ability to help them, and rightly so, since they had lived under the shadow of the Chinese Exclusion Act, Japanese internment, and the recent McCarran Act. While the program resulted in the arrest of New York illegal immigration racket kingpin Sing Kee, it also led to the arrest of individuals like Maurice Chuck, a radical San Francisco journalist who was trapped by the confession and courtroom testimony of his own (real) father. Chuck was convicted, stripped of his paper citizenship, and sent to prison; although his father's confession had exposed him, Chuck shared a hotel with his father during the trial, who wept every night.[56] Cases like Chuck's demonstrate that the Chinese Confession Program did not necessarily accomplish its goal of disrupting transnational networks of communist subversives. Rather, it generated widespread confusion and discord amongst Chinese American communities, operating on Chinese-Americans' fears of potential persecution.

Prioritizing the elimination of paper immigration contributed to the perception that Chinese-Americans were "unscrupulous, devious, and immoral."[57] Aside from the presumption that all persons of Chinese descent in America were illegal immigrants, the dichotomy of "Good China" (the ROC) versus "Bad China" (the PRC) also forced Chinese-Americans to pick sides in policies that sought to restrict their civil liberties. It encouraged prominent community leaders to emphasize transnational strategies as a response to the American perception of Asian Americans as holding a deeper connection to Asia than they might have. Before the Chinese Confession Program, Chinatown organizations such as the Chinese Consolidated Benevolent Association (CCBA) coordinated with the INS and the FBI to suppress left-wing, pro-PRC opponents through programs of domestic surveillance, repression, and deportation.[58] Yet, when CCBA-NY relied on ROC officials to protest against the initial Drumright probe in 1956, the KMT government proved unable to help—according to one CCBA-NY member, the KMT government was "so weak and corrupt it makes one sigh."[59] When the members were unable to produce tangible results for Chinese-Americans, many Chinese-Americans

54  Brooks, Between Mao and McCarthy: Chinese American Politics in the Cold War Years, 177
55  Mae Ngai, "Legacies of Exclusion: Illegal Chinese Immigration during the Cold War Years" in Journal of American Ethnic History Vol. 18, No. 1 (University of Illinois Press, 1998), 7
56  Roger Daniels, Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882 (Hill and Wang, 2005)
57  Ngai, "Legacies of Exclusion: Illegal Chinese Immigration during the Cold War Years", 6
58  Wu, The Color of Success: Asian Americans and the Origins of the Model Minority, 397
59  Brooks, Between Mao and McCarthy: Chinese American Politics in the Cold War Years, 174

also lost faith in the ROC's ability to protect Chinese-American rights, and a transnational political identity was abandoned in favor of a more local one.

*Asia First and the Cultural Narratives of Race*

While Asian Americans faced racially targeted policies at home, Republicans had already begun to develop an "Asia First" policy stance in an attempt to separate themselves from the Democratic presidency of Truman. The Asia First policy outlook brought a new dimension to Asian American identity at the time and was integral in enhancing the role that Asian Americans played in national politics. Although policies like the McCarran Act targeted Asian American populations, the sense that the United States was responsible for China's post-war destiny under Asia First conveyed that Asian Americans had a real stake in national decisions regarding foreign affairs.

Aside from China's alliance with the U.S. in the Pacific War and U.S. support for the KMT government, there were other early indications of a policy tilt towards Asia. Before Truman was elected, a document named "The Manchurian Manifesto" was published in 1946 that protested the Soviets' expanding influence in Manchuria and largely blamed the U.S. for what happened to China at Yalta.[60] In 1947, the U.S. wanted to reconstruct Japan's pre-war economic machine as a foil to possibly revolutionary China, and Japan was perceived as playing a large role in bridging the markets of Southeast Asia and the U.S. market.[61] The adoption of China as a signature foreign policy issue from the Chinese Revolution onwards was accompanied by skeptical leaders who were wary of troops getting further involved in European affairs. Many also blamed Truman for the "loss of China" after the victory of the CCP. A pro-Chiang position that funneled more funding into Asia was therefore a partisan approach to the perceived weakness of the Democrats in dealing with policy issues concerning Asia.

One of the largest proponents of Asia First was GOP Senator Robert A. Taft of Ohio.

Taft, along with other House Republicans, criticized Truman harshly on his policies towards China leading up to the 1948 election. The rigid dichotomy of Communist and Non-Communist--wherein Mao was Communist and Chiang was not--meant that the U.S. automatically had to support Chiang. Truman's weak support for Chiang and his nationalist government was, therefore, a main point of contention. "I believe very strongly that the Far East is ultimately even more important to our future peace and safety than is Europe. We should at least be as much concerned about the advance of Communism to the shores of the Pacific...as we are to its possible advance to the shores of the Atlantic,"[62] stated Taft in a speech to the Economic Club of Detroit.

After the CCP's victory in 1950, the establishment of the PRC entrenched further impressions that America was losing the Cold War. The idea that the United States should serve as China's protector magnified how much of a loss China appeared to be, and the question of "Who lost China?" haunted the Truman administration in the years to come. In her work on American conservatism in

60  Joyce Mao, "Up from Isolationism" in Asia First: China and the Making of Modern American Conservatism (Chicago: University of Chicago Press, 2015)
61  Lee, "The Cold War Origins of the Model Minority Myth," 156
62  Robert A. Taft, ed. Clarence E. Wunderlin, The papers of Robert A. Taft (Kent, OH: Kent State University Press, 1997-2006)

regards to China policy, Joyce Mao emphasizes that the downfall of a free China "easily compounded perceptions of the free world rapidly disintegrating, which in turn led to a belated appreciation of Free China as a bulwark against the spread of communism and an assumption that the American Pacific Rim was in danger."[63] It also didn't take long for Republicans to utilize the loss of China to their advantage, transforming China into a partisan issue. In his 1951 book titled A Foreign Policy for Americans, Taft portrayed Asia as American foreign policy's Achilles Heel. He argued that prioritizing Asia was a matter of basic fairness: why shouldn't the U.S. grant Asian allies the same amount of attention and support as they had given to European ones? To support his argument, Taft frequently cited what happened in China during the late 1940s as the best examples of liberal foreign policy failures—from Roosevelt conceding too much at Yalta to Truman abandoning the KMT, it was clear where Taft and other Republicans stood in relation to Democrats on the issue of Asia.

Perceptions of Asian Americans also influenced the conduct of Asia First, especially those that continued to conceive Asian Americans as transnationally linked to the political ideologies of communist countries in Asia. During the Chinese Confession Program, community Republicans often fought against Chinese American activism that sought to frame immigration subpoenas from the Department of Justice as a racial issue instead of a transnational one.[64] Liberal Democrats such as former California Assemblyman Phil Burton, while campaigning for a State Assembly seat to unseat a 24-year old Republican incumbent, tapped into his liberal network to help defend the Chinese-American community during the initial DoJ probes.[65] Several congressional representatives in California responded and questioned the probes directly, earning the support of many Chinese-Americans. After witnessing the targeted impact of racialized responses to the war in Asia, Asian Americans were also quite aware of the fact that government officials often viewed them in conjunction with Asian populations overseas. Republicans such as Rollins MacFayden, a white American Legion member, urged Chinese conservatives to form branches of the California Republican Assembly, assuming that "the primary interest of the "Orientals" [with] whom he organized was Asia policy."[66]

The attempts to conflate the interests of Asian American communities with national interests in Asia policy contributed to the perceived foreignness of Asian Americans, reinforcing stereotypes of the perpetual foreigner. Simultaneously, Asia First also transformed Asian American identity by accentuating its role in both national and local politics, paving the way for strategic public and cultural diplomacy that further underscored the role of Asian Americans in foreign affairs. The U.S. government's fear that ethnic Chinese and Asians in America were susceptible to political seduction by communist China and other

> ALTHOUGH HIS FATHER'S CONFESSION HAD EXPOSED HIM, CHUCK SHARED A HOTEL WITH HIS FATHER DURING THE TRIAL, WHO WEPT EVERY NIGHT.

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63   Joyce Mao, "Up from Isolationism", 23
64   Brooks, Between Mao and McCarthy: Chinese American Politics in the Cold War Years, 165
65   Ibid.
66   Ibid.

Asian communist countries did not only manifest in the form of targeted racial policies like the Chinese Confession Program. As part of the project to promote U.S. democracy at home and abroad, the U.S. government also made it a priority to include semi-assimilated Chinese-Americans in Cold War narratives of race to demonstrate the superiority of America's "multiracial" and liberal democracy. As Hsu and Wu emphasize, Asian Americans' "links to Asia were remade into assets amidst the geopolitics of World War II and the Cold War."[67]

Such attempts to include Asian Americans in the dominant narrative and eventual goal of racial integration was often reflective of shifting, conflicting attitudes and policies towards Asian Americans. The impact of films and books was particularly prominent in perpetuating a sense of "dual identity" amongst Asian Americans that merged both American and "Asian" elements that never presented as fully American. Prominent authors such as Jade Snow Wong, Pardee Lowe, and C.Y. Lee dominated the Asian American cultural zeitgeist, and Christina Klein underscores how essential their cultural depictions of the Asian American identity were to the goal of "driving the reformulation of American national identity as a pluralistic nation of immigrants."[68] This again emphasizes the importance of domestic racial politics in the conduct of Cold War foreign affairs, with policy stances such as Asia First providing even more momentum for the heightened representation of Asian Americans both culturally and politically. The rising political prominence of Asian Americans was incredibly significant in the context of the actual Asian American population at the time: from the 1940s to the 1950s, the Asian American remained relatively constant, consisting of approximately only 0.2% of the American population.[69] This percentage is less than 3.5% of the Asian American population today.

Stories of Asians popularized in books and films often focused on individualized assimilation and the ethnic qualities of Asian individuals, spotlighting various elements of Asian culture as a nod to American multiculturalism. Take the 1956 film Sayonara, a drama about an interracial romance in the Cold War era between American Air Force flier named Ace and Japanese performer Hana-Ogi. Set against an anachronistic backdrop of scenes from exoticized Japan, Ace falls in love with Hana-Ogi on his deployment during the Korean War. The couple remains in love, but Ace cannot marry Hana-Ogi under U.S. law, and Hana-Ogi is sent back to Tokyo. Another romance in the film between one of Ace's colleagues and his Japanese lover end in a double suicide, prompting Ace to realize his true love for Hana-Ogi. At the end of the film, Ace is told that laws were being passed in the United States to allow interracial marriage, upon which he rushes to find Hana-Ogi in Tokyo, eventually pleading Hana-Ogi to marry him. Consider that Sayonara was released two years before the landmark case Loving v. Virginia, the Supreme Court decision that struck down barriers to interracial marriage across all states. On one hand, Robert Lee notes that the movie highlighted the "anti-communist necessity of 'ethnic liberalism' that presents Hana-Ogi as a model of ethnic assimilation."[70] On the other hand, the film hinged on emphasizing the differences between the two

67    Hsu and Wu, ""Smoke and Mirrors": Conditional Inclusion, Model Minorities, and the Pre-1965 Dismantling of Asian Exclusion," 54
68    Klein, Cold War Orientalism: Asia in the Middlebrow Imagination, 1945-1961
69    "Table C-7. Asian and Pacific Islander, for the United States, Regions, Divisions, and States: 1940 and 1950", US Census, https://web.archive.org/web/20141008181816/http://www.census.gov/population/www/documentation/twps0056/ta bC-07.pdf (September 13, 2002)
70    Lee, "The Cold War Origins of the Model Minority Myth," 162

ASIAN AMERICANS WERE ALSO QUITE AWARE OF THE FACT THAT GOVERNMENT OFFICIALS OFTEN VIEWED THEM IN CONJUNCTION WITH ASIAN POPULATIONS OVERSEAS.

protagonists, suggesting that interracial marriages and interracial families—particularly those between white men and Asian women—presented a solution to the problem of racial discrimination in the United States.

In the 1961 film Flower Drum Song, dual-identity characters such as Mei Li possessed political value precisely because their non-American parts connected America to the rest of the world. Originally a novel, the film version focuses on eldest son Wang Ta's romantic choices between two women: American born, completely assimilated Linda Low, or recent Chinese immigrant Mei Li. Throughout the film, Linda Low and Mei Li are juxtaposed with each other, with Mei Li portrayed as the epitome of traditional "Asian" femininity as opposed to Linda's American sensibilities. Linda, like other cultural conceptions of a typical American woman, dresses in American clothing and talks about which men she wants to date. In contrast, Mei Li wears the Hollywood version of a traditional Chinese dress, sings with a notable accent, and bows often, presenting with a modest and shy demeanor. Although the protagonist Wang Ta starts out in love with Linda, he ends up marrying Mei Li. Thus, there is a clear process of privileging Mei Li, a character that highlights Asian foreign-ness and cultural difference, as opposed to Linda, who epitomizes assimilation and integration into American society.[71] In both Sayonara and Flower Drum Song, the ethnicities and cultures of Asian individuals are fetishized in a way that ignores the historic racial dynamics and lived experiences of Asians in the United States, presenting Asian Americans in an ahistorical vacuum. Individualized notions of "assimilation" but not full integration underscored that overcoming racial discrimination could be done through the hard work and determination of individuals instead of dismantling systemic wrongs. Such depictions also further solidified any notions of Asian Americans as permanent foreigners, or as literary critic Frank Chin describes, "racialized aliens forever identified with countries they may never have seen."[72]

Aside from their roles in films, Asian Americans also played a prominent role in America's conduct of public diplomacy. Other than agencies such as USIA that sought to disseminate American propaganda to the Third World, Washington also sent Asian Americans such as Jade Snow Wong on a 45-stop speaking tour through Asia in 1952, and Congressman Dalip Saund on a similar tour in 1957. Wong, a Chinese American author of popular autobiography Fifth Chinese Daughter, was the first Chinese American sent overseas by the State Department, receiving varied welcomes as she stopped in countries like Japan, the Philippines, Hong Kong, Malaya, Thailand, Burma, India, and Pakistan. Saund was the first Asian American elected representative in Congress, and like Wong, stopped in many of the same countries as an official representative of the House Foreign Affairs Committee.[73]

Wong, for the most part, spoke about the United States and the possibilities it offered for Chinese-Americans. As Klein reiterates, "Wong understood her 'dual heritage' as a political asset for the nation, one that allowed her to internationalize the role of cultural mediator that she had constructed in her autobiography."[74] Not only did Wong defend America from charges

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71  Klein, Cold War Orientalism: Asia in the Middlebrow Imagination, 1945-1961

72  Ibid, 240.

73  Hsu and Wu, "Smoke and Mirrors": Conditional Inclusion, Model Minorities, and the Pre-1965 Dismantling of Asian Exclusion", 54

74  Klein, Cold War Orientalism: Asia in the Middlebrow Imagination, 1945-1961, 240

of racism and discrimination, but she also shifted the blame for the effects of discrimination to Asian Americans themselves. Similarly, Saund understood his duties as operating on two levels: one was to study mutual security between Asia and the United States, and the second was to "present [him]self as a living example of American democracy in practice."[75] The latter was reiterated over and over again on his tour, with Saund telling attendees at a luncheon in Bombay (Mumbai) that any claims of prejudice against Indian-Americans or people of Indian descent were untrue. The logic of prioritizing individual faults over systemic wrongs would come to define the very crux of the model minority myth: as long as one exemplified certain traits of hard work and discipline, they could overcome racism in American society.

Even though State Department officials considered Wong and Saund's tours a triumph for Cold War diplomacy, they made the same mistake that many of their colleagues at home did—they overemphasized a sense of transnational Asian identity and conflated the Asian American experience with a generalized and monolithic pan-Asian one. Hendrik Van Oss, a foreign officer at the time, reiterated, "Miss Wong's life demonstrates the success that Asians can achieve in America…her speech and outlook clearly showed that she is accepted as an American, and this in itself was powerful counteraction to the reports of racial discrimination which have received wide publicity here."[76] Even though Wong received some warm welcomes on her tour, many audiences were more critical, questioning her authenticity as a "true Chinese" person. It turned out that overseas Asian audiences did not have experiences as monolithic as State officials thought, and Chinese identity did not necessarily unite all persons

## THE IMPACT OF FILMS AND BOOKS WAS PARTICULARLY PROMINENT IN PERPETUATING A SENSE OF "DUAL IDENTITY" AMONGST ASIAN AMERICANS...

of Asian descent. In Malaya, for example, one man confronted Wong, asking her if she was really implying that there was no racial prejudice in the United States at all. Being the diplomat that she was, Wong responded with how Asian Americans create a happy life for themselves in the United States regardless of prejudice and discrimination.

At home, the government actively emphasized the successes of select groups of East and South Asians to emphasize the rising status of Asian Americans in U.S. society. Notable firsts like Judge John F. Aiso in 1953 (the first Japanese-American judge) and Judge Delbert Wong in 1959 (the first Chinese-American judge) were often used as signaling by the state.[77] At the time, California Governor Edmund G. Brown had asked Judge Wong to fly to

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75   Hsu and Wu, "Smoke and Mirrors": Conditional Inclusion, Model Minorities, and the Pre-1965 Dismantling of Asian Exclusion", 54
76   Ellen Wu, ""America's Chinese": Anti-Communism, Citizenship, and Cultural Diplomacy during the Cold War" in Pacific Historical Review, Vol. 77, No.3 (University of California Press: August 2008), 391-422
77   Cheng, Citizens of Asian America - Democracy and Race During the Cold War, 111

Sacramento as part of a planned conference, and mainstream media like the U.S. News and World Report, Newsweek, and the New York Times ran stories that featured the successes of Asian Americans like Wong and Aiso to discredit the claims of Black civil rights leaders.[78] The American government continued to actively recognize and promote racialized minorities as part of the post-World War II, Cold War order, and elected officials and news organizations were often aware of how elevating the status of Asian Americans could work to establish the credibility of U.S. democracy.

## THE 1960S AND THE RELATIVE POSITIONING OF ASIAN AMERICANS

The experiences of Asian Americans in the 1950s, as well as the policies and cultural depictions that represented the fraught paradoxes of America's claims to a multiracial democracy, significantly influenced the political identity of Asian Americans in the 1960s. Although perceptions of foreign-ness and Asians as the enemy never truly escaped the American consciousness, "Asia First" and the heightened role that Asian Americans played in foreign affairs would elevate Asian Americans to a position they had never previously occupied in the racial structures of the United States. Even though this paper does not explore the implications of the United States' geopolitical involvement in Asia during the 1960s on Asian Americans, I argue that the legacy left by policymakers and government officials from the 1950s were extremely remarkable in transforming the relative status of Asian Americans in the 60s.

The status of Asian Americans in American society in relation to African Americans is still a hotly debated topic today. Amy Chua, author of infamous autobiography Battle Hymn of the Tiger Mother, also published a book named The Triple Package in 2014, seeking to explain why certain groups in America did better than others. The book mostly attributed common measures of success such as socioeconomic class to specific cultural traits that were more present amongst ethno-racial groups such the Chinese, the Jewish, and Nigerians. Many critics opposed the book on the account that it ignored institutional and systemic barriers—a fair criticism, especially since "less successful" groups such as African Americans and Hispanic Americans have faced different sets of institutional obstacles that Asian Americans have since the 1960s. Chua's logic was similar to that of the 60s, wherein popular attitudes conceptualized how inherent ethnic characteristics such as hard work and individual uplift could contribute to the vision of a racially harmonious society that defined Cold War politics. This subsequently emphasized a society where the state played a neutral role in race.

Asian Americans, especially those of East Asian descent, were bolstered by the model minority relative to African Americans. Images of Asian American uplift were shown in contrast to the supposed "criminality" of African Americans in the civil rights movement, even while African Americans were portrayed similarly in national concerns regarding the treatment of racial minorities within America's borders. In an amicus brief by the Department of Justice on Brown v. Board of Education (1954), the Attorney General explicitly urged that "The existence of discrimination against minority groups in the U.S. has an adverse effect upon our relations with other countries. Racial discrimination

> NOT ONLY DID WONG DEFEND AMERICA FROM CHARGES OF RACISM AND DISCRIMINATION, BUT SHE ALSO SHIFTED THE BLAME FOR THE EFFECTS OF DISCRIMINATION TO ASIAN AMERICANS THEMSELVES.

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78    Ibid, 114.

furnishes grist for the Communist propaganda mills, and it raises doubts even among friendly nations as to the intensity of our devotion to the democratic faith."[79] This indicated that the U.S. government saw the value in furthering the economic, social, and political status of African Americans in American society, mainly because it would help boost their reputation abroad. At a certain point, however, the U.S. began to see more value in promoting images of Asian American upward mobility and integration. Asian Americans were therefore much more advantaged by public opinion and institutional changes during the 1960s, and one primary reason for this was the emergence of the model minority myth.

The model minority myth perpetuated that Asian Americans had inherent cultural values that helped them succeed despite racial discrimination. In a 1966 New York Times article titled "Success Story, Japanese-American Style," sociologist William Peterson claimed that Japanese-Americans succeeded relative to "problem minorities" such as African Americans and Hispanic Americans because they held "Tokugawa" values like diligence, frugality, and achievement orientation.[80] Similar to the conceptions of transnationalism upheld in the 1950s, those of Japanese descent were automatically linked with the "alien" culture of Japan, even when Japanese-Americans consisted almost entirely of native-born U.S. citizens in 1965 (Japanese immigration had been barred between 1924 and 1965, when the Hart-Celler Immigration Act was enacted). Six months prior to the publication of the article, the Watts neighborhood riots had occurred in LA, where six days of rioting had incurred over $60 million in property damage as a result of a violent altercation between a crowd of African Americans and the police. [81] In the same year, a U.S. World and News Report article remarked that Asian Americans "faced more prejudice than Negroes today" due to Japanese internment, and most Americans seemed to forget Japanese internment was and still technically is constitutional—the original Korematsu decision has yet to be overturned by the U.S. Supreme Court.

As Robert Lee highlights in The Cold War Origins of the Model Minority Myth, the elevation of Asian American status to the position of model minority had less to do with the actual success of Asian Americans than to the perceived failure of African Americans to assimilate to a white majority culture.[82] One reason for this was due to how Asians were placed at the forefront of narratives of assimilation in the 1950s. The two-fold utility of the model minority myth included sending a message to the Third World that the U.S. was a liberal democratic state with upward mobility for people of color, and sending a message to African Americans that non-compliance would be punished.[83] This was more or less demonstrated by the subsequent conflict in the Johnson Administration in responding to black demands for racial equality. While Assistant Secretary of Labor Daniel Patrick Moynihan's Report on the

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79   Ruth Bader Ginsburg, "Brown v. Board of Education in International Context" (Washington DC: Supreme Court of the United States), https://www.supremecourt.gov/publicinfo/speeches/viewspeech/sp_10-25-04
80   William Peterson, "Success Story, Japanese-American Style" in New York Times (New York: January 9, 1966), https://www.nytimes.com/1966/01/09/archives/success-story-japane-seamerican-style-success-storyjapaneseamerican.html
81   "Civil Rights Digital Library: Watts Riots" (University of Georgia - Digital Library of Georgia, 2013), http://crdl.usg.edu/events/watts_riots/?Welcome
82   Lee, "The Cold War Origins of the Model Minority Myth", 145
83   Ibid.

Black Family underscored the dysfunctional nature of black families, President Johnson's speech at Howard University articulated a vision of social reform to combat poverty.

Following the publication of Peterson's article and the longer trajectory of Asian American political identity that had taken shape in the 1950s, Congress passed the Hart-Celler Immigration Act in 1965. The act abolished the national origins (race-based) quota system established in 1924 and instead adopted a hemisphere quota system that was based on world population distribution—quotas for Asian nations jumped from 100 to 20,000 immigrants a year. In the same year, the Chinese Confession Program ended, since the ability of Chinese immigrants to become naturalized made the paper-son strategy unnecessary,[84] and between 1971 and 1980, approximately 1.6 million Asian immigrants arrived on American soil, eclipsing the Asian American census population in 1950 by over 1.2 million. Between 1981 and 1990, 2.8 million more Asian immigrants arrived. The immediate effect of the Hart-Celler Act was an increase in Korean and Indian immigration, as well as a considerable increase in the number of Vietnamese and Southeast Asian immigrants who were affected by the Indochina Wars in the 1970s. Overall, the percentage of Asians in America increased from 0.2% in 1950 to 1.5% at the end of 1980.[85]

The logic of the model minority myth was even present in policies towards immigration and diplomacy. The U.S. employed strict screening techniques to recruit only the best immigrants from Asia to integrate into American life, and the ROC would also use screening techniques to ensure that emigrants would support their government against communist opposition and change.[86] The Hart-Celler Act cemented preferences for educated and skilled Asian workers, and employers assumed great powers in providing workers routes to immigration and permanent status,[87] resulting in the subsequent "brain drain" of highly educated and skilled individuals from countries such as China, Korea, and India. The preference for educated and skilled Asian immigrants would also further reinforce the model minority myth.

Popular perceptions casting Asian Americans as alien subversives did not disappear. The dominant narratives of race and citizenship that had been so salient during times of war persisted in the 1960s, resulting in a relative positioning of Asian Americans as sometimes "like whites," but definitely "not-black."[88] According to Claire Jean Kim's theory of racial triangulation, the relative positioning of Asian Americans in relation to whites and African Americans occurred via two processes, both of which were extremely significant in determining the trajectory of Asian American political identity during the early Cold War.

Under Kim's theory of racial triangulation, there is first the process of

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84  Daniels, Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882, 158

85  "Table C-7. Asian and Pacific Islander, for the United States, Regions, Divisions, and States: 1940 and 1950", US Census

86  Oyen, The Diplomacy of Migration: Transnational Lives and the Making of U.S.-Chinese Relations in the Cold War

87  Hsu, Madeline Y. Hsu, "Asian Americans and the Cold War" (Oxford Research Encyclopedia, May 2015), http://oxfordre.com/americanhistory/view/10.1093/acre-fore/9780199329175.001.0001/acrefore-9780199329175-e-44#acrefore-9780199329175-e-44-div1-4

88  Claire Jean Kim, "The Racial Triangulation of Asian Americans" in Politics and Society (SAGE Social Science Collections, 1999)

"relative valorization," wherein Asian Americans are valorized relative to African Americans. This process was especially emphasized by the political value of Asian Americans in relation to "Asia First," popular images of Asian American uplift and mobility, and cultural depictions of African Americans as comparatively more criminal in their fight for civil rights. The second process is that of civic ostracism, where whites constructed Asian Americans as immutably foreign and unassimilable with whites--often on cultural and racial grounds, in order to ostracize them from political participation. This was exemplified by the wartime perceptions of the Asian enemy, racially targeted policies towards Asian Americans such as the McCarran Act, as well as the cultural and political emphasis on differentiating Asian Americans from fully assimilable immigrants. Both these processes were amplified and enforced by the American mission of promoting the ideals of a multiracial democracy, as well as the United States' geopolitical interests in Asia as a result of World War II, the Chinese Revolution, and the Korean War. The political and ideological forces of the early Cold War, therefore, played a significant role in perpetuating perceptions of Asian Americans as both loyal Americans and alien subversives, allowing many of the institutions and mores which enforced mechanisms of white supremacy and racism to remain in place despite the consistent, repeated demands of African Americans.

> THE MODEL MINORITY MYTH PERPETUATED THAT ASIAN AMERICANS HAD INHERENT CULTURAL VALUES THAT HELPED THEM SUCCEED DESPITE RACIAL DISCRIMINATION.

### CONCLUSION

In 2017, NPR writer Kat Chow published an article that identified the model minority myth as being used as a "racial wedge" between Asian Americans and African Americans.[89] In response to a New York Magazine article praising Asian Americans as an exemplar in how to overcome discrimination, Chow underscores how the "perceived collective successes" of Asian Americans are a worn-out trope, and how these successes are often used to minimize the role that racism plays in the struggles of other minority groups. Such characterizations of tensions between Asian Americans and African Americans are a testament to the extent to which the relative positioning of Asian Americans as not white, but not black, has influenced American racial politics.

In addition to the racial triangulation of Asian Americans, this paper examines shifts in immigration and domestic policy, broader U.S. foreign policy goals, and certain facets of public opinion and community activism, in relation to their impact on Asian American communities in the United States. By emphasizing major turning points in Asian American history such as the 1950 McCarran Act or the policy shift towards "Asia First" in the context of maintaining a post-WWII, Cold War order, we can recognize the importance of U.S. foreign policy in Asia and its impact on the domestic racial environment.

89    Kat Chow, "'Model Minority' Myth Again Used As A Racial Wedge Between Asians And Blacks" in NPR (April 19, 2017), https://www.npr.org/sections/codeswitch/2017/04/19/524571669/model-minority-myth-again-used-as-aracial-wedge-between-asians-and-blacks

This environment was often situated against the broader American vision for a democratic, multiracial society, as well as the expansion of public and cultural diplomacy. The changing perceptions of Asian Americans during the early Cold War in the 1950s provided essential momentum for the development of the model minority myth and the perpetual foreigner myth in the decades to follow, contributing extensively to the relative positioning of Asian Americans in the context of other racial minorities. By investigating the early Cold War origins of these myths, I do not intend to identify a single source of causation for the changes that have affected Asian American communities, nor do I wish to debunk the empirical successes of Asian American immigrants and communities. My paper also does not focus on the politics of Third World solidarity and cross-racial perceptions during the Civil Rights movement, as I am mainly interested in showcasing the effects of foreign policy on domestic racial politics. Asian Americans' sociological perceptions of African Americans may have also impeded strides for cross-racial activism, which is a subject that requires further scholarship. The history of racial progress and the positioning of Asian Americans within American society has been influenced by a variety of complex factors that are beyond the scope of this paper.

Yet, the model minority and perpetual foreigner myths – two myths that were repeatedly perpetuated and reinforced during the early Cold War – continue to have implications on Asian Americans today. While Asian Americans as a whole have a higher median income than most Americans, the income gap amongst Asian Americans is the largest out of all racial groups, with subgroups such as Hmong-Americans and Cambodian-Americans having much lower incomes than Chinese-, South Asian-, and Korean-Americans. The characterization of Asian Americans as monolithic and unassimilable under the two tropes of the model minority and perpetual foreigner is dangerous and harmful. Popular perceptions of Asian Americans often paint us with a brush stroke as able to overcome racial prejudices through hard work and success, leading to discriminatory expectations and unequal treatment. Simultaneously, the myth of the perpetual foreigner reinforces common perceptions of Asian Americans as inherently foreign, regardless of what culture they may have grown up or surrounded themselves with. The popularization of such racial constructions reflects the lasting legacies of the Cold War and its often all-encompassing influence on domestic politics.

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# The Organization of American States & Democratic Erosion
## The Cases of Venezuela and Nicaragua

**L**atin America has experienced an unprecedented rise in democratic regimes since the 1990s.

In 1991, the new democracies gathered in Santiago de Chile to strengthen the Inter-American documents through Resolution 1080, allowing members of the Organization of American States (OAS) to protect and promote democracy by taking collective action in cases of coups and autogolpes. Following the autocratic regime of Alberto Fujimori in Peru, member states reinforced Resolution 1080 and approved the Inter-American Democratic Charter (IADC) in 2001, in an incredibly fast process of "complex multilateralism,"[1] where intense negotiations between big and small states took place in a matter of months. The IADC also permitted the OAS to assess cases of "unconstitutional alteration of the constitutional regime," such as constitutional and electoral crises. Nevertheless, existing literature shows how these primary instruments for the protection and promotion of democracy in the Americas have had mixed results in cases of democratic erosion.[2]

The increase in populist regimes in the 2000s undermined the basic principles and norms of the IADC, yet OAS members neglected assessing

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1   Andrew F. Cooper, "The Making of the Inter-American Democratic Charter: A Case of Complex Multilateralism," *International Studies Perspectives* 5, no. 1(2004): 92-113.
2   See Thomas Legler, Sharon F. Lean,  and Dexter S. Boniface, *Promoting Democracy in the Americas* (Baltimore: The Johns Hopkins University Press, 2007); Rubйn M. Perina, *The Organization of American States as the Advocate and Guardian of Democracy* (Lanham: University Press of America, 2015); Craig Arceneaux and David Pion-Berlin, "Issues, Threats, and Institutions: Explaining OAS Responses to Democratic Dilemmas in Latin America," *Latin American Politics and Society* 49, no. 2 (2007).

these situations of democratic deterioration. Probably the most emblematic cases have been the democratic erosion and authoritarian backsliding of Venezuela and Nicaragua. These countries have incumbents that abused power, undermined horizontal accountability, manipulated the media, intimidated opposition and civil society, and systematically skewed the electoral playing field to their advantages. The OAS failed to prevent the leaders of these two countries from continuing the strangulation of the democratic institutions in their countries. Nevertheless, OAS members progressively pressured and condemned Venezuela after 2017 and later Nicaragua in 2018 for their undemocratic behavior and human rights abuses. I argue that the OAS only took collective actions against these two countries due to gross human rights violations against the opposition. Only after those violations, OAS member states began keenly assessing situations of democratic backsliding and taking action in these situations.

In order to explain how the OAS started to pressure undemocratic regimes in Venezuela and Nicaragua, I will first analyze the path of democratic backsliding in these two countries. I will use the conceptualization of Waldner and Lust, where at least two of three dimensions of democratic governance (competition, participation, and accountability) are degraded.[3, 4] Additionally, I will proceed to analyze the "shifting balance of power that favors incumbents," where they "seek partisan advantage" that worsens at least two of the three democratic dimensions previously mentioned.[5] After assessing the emerging authoritarian regimes in Venezuela and Nicaragua, I will show that human rights abuses were necessary but not sufficient for OAS members to respond and intervene in these two cases.

## DEMOCRATIC EROSION IN VENEZUELA

Venezuelan democracy was one of the few and most stable democracies in Latin America during the second half of the 20th century.[6] However, the 1990s in Venezuela were marred by the degradation of civil liberties, low economic growth, and a corrupt political class that fragmented Venezuelan democracy. Hugo Chávez, the populist outsider winner of the 1998 presidential elections, took advantage of this political environment to transform the state through "plebiscitarian strategies," bypassing institutions and replacing horizontal for vertical accountability through top-down proposals.[7, 8] Since then, Chávez and his handpicked successor, Nicolás Maduro, have deteriorated Venezuelan democracy to install an authoritarian regime. Because "democracy's erosion is, for many, almost imperceptible," it became a hard task for multilateral institutions like the OAS to take notice of the worsening situation.[9] There are two stages of clear democratic erosion in Venezuela: from 1999 to 2005,

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3   See Annex 1.
4   David Waldner and Ellen Lust, "Unwelcome Change: Coming to Terms with Democratic Backsliding," *Annual Review of Political Science* 21, (2018): 95. https://doir.org/10.1146/an-nurev-polisci-050517-114628.
5   Waldner and Lust, "Unwelcome Change," 108-109.
6   Peter H. Smith and Cameron J. Sells, *Democracy in Latin America* (New York: Oxford University Press, 2017), 11.
7   Kurt Weyland, "Latin America's Authoritarian Drift: The Threat from the Populist Left," *Journal of Democracy* 24, no. 3 (2013): 17.
8   Takis S. Pappas, "Populists in Power," *Journal of Democracy* 30, no. 2 (2019): 73; Weyland, "Latin America's Authoritarian Drift," 21.
9   Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Broadway Books, 2019), 6.

when it became an illiberal, "borderline" democracy,[10] and from 2006 to 2012, as Chávez consolidated the country into a competitive authoritarian regime. I refrain from labeling periods after 2012 as democratic backsliding, as it became clear Venezuela was no longer a democracy with profoundly weakened or non-existent democratic elements of governance, but a hegemonic authoritarian regime.

During the first period of democratic erosion in Venezuela, at least two elements of democratic governance were severely undermined. First of all, horizontal accountability, which is the checks and balances by other institutions, became almost non-existent by 2005. When Chávez came into power in 1999, he showed his populist attitudes. Because he was a personalistic ruler, he saw institutions as obstacles to his rule and weakened checks and balances by appointing party loyalists to state institutions, allowing him to amass almost absolute power in the executive.[11] During the whole tenure of his presidency, Chávez enjoyed a majority in the legislature, where his party never ceded to the opposition any parliamentary agency or commission of control over the executive. In 2004, without the necessary participation of the opposition, Chávez's populist party, Movimiento V República (MVR), reformed the judiciary to appoint members by a simple majority of the legislature. Moreover,  he increased the Supreme Tribunal of Justice (TSJ) membership from 20 to 32 members, packing the court with Chavista loyalists.[12] Since then, the judiciary has been controlled by Chávez and has been used as legal intimidation towards opposition parties and leaders. By 2004, Chávez had total control of the three major branches of government, destroying any possibility for the opposition to check the power of the executive.

Additionally, fair competition worsened. Since Chávez's presidency started, the 5-member National Electoral Council (CNE) maintained a 3:2 majority in favor of Chávez that allowed him to manipulate the electoral arena in his favor, worsening the transparency of elections.[13] Furthermore, he made sure that the opposition would not be able to obtain any significant representation in this body. In 2004, the MVR purposely refused to appoint new CNE members through the legislature and transferred the power to unilaterally appoint new members to the Chávez-controlled TSJ. Since then, Chávez has enjoyed a 4:1 majority where the sole opposition representative of the CNE has no real influence. The politicization of the electoral institution severely discredited elections. Moreover, the electoral arena was further skewed to Chávez's advantage through discriminatory spending, abuse of

> **DURING THE FIRST PERIOD OF DEMOCRATIC EROSION IN VENEZUELA, AT LEAST TWO ELEMENTS OF DEMOCRATIC GOVERNANCE WERE SEVERELY UNDERMINED.**

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10    For a definition of "borderline democracies," see Andreas Schedler, *The Politics of Uncertainty: Sustaining and Subverting Electoral Authoritarian Regimes* (Oxford: Oxford University Press, 2013), 79-80.

11    Pappas, "Populists in Power, 73; Weyland, "Latin America's Authoritarian Drift," 21.

12    Levitsky and Ziblatt, *How Democracies Die*, 80-81.

13    Javier Corrales and Michael Penfold, "Venezuela: Crowding Out the Opposition," *Journal of Democracy* 18, no. 2 (2007): 109.

the media for campaigning, and patronage.[14] Any competition was crippled by the unequal access to media and state resources and the biased electoral commission.

This evidence shows that Venezuelan democracy had no accountability or fair competition. By 2005, Chávez's regime lacked "checks and balances, bureaucratic integrity, and an impartial judiciary," all attributes of liberal democracy.[15] Moreover, this type of "borderline" democracy leaned closer to authoritarianism, as the inclusion of a biased CNE and unfair electoral practices by the incumbent, which undermines the integrity of fair elections, is more authoritarian than democratic. In Pappas' characterization of populists, Chávez's populism attacked "constitutional legality, established procedural rules, instituted norms of deliberation, and overlapping consensus."[16]

The incremental democratic backsliding of the second period (2005 – 2012) saw an apparent collapse of institutional accountability and electoral competition. Chávez intensified his populist and authoritarian behavior during this period. Under his new left-wing, populist party, Partido Socialista Unido de Venezuela (PSUV), Chávez continued to exercise ultimate authority within the party, blocking any attempt of decentralization of power within his government.[17] Opposition rights were deeply undermined and the presidential term limit was eliminated during this period. As PSUV members dominated all state institutions, accountability for the executive branch became nonexistent. The only alternative for the opposition to govern in any capacity was through regional governments. However, in the 2008 regional elections, Chávez used PSUV's legal arm, the TSJ, to bar popular candidates from running. Also, Chávez's total control in the legislature allowed him to regulate the resources of the regional government and reduce their power.[18]

The most notable attack on competition was through control of the media. According to Diamond and Morlino, electoral competition relies on aspects like opposition access to mass media and pluralism in media ownership.[19] Chávez's closure of the opposition-leaning media outlet, RCTV, diminished fair electoral competition as he soon opened another state-owned media outlet, which offered no space for the opposition. Additionally, in 2009, Chávez changed the electoral system without consulting with the opposition.[20] This action was deliberate, as he malapportioned and gerrymandered electoral districts for the 2010 legislative elections, where his PSUV party obtained 59% of the seats with 48% of the votes, while the opposition won 39% of the seats with 47% of the votes.[21]

The ultimate demonstration of authoritarian behavior was the elimination

14  Javier Corrales and Michael Penfold, *Dragon in the Tropics: Venezuela and the Legacy of Hugo Chávez* (Washington D.C.: Brookings Institution Press, 2015), 32.

15  Schedler, *The Politics of Uncertainty*, 79-80.

16  Pappas, "Populists in Power," 70-71.

17  Jana Morgan, "Deterioration and Polarization of Party Politics in Venezuela," in *Party Systems in Latin America: Institutionalization, Decay, and Collapse*, ed. Scott Mainwaring (New York: Cambridge University Press, 2018), 322.

18  Corrales and Penfold, *Dragon in the Tropics*, 37.

19  Larry Diamond and Leonardo Morlino, "The Quality of Democracy: An Overview," *Journal of Democracy*, 15, no. 4 (2004): 24-25.

20  For a review on electoral systems and authoritarian regimes, see Jennifer Gandhi, "Authoritarian Elections and Regime Change," in *Comparing Democracies: Elections and Voting in a Changing World*, ed. Lawrence LeDuc, Richard G. Niemi, and Pippa Norris (London: SAGE, 2014).

21  Consejo Nacional Electoral, "Divulgaciyn Elecciones Parlamentarias − 26 de septiembre de 2010," CNE. http://www.cne.gob.ve/divulgacion_parlamentarias_2010/index.php?e=00&m=00&p=00&c=00&t=00&ca=00&v=02 (accessed January 7, 2020).

**Hugo Chávez** embodied the wave of populism that dominated the 2000s in Venezuela, but his opposition to checks and balances undermined the democratic state.

of term limits. After narrowly losing a constitutional referendum in 2007 to form a "socialist state" and remove term limits, Chávez controversially proposed another referendum in 2009 to lift the presidential term limit, allowing him to run in the 2012 presidential election. This election, rife with "intimidation tactics, tight restrictions on the opposition, and the massive misuse of the state apparatus,"[22] reinforced Venezuela's undemocratic regime. Chávez slowly killed Venezuela's democracy using "a thousand cuts," [23]and by 2012 there was only an undeniably competitive authoritarian regime in its place. Using Levitsky and Way's framework of conceptualization,[24] this period of democratic backsliding fits the competitive authoritarian model. In

22   Weyland, "Latin America's Authoritarian Drift," 18.
23   Thomas Legler, "Venezuela 2002-2004: The Chбvez Challenge," in *Promoting Democracy in the Americas*, ed. Thomas Legler, Sharon F. Lean, and Dexter S. Boniface (Baltimore: The Johns Hopkins University Press, 2007), 222.
24   Steven Levitsky and Lucan A. Way, *Competitive Authoritarianism: Hybrid Regimes after the Cold War* (New York: Cambridge University Press, 2010), 13

Venezuela, democratic institutions exist, but they are institutional extensions of PSUV; elections are not perceived as the primary route to power; the opposition parties compete but are at a disadvantage against the institutional and economic resources of the Chavista government; and relatively moderate levels of electoral uncertainty are purposely maintained to create a façade of competition that does not exist in reality.

By 2012, Chávez had violated the fundamental principles of democracy by any definition and with impunity. After his death in April 2013, his successor, Nicolás Maduro, along with PSUV and the military, deepened Chávez's legacy of destruction of democracy.[25] From 2013 onwards, Maduro quickly transitioned Venezuela into a pure authoritarian regime.[26] Chávez had already reduced democratic institutions to a façade status, but Maduro, lacking legitimacy and popularity, resorted to repression, fearing declining hegemonic power.[27] Both in 2014 and 2017, the opposition organized anti-regime protests, which the government crushed, killing more than 200 people.[28]

In 2015, when the opposition managed to obtain a 2/3 majority against all the odds in the legislature, Maduro used the CNE and TSJ to block a recall referendum against the president in 2016. In 2017, the judiciary disempowered the opposition-controlled legislature, and Maduro called a snap election for a constituent assembly, which PSUV completely dominates. The constituent assembly, supposedly originated to draft a new constitution, has worked as a de facto legislature, lifting the parliamentary immunity of opposition deputies and ordering their imprisonment. Elections are neither seen as viable means to power. Since 2015, the CNE's primary objective has been "to keep opposition groups and dissident PSUV faction off the ballot," such as former presidential runner Henrique Capriles.[29]

Out of sixty-two political parties in 2016, only seventeen exist today, of which twelve are small parties within Maduro's coalition, Gran Polo Patriótico Simón Bolívar (GPPSB).[30] Three other parties are too small to compete and act as a government-backed opposition with no real chance of winning (Avanzada Progresista [AP] and Movimiento al Socialismo [MAS]) or have been weakened by the government (COPEI). The two remaining opposition parties are able to compete but do not pose a threat to the authoritarian government by themselves (Acción Democrática [AD] and Un Nuevo Tiempo [UNT]). Hence, Maduro's repression of the opposition through candidate and party restrictions, extrajudicial imprisonments, and voter intimidation has moved Venezuela into a hegemonic regime.

## DEMOCRATIC EROSION IN NICARAGUA

Nicaragua demonstrates the second most emblematic case of democratic erosion after  Venezuela in contemporary Latin America. Similar to my analysis of Chávez's regime, I will evaluate two distinct periods of democratic erosion: 2007 – 2011 (illiberal, "borderline" democracy), and 2011 – 2018

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25   Morgan, "Deterioration and Polarization," 322.

26   Pappas, "Populists in Power," 76.

27   Corrales and Penfold, Dragon in the Tropics, 200-202.

28   For more detail, see the Inter-American Commission on Human Rights, *Democratic Institutions, the Rule of Law and Human Rights in Venezuela: Country Report*. OAS Official Records, 2017.

29   Benigno Alarcyn, Бngel E. Бlvarez, and Manuel Hidalgo, "Latin America's New Turbulence: Can Democracy Win in Venezuela?" *Journal of Democracy* 27, no. 2 (2016): 24.

30   Eugenio Martнnez, "Sobre la ilegalizaciyn de partidos en Venezuela," Prodavinci, Accessed October 30, 2019, https://prodavinci.com/sobre-la-ilegalizacion-de-partidos-en-venezuela/.

(competitive authoritarianism). By 2018, Nicaragua's president, Daniel Ortega, had moved in the direction of his counterpart in Venezuela towards a hegemonic authoritarian regime.

In 2007, Daniel Ortega was officially elected after winning the presidential election of 2006. These elections took place amid fragmented parties and corruption scandals against former president Arnoldo Alemán.[31] Nicaraguan democracy was already entering into an illiberal, "borderline" democracy, most poignantly through the "infamous" pact of 1999 between the Ortega's Frente Sandinista de Liberación Nacional (FSLN) and Alemán's Partido Liberal Constitucionalista (PLC), which "secured their joint control of the Supreme Electoral Council (CSE)" and imposed restrictive electoral thresholds, reducing the number of parties.[32] This "party duopoly" dominated politics for much of the 2000s, effectively giving the FSLN and PLC parties all decision-making power.[33] However, Ortega's victory in 2007 highly deteriorated democratic principles, transitioning Nicaragua's democracy towards an illiberal, "borderline" democracy.

Competition weakened during this first period (2007 – 2011). Since the Ortega's FSLN and Alemán's PLC controlled the CSE, the former maintained influence within this body. Few internal challengers in the FSLN allowed Ortega to maximize this influence, as he rules the party in an authoritarian and personalistic way.[34] In the municipal elections of 2008, the CSE leaned in Ortega's favor. For these elections, the CSE disqualified the Sandinista dissidents of the Movimiento Reformador Sandinista (MRS) from running, and intervened to change the internal structure of leadership of the opposition party Alianza Liberal Nicaragüense (ALN), replacing it with Sandinista loyalists.[35] The 2008 municipal elections provided little electoral uncertainty of the results, hence, giving an expected 85 of 91 municipalities to the FSLN. These actions worsened the competitive aspect of these elections, characterized by protests and allegations of fraud, and the government did not allow local or international observers for these elections.[36]

Accountability was compromised as CSE was already under the almost total control of Ortega's FSLN. The deliberate use of the CSE to ban important opposition parties for the 2008 municipal elections damaged local accountability. Nicaraguan municipal authorities exercise a great deal of power at the local level, thus authority over municipal governments is essential to maintain political control.[37] As a result, Ortega's creation of a parallel municipal body, the Consejo del Poder Ciudadano (CPC), diminished any possibility of accountability at the local level to Ortega's national authority since this body reported directly to him. By 2009, Ortega controlled the Supreme Court, the

31  Richard L. Millet, "Nicaragua: An Uncertain Future," in *Latin American Politics and Development*, ed. Harvey F. Kline, Christine J. Wade, and Howard J. Wiarda (New York: Westview Press, 2018), 386.
32  Shelley A. McConnell, "The 2011 presidential and legislative elections in Nicaragua," *Electoral Studies* 34 (2014): 300.
33  Kai M. Thaler, "Nicaragua: A Return to Caudillismo," *Journal of Democracy* 28, no. 2 (2017): 158.
34  Forrest D. Colburn and Arturo S. Cruz, "Personalism and Populism in Nicaragua," *Journal of Democracy* 23, no. 2 (2012): 116; Leslie E. Anderson and Lawrence C. Dodd, "Nicaragua: Progress Amid Regress?" *Journal of Democracy* 20, no. 3 (2009): 156.
35  Thaler, "Nicaragua," 159.
36  Carlos Salinas, "El fraude electoral divide a Nicaragua," *El País,* November 14, 2008. https://elpais.com/diario/2008/11/14/internacional/1226617201_850215.html.
37  Anderson and Dodd, "Nicaragua," 159-161.

CSE, and almost all municipal authorities. In the National Assembly, Ortega did not enjoy a majority, but he used the Supreme Court to strike down any law that would enhance checks and balances, "increasing Ortega's power over judicial and civil service appointments."[38] Similar to Chávez's rule in Venezuela, Ortega manipulated institutions so that the opposition could not exercise any checks on the government's actions.

The presidential elections of 2011 marked a major further backslide of fair competition in Nicaragua. In 2009, using the Supreme Court again as the FSLN's legal arm in the absence of a required majority in the legislature, Ortega was allowed to run for an immediate second period, even though immediate reelection is banned by the constitution.[39] These elections were not transparent, and the opposition continued to be largely divided.[40] Participation was also restricted, as several opposition representatives, domestic civil society, and international observers were not allowed to monitor certain polling stations, and they were "subjected to investigation, funding restrictions" and attacks by FSLN gangs and police.[41] Ortega not only obtained another term, but  68% of the National Assembly's seats, which gave him "a virtual monopoly on formal structures of power."[42] Thus, in 2011, Ortega transitioned Nicaragua toward a competitive authoritarian regime, resembling Chávez's regime.[43]

## THIS "PARTY DUOPOLY"  DOMINATED POLITICS FOR MUCH OF THE 2000S, EFFECTIVELY GIVING THE FSLN AND PLC PARTIES ALL DECISION-MAKING POWER.

After 2011, it is naïve to refer to Nicaragua as a democracy, given that full-fledged authoritarian regime had emerged. Ortega had further diminished the already-weakened accountability, eliminated independent electoral authority, restricted political parties, monopolized campaign advertising for the FSLN, and continued attacks on independent media and journalists. This period was characterized by further use of authoritarian manipulation. Institutions were plagued by FSLN's loyalists, letting Ortega rule the country unchallenged. In 2014, the National Assembly reformed the constitution to allow Ortega to rule by decree, to legalize indefinite reelection, and to give  him discretion in the appointment of military and police commanders.[44] Moreover, Ortega controlled almost half of Nicaragua's media stations, maintaining an advantage in campaign resources vis-à-vis the opposition. Ortega put his wife and children in control of different institutions and businesses, further expanding his power.

The 2016 presidential elections represented a critical juncture for Ortega's transitioning toward a hegemonic regime. The opposition, fragmented and weakened, boycotted the election. Ortega and his wife, Rosario Murillo, who ran as his vice-presidential candidate, won a landslide victory with 72% of the votes. Not only did Ortega enjoy total control over state institutions and an asymmetrical economic advantage, he continued his "subversive" actions against the opposition. In June 2016, Ortega intervened once again in the leadership

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42    McConnell, "The 2011 presidential and legislative elections," 301.
43    See Larry Diamond, *In Search of Democracy* (Abingdon: Routledge, 2016), 84-87.
44    Thaler, "Nicaragua," 159.

composition of the new main opposition party, Partido Liberal Independiente (PLI) , and stripped its National Assembly members of their seats, appointing Sandinista loyalists instead.[45] These elections "marked the emergence of a full-scale FSLN party-state, controlled by the Ortega-Murillo family," moving the country from competitive authoritarianism "toward authoritarianism plain and simple," resembling a hegemonic authoritarian regime.[46]

# THE 2016 PRESIDENTIAL ELECTIONS REPRESENTED A CRITICAL JUNCTURE FOR ORTEGA'S TRANSITIONING TOWARD A HEGEMONIC REGIME.

Nicaragua had slid into a hegemonic authoritarian regime. The FSLN "has become a hegemonic ruling party with a personalist bent."[47] Ortega used institutional and economic measures to ensure his total control over power within Nicaragua and, like Chávez before him, continued to intervene, divide, delegitimize, and erode the opposition, giving them no real chance of winning or exercise any national or local power. The effects of a full hegemonic regime came in April 2018, when the regime announced a social security reform. The social security system was under intense fiscal pressure due to the decrease of the cash inflows of Venezuelan petrodollars that allowed higher cash transfers. Large segments of the Nicaraguan people protested the reform and by extension the authoritarianism of Ortega's administration. By November 2018, over 300 civilians were killed during the protests, with many more being extrajudicially imprisoned or detained.[48] Since then, Ortega and Murillo have not been responsive to the demands of the opposition umbrella organization, Civic Alliance, which called for the resignation of the Ortega family. As in Venezuela, the hegemonic regime has been characterized by single party rule (FSLN), repression and restriction of free media, total control of state institutions, military, police, and paramilitary gangs. Additionally, since the protests, the consolidation of the hegemonic authoritarian regime has been characterized by one where "the dominate political motif is that the opposition can be killed, imprisoned, or forced into exile at will and anyone thought not to be an enthusiastic Sandinista is being pushed out of his or her job."[49]

## OAS RESPONSES TO DEMOCRATIC BACKSLIDING IN VENEZUELA AND NICARAGUA

Venezuela and Nicaragua have been the most emblematic cases of democratic erosion and eventual authoritarian backsliding in Latin America. As shown above, this occurred in a gradual way as incumbents slowly but steadily destroyed democracy. Other scholars have also pointed out to the erosion of democracy and eventual authoritarian backsliding of Venezuela and Nicaragua, as shown above in my analysis.[50] However, the OAS, which

45   See Schedler, *The Politics of Uncertainty,* 91-92 for actions of "subversion;" Thaler, "Nicaragua," 161.
46   Thaler, "Nicaragua," 158.
47   Thaler, "Nicaragua," 156.
48   Arturo Cruz, "How to Understand the Nicaraguan Crisis," *Wilson Center Latin American Program*, Accessed October 30, 2019, https://www.wilsoncenter.org/sites/default/files/nicaragua_crisis-arturo_cruz_final.pdf.
49   Cruz, "How to Understand," 9.
50   See Diamond, *In Search of Democracy*; Perina, *The Organization of American States as the Advocate*

commits to promoting and protecting democracy in the Americas, did not intervene to prevent these backslidings. It was not until 2017 that the OAS passed a Permanent Council (PC) resolution condemning actions by the authoritarian regime in Venezuela. Similarly, in 2018, a PC resolution was passed to condemn the actions of the Nicaraguan government. I argue that it was the clear and  hostile human rights violations in both countries that triggered necessary motives for the OAS member states to pass resolutions and take actions that put pressure on authoritarian regimes.

The Inter-American Democratic Charter (IADC) is the main instrument of the OAS. Although it is not legally binding, the Charter reflects the consensual norms of the  promotion and protection of democracy through multilateral diplomatic mechanisms. Nevertheless, some scholars have pointed out the mixed record that the OAS holds in defending democracy in practice.[51] The OAS has increasingly been criticized for its "firefighter approach" because it is not effective in preventing coups, constitutional crises, and democratic erosion, but instead only reacts when large disasters happen. Some argue this is because the OAS has low levels of permeability to or is poorly penetrated by third parties like NGOs, while others might point out the non-binding nature of the IADC or the role of the United States in the organization.[52, 53, 54]

It must be recognized, however, that the OAS does act clearly and assertively in certain circumstances. Boniface has shown that in cases of coups and autogolpes, the OAS tends to intervene more.[55] In these cases, the Organization tends to use its strongest mechanisms and tools to deter domestic democratic violators and try to influence a democratic transition outcome.[56] However, in cases of democratic erosion, the OAS tends to respond in "extenuating circumstances," with "moderate" measures, but it acts most likely with "weak" responses.[57] Until 2016, the OAS maintained higher levels of moderation in its responses to the Venezuelan and Nicaraguan situation, and it was not until 2017 and 2018, respectively, that diplomatic pressure increased.

In the two cases of democratic weakening and authoritarian backsliding I have evaluated, there is a key factor that has been present and appears to explain when and why the OAS has responded to these cases. This crucial factor is the reporting of human rights violations, which appears to be necessary for the OAS to judge that a country has violated the democratic principles that the OAS strives to protect. Before this, it appeared as if "human rights and democracy often appear disconnected on the inter-American agenda."[58]

*and Guardian of Democracy*; Scott Mainwaring and Aníbal Pérez-Liñón, "Cross-Currents in Latin America," *Journal of Democracy* 26, no. 1 (2015); Steven Levitsky, "Latin America's Shifting Politics: Democratic Surivival and Weakness," *Journal of Democracy* 29, no. 4 (2018).

51   See, for example, Arceneaux and Pion-Berlin, "Issues, Threats, and Institutions;" Dexter S. Boniface, "The OAS's Mixed Record," in *Promoting Democracy in the Americas*, ed. Thomas Legler, Sharon F. Lean, and Dexter S. Boniface (Baltimore: The Johns Hopkins University Press, 2007), 40-62; Jennifer McCoy, "Challenges for the Collective Defense of Democracy on the Tenth Anniversary of the Inter-American Democratic Charter," *Latin American Policy* 3, no. 1 (2012).

52   Darren Hawkins, "Protecting Democracy in Europe and the Americas," *International Organization* 62 (2008).

53   See, for instance, Perina, *The Organization of American States as the Advocate and Guardian of Democracy*, 87.

54   Carolyn M. Shaw, "Limits to Hegemonic Influence in the Organization of American States," *Latin American Politics and Society* 45, no. 3 (2008).

55   Boniface, "The OAS's Mixed Record," 54-58.

56   Arceneaux and Pion-Berlin, "Issues, Threats, and Institutions."

57   Arceneaux and Pion-Berlin, "Issues, Threats, and Institutions," 12.

58   Andrew F. Cooper and Jean-Phillipe Thérien, "The Inter-American Regime of Citizenship: Bridging the Institutional Gap between Democracy and Human Rights," *Third World Quarterly* 25,

However, recent developments in Venezuela and Nicaragua show that gross human rights violations were necessary but not enough to gather a majority of members to take collective action for the promotion and protection of democracy and human rights.

There are three periods (2014, 2017, and 2018) where this inference can be observed. In 2014, a series of events triggered pro-democracy protests by the opposition in Venezuela, demanding the cessation of authoritarian repression. Maduro responded violently, causing the killing of sixty people, with even more wounded or taken as political prisoners. The government and opposition agreed to negotiate in April 2014, but no favorable agreement came out of those negotiations. In addition to Arceneaux & Pion-Berlin and Smith,[59] I argue that gross and massive human rights violations implicate "high severity" crises in undemocratic countries.

Additionally, PC meetings to consider the situation in a country, whether they result in declarations or resolutions, should be carefully studied. If there is a declaration or resolution from the PC, the wording becomes important to code the response as "weak" or "moderate." Declarations and resolutions that condemn undemocratic practices and/or human rights violations by incumbents become "moderate" responses. "Weak" responses would entail the "exhortation" to the parties (usually government and opposition) to agree to negotiations and constitutional ways out of crises.

> **THIS CRUCIAL FACTOR IS THE REPORTING OF HUMAN RIGHTS VIOLATIONS, WHICH APPEARS TO BE NECESSARY FOR THE OAS TO JUDGE THAT A COUNTRY HAS VIOLATED THE DEMOCRATIC PRINCIPLES THAT THE OAS STRIVES TO PROTECT.**

During the 2014 protests in Venezuela, the representative from Panama to the PC tried to give voice in the council to an opposition member of the National Assembly of Venezuela regarding the situation in that country. However, the representative from Venezuela hijacked the session, gathered support for a closed meeting, and finally passed an extremely weak PC declaration.[60] It appears that human rights violations were sufficient for a meeting of the PC around the Venezuelan situation, but it was not enough to pass any important or moderate resolution. Some factors can be considered: first, the ideological majority within the OAS was in favor of Venezuela, which opposed any moderate or vigorous resolution. Smith shows how executive privilege and the "Left bloc" within the OAS help explain how Venezuela blocked any attempt of meaningful measures against its current regime.[61] Also, following Arceneaux and Pion-Berlin, the "balance of power" was in favor of the Maduro regime, as his ALBA coalition favored Caribbean support and exerted influence over these countries.[62] Finally, the polarization of the situation in Venezuela and calls for negotiations from both

no. 4 (2004): 732.
59   See Arceneaux and Pion-Berlin, "Issues, Threats, and Institutions;" Betsy L. Smith, "Killing Democracy Softly: Executive Privilege and the Defense of Democracy in the Americas," *Latin American Policy* 9, no. 2 (2018).
60   CP/DEC. 51 (1957/14).
61   Smith, "Killing Democracy Softly," 220; 228.
62   Arceneaux and Pion-Berlin, "Issues, Threats, and Institutions," 11.

**Nicholas Maduro** has posed a similar threat to the democratic institutions of Venezuela.

sides diminished any serious probability of passing an even moderate response against the Maduro regime. Thus, human rights violations were necessary, but not sufficient, for OAS members to consider the situation in a member state (Venezuela 2014) and take action (e.g., a PC resolution).

For the first time, the OAS PC passed a resolution in 2017 that criticized and condemned the undemocratic behavior of the Maduro government in Venezuela, describing the situation as an "unconstitutional alteration of the democratic order."[63] This time, a more moderate response was taken. In 2017, a new wave of pro-democracy protests took place, to which the Maduro regime responded through hostile repression, leaving more than 140 civilians dead. Again, human rights abuses seemed to act as a triggering factor for OAS response, but the response differed in intensity from 2014. First, the correlation of political ideologies shifted towards a majority of right-leaning governments that were keen to denounce Maduro's autocratic actions. Second, the economic deterioration in Venezuela decreased the country's diplomatic influence under ALBA benefits to other states, and thus many countries felt less dependent on  Maduro. Third, negotiations were still seen as a mechanism for a solution, but this time they were not anymore the only mechanism being considered.

The responses towards Nicaragua displayed a similar trajectory. Just as in Venezuela, the OAS took very weak to no responses to its democratic

63   CP/RES. 1078 (2108/17).

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AS IN VENEZUELA, IT SEEMS THAT GROTESQUE HUMAN RIGHTS VIOLATIONS WERE THE SPARK THAT TRIGGERED OAS RESPONSE IN THE FORM OF "MODERATE" PC RESOLUTIONS.

erosion. Also similar to Venezuela, just after the massive human rights violations that occurred in April 2018, the OAS convened and approved a moderate resolution in July.[64] An even stronger, yet still relatively moderate, resolution was passed in August, which created a "Working Group" to "search for peaceful and sustainable solutions to the evolving situation in Nicaragua, including consultations with the Government of Nicaragua."[65] In considering the situation of Nicaragua, it seems the massive human rights violations by the Nicaraguan government were necessary to trigger an OAS response that consider the situation in Nicaragua, which opposes any single resolution over its country based on the principle of non-intervention.

Why did OAS members intervene in Nicaragua in July 2018? As mentioned, by 2017, action had already been taken against Maduro. By that time, the ALBA coalition within the OAS had shrunk and lost influence; countries within ALBA were no longer as dependent on Venezuelan oil; and in 2017, the Secretary General of the OAS, Luis Almagro, had already taken steps towards negotiations for political reform with the government and opposition groups in Nicaragua. However, these actions alone were not enough to trigger an OAS collective response. It was after the April 2018 protests and human rights violations by the Nicaraguan government that the OAS convened in the PC to pass resolutions put pressure on Ortega's regime. Thus, as in Venezuela, it seems that grotesque human rights violations were the spark that triggered OAS response in the form of "moderate" PC resolutions.

Diplomatic responses have been increasing since then. In the case of Venezuela, the OAS has progressively exercised pressure since 2017. A Meeting of Consultation of Ministers of Foreign Affairs was convened in May 2017 to consider the situation of Venezuela, while reports by the Inter-American Commission of Human Rights have also called the attention of the OAS to human rights violations.[66] The General Assembly, the highest organ of the OAS, has passed strong resolutions against the Maduro regime (2018, 2019)[67] and the Ortega regime (2019).[68] This line of action will likely continue due to the human rights violations that occurred in 2017 in Venezuela and 2018 in Nicaragua. Further, a change in the political ideology of members and declining diplomatic influence of Venezuela's petrodollars, created the perfect environment that allows the OAS to take collective action to promote and defend democracy and human rights in these countries.

## CONCLUSION

The cases of democratic backsliding in Venezuela and Nicaragua are increasingly difficult to deal with in practice, as they follow gradual actions by incumbents, who engage in controlling state institutions, repressing civil and political liberties, and eroding opposition rights. Moreover, the intensification of these practices, the total centralization of power in a single person and/or party, and the employment of repression and human rights abuses transitioned

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64   CP/RES. 1108 (2172/18)
65   CP/RES. 1109 (2175/18)
66   See Inter-American Commission on Human Rights, *Democratic Institutions, the Rule of Law and Human Rights in Venezuela*; Inter-American Commission on Human Rights, *Gross Human Rights Violations in the Context of Social Protests in Nicaragua,* OAS Official Records, 2018.
67   2018 Resolution: AG/RES. 2929 (XLVIII-O/18); 2019 Resolution: AG/RES. 2944 (XLIX-O/19).
68   AG/RES. 2943 (XLIX-O/19).

these regimes to more hegemonic authoritarian ones.

The OAS, as an international organization, contains within itself different mechanisms that allow member states and/or the internal bureaucracy of the organization to use these mechanisms. It has been shown that the OAS is an organization "doing an imperfect and inconsistent job of promoting a rather limited notion of representative democracy," and in cases of democratic erosion, including violations of constitutional and electoral procedures, it has had very weak responses.[69, 70] The governing style of Chávez, Maduro, and Ortega has denigrated representative democracy and checks and balances, and even when the OAS has made efforts to "legalize" instruments for the promotion of democracy, the organization suffers from vague conceptualization of and response to democratic crises and favors reactionary rather than preventative responses.[71] Hence, it is not surprising that the OAS did not take early and proactive action in Venezuela and Nicaragua during their backslide into authoritarianism.

I have argued that in these particular "emblematic" cases, the OAS was able to collectively intervene in a more consistent, continuous, and proactive manner after gross human rights abuses occurred in these countries. This factor was necessary, but not sufficient. In 2014, after state officials and Chavista gangs immersed in violent actions in protests, the OAS did not take collective action against the incumbent. Instead, a PC declaration was enough to move on and focus efforts in negotiations and mediations. The cohesion of the "Left bloc" within the OAS plus the ALBA member states, as well as the mixed interpretation of public opinion in OAS intervention, played a role in blocking any resolution of condemnation against these acts, let alone authoritarian backsliding. However, in Venezuela (2017) and Nicaragua (2018), massive human rights violations were followed by a quick response by the OAS with PC resolutions and increasing pressure and actions. Different from 2014 in Venezuela, the "Left bloc" had ceded space to right wing or centrist governments who were less prone to feel compelled to support the Venezuelan and Ortega regime. Furthermore, ALBA benefits had decreased, so many of its members, especially Caribbean countries, felt less dependent on Venezuelan benefits and either abstained or voted in favor of pressuring/ condemning authoritarian regimes in Venezuela and Nicaragua. In both countries, negotiations had failed, much in part due to incumbent intransigency to cede any political space for opposition parties.

My research contains an interesting but awkward focus that should be studied more in depth. Crude human rights abuses seem to be a trigger for OAS collective action, leading to a demand for a cease in abuses and a return to democratic rule. As moderate and mild these responses might be, they appear to be consistent. Other countries experiencing democratic backsliding, plus OAS myopic view, would give incentives for opposition and pro-democracy groups to push the government to act violently and demand further OAS action. Two cases are particularly worth studying: Honduras and Bolivia. The incumbents in both countries, Juan Orlando Hernández (Honduras) and Evo Morales (Bolivia), were unconstitutionally and suspiciously allowed to run for another term, even though it was not lawful (Similar to the case of Ortega). After their elections in Honduras (2017) and

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69   Boniface, "The OAS's Mixed Record, 58.
70   See Arceneaux and Pion-Berlin, "Issues, Threats, and Institutions;" Smith, "Killing De-mocracy Softly."
71   McCoy, "Transnational Response to Democratic Crisis in the Americas, 1990 – 2005," in *Promoting Democracy in the Americas*, ed. Thomas Legler, Sharon F. Lean, and Dexter S. Boniface (Baltimore: The Johns Hopkins University Press, 2007), 280-284.

Bolivia (2019), the opposition criticized the electoral process and called it a fraud. The opposition quickly protested the results but encountered violence from the government forces. In Honduras, the Secretary General Almagro first proposed the elections be repeated, but a few months later expressed its willingness to work with Hernández. In Bolivia, it remains to be seen whether a complete audit will solve a crisis that was inevitable and to which both Almagro and OAS member states have failed to address. The role of the Secretary General has increasingly changed during Almagro's term, receiving praise for his critical posture and active promotion/protection of democracy, while also facing criticism for "exceeding his mandates" and seeking his personal agenda and not that of the member states.

This research shows that normatively and in principle, the OAS remains weak and ineffective in dealing with democratic backsliding. However, human rights abuses seem necessary to trigger OAS actions but not sufficient. Other factors, such as ideology, economic dependency and interests, and failure of negotiations and mediations, must be present in this context to take several moderate to strong measures in dealing with the authoritarian regimes in Venezuela and Nicaragua.

### ANNEX 1

The definitions on participation, competition, and (horizontal) accountability are taken from Diamond and Morlino (2004):

## CRUDE HUMAN RIGHTS ABUSES SEEM TO BE A TRIGGER FOR OAS COLLECTIVE ACTION, LEADING TO A DEMAND FOR A CEASE IN ABUSES AND A RETURN TO DEMOCRATIC RULE.

Participation: "No regime can be a democracy unless it grants all of its adult citizens formal rights of political participation, including the franchise. But a good democracy must ensure that all citizens are in fact able to make use of these formal rights to influence the decision-making process: to vote, to organize, to assemble, to protest, and to lobby for their interests. With regard to participation, democratic quality is high when we in fact observe extensive citizen participation not only through voting but in the life of political parties and civil society organizations, in the discussion of public policy issues, in communicating with and demanding accountability from elected representatives, in monitoring official conduct, and in direct engagement with public issues at the local level. Participation in these respects is intimately related to political equality. Even if everyone's formal rights of participation are upheld, inequalities in political resources can make it harder for lower-status individuals to exercise those rights. Thus, a fundamental condition for widespread participation in a good democracy is broad diffusion of basic education and literacy, and with it a modicum of knowledge about government and public affairs. Important again, as a supporting condition, is the political culture, which should value participation and the equal worth and dignity of all citizens. The latter implies as

well tolerance of political and social differences, and thus acceptance by groups and individuals that others (including weaker parties and one's adversaries) also have equal rights under law."

Competition: "In order to be a democracy at all, a political system must have regular, free, and fair electoral competition between different political parties. But democracies vary in their degree of competitiveness—in the openness of access to the electoral arena by new political forces, in the ease with which incumbents can be defeated, and in the equality of access for competing political parties to the mass media and campaign funding. Depending on the type of electoral system, democracies may allow for more or less decisive electoral alternation as well. Here we confront a trade-off within the overall goal of competition. Electoral systems based on proportional representation (PR) score well on one element of competitiveness—ease of access to the electoral arena and parliament on the part of multiple political parties—but at the expense of another element of competitiveness, namely the ease of alternation of power (or the efficiency of the electoral process), since the presence of multiple parties with relatively defined shares of the vote tends to produce a succession of coalition governments with considerable continuity in party composition over time. One condition for vigorous competition is the legal and constitutional order. In contemporary democracies, funding for parties and campaigns is so vital for electoral viability that newer parties and candidates cannot seriously compete without some fair minimum in this regard. While there is considerable skepticism about the efficacy of laws that limit campaign spending—in part because of how easily circumvented they are in new and old democracies alike—some floor of public funding for significant parties and robust requirements for the full and rapid reporting of all contributions to parties and campaigns do seem to promote greater electoral fairness and competitiveness. In first-past-the-post systems, the means by which electoral districts are drawn also heavily shape competitiveness. Where partisan bodies are able to draw electoral districts to their own advantage (as in the United States), they are likely to do so in ways that will promote partisan and incumbency advantage. Of course, electoral competitiveness also depends on fairness in access to the mass media, pluralism in media ownership (and viewpoints), some dispersion of economic resources in society, and the enforcement of political rights by an independent judiciary. There is also an important linkage with horizontal accountability, because the single most important institutional guarantee of freedom and fairness (and hence competitiveness) in elections is an independent and authoritative electoral commission."

Horizontal Accountability: Democratic quality—including the processes through which vertical accountability operates—also requires that officeholders must either behave lawfully and properly or answer for the contrary not only to voters, but also to other officials and state institutions that possess the expertise and legal authority needed for such a monitory role. Since one official or arm of government is answering to another in a roughly lateral way rather than as part of a regular "command-and-obedience" relationship, this is called horizontal accountability. Examples of horizontal-accountability institutions could include the legislative opposition, specific investigative committees formed by the legislature, the courts, audit agencies, a countercorruption commission, a central bank, an independent electoral administration, a state ombudsman, or various other bodies whose mission is to scrutinize and limit the power of those who govern. The vitality of horizontal accountability hinges most of all on a legal system

that provides for the exertion of checks and balances by other public entities that are independent of the government, and not competing as an alternative to it. But the agencies of horizontal accountability constitute a system of their own, and if this system is to work it must have institutional capacity, training, and leadership that are at once capable, vigorous, and responsible. Like the law itself, the agencies of horizontal accountability can be used as a weapon against political opponents, but only at the possible cost of undermining the credibility enjoyed by the entire institutional network.

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# Securitized in Solidarity

## How Germany Exploited the Arab Spring to Normalize Schengen Border Externalization

**D**uring the so-called "refugee crisis" of 2015, German Chancellor Angela Merkel received global praise for her decision to open Germany's borders to over 1.1 million migrants and asylum-seekers, becoming an anomaly among European and world leaders.

Her "*wir schaffen das*" (we can do this) attitude was extolled as a rare political expression of moral imperative amidst rising xenophobia and nationalism across the continent.[1] Time magazine went so far as to name the Chancellor its person of the year, leaving no doubts as to the publication's persuasions in its characterization of Merkel's move as "the most generous, openhearted [political] gesture of recent history."[2] Such an unrelentingly laudatory statement—over the top and flowery—forfeits nearly all of its credibility through its boisterous language; even more worrisome, perhaps, is the sheer naïveté embedded therein. Accounts such as Time's fail to capture the scope of the migration issue in German and European politics—in both the literal and figurative extents of the word.

The year 2015 became a locus of migration in the international imagination—not because it introduced the issue of migration to Europe, but because it represented a new type of migrant arriving on its shores. Since

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1   Kroet 2016, "Germany: 1.1 Million Refugee Arrivals in 2015."
2   Shuster and Vick 2015, "Chancellor of the Free World."

the turn of the century, the European Union (EU) has consistently reckoned with a steady flow of migrants from sub-Saharan Africa, who typically land in Italy or Spain after they cross the Mediterranean by boat. In 2015, however, Greece became migrants' preferred point of entry into the EU as arrivals from the Middle East—largely driven by the carnage of the Syrian Civil War—dwarfed those from Africa nearly fivefold. This peak was short-lived: as of September 2018, Greece had received only 20,760 asylum applications, a stark decrease from the over 800,000 filed just three years prior. Italy, by contrast, continues to consistently see well over 100,000 migrants arrive at its southern ports annually—a whopping 67% of the EU total.[3]

**SUCH AN UNRELENTINGLY LAUDATORY STATEMENT... FORFEITS NEARLY ALL OF ITS CREDIBILITY THROUGH ITS BOISTEROUS LANGUAGE; EVEN MORE WORRISOME, PERHAPS, IS THE SHEER NAÏVETÉ EMBEDDED THEREIN.**

Thus, Angela Merkel's celebrated *Willkommenskultur* (culture of hospitality)—which she has so eagerly promoted over the past three years—is a far cry from the intersectional political plea it has been presented as. For, despite what seems to be an admirable call to action, this warm welcome is only directed at one type of migrant: the white, educated Middle Eastern war refugee. During the same months she was seen posing for selfies with Syrian and Iraqi refugees in Berlin—hailed as a welcoming, benevolent leader—Angela Merkel also bluntly claimed in less flashy contexts that "those who come to [Germany] for economic reasons may not stay"—a tacit jab at the stream of migrants from Africa that, historically, has been a far more consistent presence in the realm of European immigration.[4]

Time's lengthy report creates an illusion that Germany opened its doors to all in 2015, completely neglecting a massive demographic that was, and continues to be, excluded—before, during, and after the "refugee crisis." But the media seems to simply be following politics' lead: not only are African migrants' plight and humanity eschewed by European leaders, Europe's fortification of the African continent—a vestige of colonialism reinforced over the past two decades—has been legitimized by the humanitarian discourse fueling traditionally non-interventionist Germany's far more recent engagement in the endeavor. Berlin's reputation as an efficient, swift actor has in turn allowed North Africa to become more securitized than ever.[5]

In this paper, I argue that the Arab Spring provided an avenue through which the EU could tie its migration management programs to the cause of democratization rather than residual colonial relationships, thereby allowing these initiatives to proliferate by taking on an explicitly humanitarian angle. Paradoxically, however, this positively-spun, rebranded approach has only hastened and broadened participation of EU member states in the border

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3   *BBC News* 2018, "Migration to Europe in Chart."
4   *Die Presse* 2015, "Merkel: Wirtschaftsflьchtlinge kцnnen nicht bleiben."
5   In this paper, I adopt Lutz's (2004) definition of securitization, namely "the process by which a social phenomenon [or space] becomes culturally identified as a 'security issue' or 'security problem.'"

**Angela Merkel**, the Chancellor of Germany and a dominant force in Europe, has played a significant role in shaping the migration policy of the EU.

externalization of the Schengen area.[6] The case of Germany's heightened involvement in North Africa following the toppling of Hosni Mubarak in February 2011 and the inauguration of the third Merkel Cabinet in 2014 demonstrates that the EU's attempt to tie migration politics to humanitarian development initiatives may only be furthering the very securitized apparatus that Europe's post-revolution involvement in the Arab world ostensibly sought to dismantle.

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6   The Schengen area is the borderless space encompassing 30 European countries, and is rel-atively — though not completely — synonymous with EU member states, due to notable absent parties such as the United Kingdom. It was established in 1995 and is expanded upon and defined in great detail on pages 96-97 of this essay.

## MIGRATION POLICY IN THE EU: AN OVERVIEW

The stark disparities in how the EU regards migrants of Middle Eastern versus sub-Saharan African origin cannot be explained without analyzing the dialectical differences between the terms "refugee" and "migrant" in the modern political context. Though academics largely eschew such typologies—claiming that refugees are a subset of migrants, a group to which all who move or travel, regardless of impetus, belong—politicians take an opposite approach, regarding the two as non-intersecting groups—one legitimate and the other illicit. This distinction can best be captured by the role of agency: refugees are forced to flee, while migrants choose to leave.[7] The engagement of the state, too, is crucial: though the Universal Declaration of Human Rights (UDHR) guarantees the right to seek asylum, it does not compel any state to ultimately grant it.[8] Refugees, in this sense, are recognized—having been awarded asylum by a state, their quandary is affirmed; migrants, on the other hand, merely self-prescribe.

African migrants across Germany and the EU at large have increasingly been labeled by authorities as economic migrants rather than "real" refugees. This derogatory classification implies that economic exploitation is no match for political persecution, failing to see how the two are oft-interconnected. While from a purely logistical standpoint such distinctions may seem necessary (it is arguably fair for a bureaucratic apparatus to ask *what* someone is fleeing—for statistical reasons if nothing else), the emergence of a hierarchical ranking of grievances demonstrates that other factors are at play. A quick Google search of the term "economic migrants"—in both English and German—reveals a host of articles offering clarification as to the term's meaning vis-à-vis that of "refugee," most of which were published in 2015 or later.[9] This timing is curious—and revealing: in a break from historically stringent immigration policy, European officials felt compelled to justify their normative lapse—a sudden welcoming of white, versus a historically chronic rejection of black, migrants—with a new lexicon and the re-emergence of jaded vocabulary.[10]

Comprehensive European immigration policy first originated alongside the creation of the Schengen area. Though established relatively recently—in 1985—the impetus for the space can be traced back to the wake of WWII. In the postwar period, most European politicians believed that the establishment of a system of economic—and, by association, political—interdependence was necessary to prevent the outbreak of further conflict on a continent ravaged by immense internal strife. Through this imperative emerged the European Coal and Steel Community (EC) in 1950—comprised of Belgium, France, Germany, Italy, Luxembourg, and the Netherlands. Seven years later, the EC morphed into the European Economic Community (EEC) via the Treaty of Rome, creating the "common market" that exists to this day.[11]

As time passed and EEC membership grew, the free movement of goods gave way to calls for the free movement of people, too, across the European continent. During the 1970s, the small Benelux region (including Belgium, the Netherlands, and Luxembourg) developed its own passport-

7   Shrivastava 2018, "Distinguishing Between Asylum-Seekers and Economic Migrants: An Analysis of State Practice."
8   United Nations, "Universal Declaration of Human Rights."
9   Lind 2015, "Migrant vs. Refugee: What the Terms Mean, and Why They Matter."
10   European Commission, "Economic Migrant."
11   European Union, "The History of the European Union."

free area; ample trade with Germany and France soon piqued these states' interests in joining as well. In 1985, the Schengen Agreement was signed in Luxembourg, creating the eponymous zone amongst the aforementioned nations. Importantly, implementation was not set to occur immediately; with a single external border on the definite horizon, however, EEC states mobilized to adjust their immigration policies accordingly.[12]

Since 1985, there has been a measurable decrease among Schengen states in visas granted to citizens of developing countries, even as applicant numbers have risen. Notably, this statistic extends to all "categories" of migrants— "skilled" and "unskilled" alike.[13] States, it seems, were anticipating the lack of agency they might soon have over their frontiers; given this nebulous foresight, they sought to prepare for full relinquishment of border sovereignty. To a certain extent, the skepticism fueling increasingly strict immigration policy proved reasonable; in the initial period following the Schengen Agreement, participating countries attempted to create a borderless space exclusively for their own citizens, meaning that internal passport controls would still be necessary for all non-Western Europeans. This (preferred) proposal quickly proved unrealistic and, after the Schengen Convention was signed in 1990, the Schengen area became a reality in 1995, creating an internally borderless European space for all privileged enough to have gained entry.[14]

Today, the Schengen area has grown from an initial five members to thiry—encompassing most of continental Europe.[15] Management of the space has fallen to the EU, which was formally established in 1993 with the Maastricht Treaty.[16] The growth of the EU has both simplified and complicated matters with regard to immigration: for one, the presence of a cohesive governing body has allowed the streamlining and development of comprehensive and uniform immigration policy; at the same time, however, the EU's vast means and ample resources have allowed this policy and its enforcement to become more stringent, exclusive, and militarized than ever before.

For migrants, too, the establishment of the Schengen area has changed the game, shifting migratory routes and drastically altering patterns of movement. Prior to Spain's accession to the Schengen Agreement in 1986, for example, the North African Spanish enclaves of Ceuta and Melilla were generally not considered transit spaces, featuring relatively permeable borders and little migratory activity.[17] The reality today could not be more different: both territories are guarded by razor-wire-topped, 20 foot-tall double fences—structures erected in 2000 that are sometimes stormed by hundreds of migrants a day.[18] As of late August, over 3,100 migrants had successfully

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12 Gelatt 2015, "Schengen and the Free Movement of People Across Europe."
13 Norman 2013, "EU Territorial Control, Western Immigration Policies, and the Transformation of North Africa," 198.
14 Gelatt 2015.
15 European Commission, "Europe Without Borders: The Schengen Area."
16 European Union, "The History of the European Union."
17 Goldschmidt 2006, "Storming the Fence: Morocco and Europe's Anti-Immigration Policy," 38; Ceuta and Melilla, for clarification, are small Spanish territories bordering northern Morocco, and thus the only EU/Schengen territory that can be reached by land from Africa. Landing in Ceuta and Melilla is equivalent to arriving in mainland Spain with regard to immigration policy, visas, etc.
18 Goldschmidt 2006, 39; Cacas and Ortega Dolz 2018, "Spain Justifies Migrant Pushback in Wake of Large-Scale Jump at Ceuta."

entered Ceuta and Melilla in 2018 alone.[19] In short, the establishment of the Schengen area transformed these provinces from once-lackluster colonial remnants to massively fortified emblems of European border externalization and exclusivity.

Regretfully, Ceuta and Melilla have proven to be far more the norm than the exception in the European border space. While the initial years following the establishment of the Schengen area were marked predominantly by an uptick in "soft" restrictions on immigration—such as more ironclad consular policies—the turn of the century was characterized by a dramatic shift towards an inhumane, securitized apparatus. The 1999 European Council Summit in Tampere is, to this day, likely the most consequential historical event in the development of a fortified Europe. It was in this small Finnish city that the concept of "border externalization" was not only explicitly developed and defined, but also endorsed as official policy by the EU. This notion of "shifting bordering practices from territorial lines and checkpoints to a more fluid landscape" furthermore became institutionally enshrined in the Council's new High-Level Working Group on Asylum and Migration (HLWG).[20] A proposed first plan of action was the transformation of Morocco into a so-called "buffer zone."[21]

**THE 1999 EUROPEAN COUNCIL SUMMIT IN TAMPERE IS, TO THIS DAY, LIKELY THE MOST CONSEQUENTIAL HISTORICAL EVENT IN THE DEVELOPMENT OF A FORTIFIED EUROPE.**

Tampere was not only significant for its development of the fundamental ideology underlying European migration policy regarding North Africa. It also represented the first attempt to move from a host of disorganized, bilateral agreements between EU members states and "third countries" to a guiding, multilateral pan-Schengen border strategy that would maintain and hold sturdy the newly-established single external European boundary. This was largely driven by Madrid's grievances: throughout the 1990s, Spain had borne the brunt of European migration—forced to wrestle alone with North African transit states in the development of mutually-agreeable bilateral agreements upon which the entire EU depended. In 1992, Spain and Morocco signed the Spain-Morocco Readmission Agreement, which stipulated that Morocco was obliged to repatriate any migrants who had entered Spain illegally by traversing its territory.[22] The sudden 1994 closure of the Algerian-Moroccan border (which persists to this day) served to bottleneck trans-Saharan migratory routes and burden Morocco—and, by consequence, Spain—even further.[23]

A year later, the Barcelona Negotiations (which launched the cross-border "Barcelona Dialogue," a Mediterranean co-operative) allowed Spain and other southern European actors laden by migration to voice their

19   *The Guardian* 2018, "More Than 100 Migrants Storm Border of Spanish Enclave 'Throwing Battery Acid' at Border Guards."
20   Casa-Cortes, Cobarrubias, and Pickles 2015, "Riding Routes and Itinerant Borders: Autonomy of Migration and Border Externalization," 903; Goldschmidt 2006, 38.
21   Goldschmidt 2006, 38
22   Goldschmidt 2006, 38.
23   Goldschmidt 2006, 41.

frustrations with the far idler north. Germany in particular was accused of hypocrisy and taking advantage of Spanish interventionist efforts for its own benefit, security, and economic prosperity—all while preaching a foreign policy of restraint.[24] Amidst this discord, Tampere seemed necessary to create a unified European path forward.

Creating this "unified path," however, has not come without serious bumps in the road. The establishment of bilateral agreements—balancing the interests of two states—is difficult enough; needing to address the demands of all EU member states and coalesce them into one cohesive appeal prior to even beginning negotiations with "third countries" has proven nearly impossible. This tricky decision-making structure has come to be classified as a "three-level game," a typology which holds that EU actors' domestic interests are central to broad EU policymaking: seeking to maintain high domestic approval ratings, actors nearly always attempt to keep their state's involvement in EU-wide initiatives at a minimum.[25] With such a mindset, mutual efforts become all the more challenging, as each state is very limited in what it will give, but incredibly demanding in what it wishes to gain. Complicating matters is the nature of EU migration policy: given that partnerships are voluntary, the cost of abstention is high for all members involved. For this reason, cooperation has become paramount but standards have simultaneously reached rock-bottom.[26]

## EU MIGRATION POLICY BEFORE 2011: RESIDUAL COLONIALISM

As if the approach developed at Tampere had not securitized the Mediterranean region enough, the emergence of international terror onto the public radar in the early 21st Century served only to further militarize an already aggressive European border policy. As promised by Tampere's commitment to transform Morocco into a "buffer zone," the year 2000 redefined the Spanish-Moroccan border in North Africa.[27] In what has become somewhat of a chicken-and-egg scenario, rapid increases in illicit border crossings into Ceuta and Melilla precipitated the construction of more aggressive fences and securitized apparatuses around the enclaves.[28] But the heightened exclusivity of these areas (and growing richesse of the EU) seemed only to tempt migrants further, prompting demands for a multilateral EU approach to ease Madrid's burden.[29]

Expanding on Spain's existing bilateral re-admission agreement with Morocco, the EU in 2000 signed the Cotonou Agreement with the Africa, Caribbean, and Pacific Group of States (ACP). Quite consequentially, Article 13(5) of the treaty stipulated that all PAC states were required to readmit their own nationals who had entered the EU without proper paperwork.[30] In one fell swoop, an arrangement that had formerly only applied to two Mediterranean actors suddenly encompassed two whole continents.

24   Ratka 2012, "Germany and the Arab Spring – Foreign Policy Between New Activism and Old Habits," 60.
25   Reslow and Vink 2015, "Three-Level Games in EU External Migration Policy: Negotiating Mobility Partnerships in West Africa," 858.
26   Reslow and Vink 2015, 859-862.
27   Goldschmidt 2006, 38
28   Casa-Cortes, Cobarrubias, and Pickles 2015, 895.
29   Kaya 2002, "The Changing Face of Europe – Population Flows in the 20th Century," 22.
30   Reslow 2012, "The Role of Third Countries in EU Migration Policy: The Mobility Partnerships," 398.

To be sure, this drastic resolution did not pass through the bureaucratic halls of Brussels without prompting popular outrage. A series of anti-racist movements launched in Germany in 2000 harshly condemned the development of what protesters began referring to as "Fortress Europe."[31] The re-emergence of this militant term—used colloquially by the Allied powers to describe Nazi-occupied Europe during the Second World War—served as an exceptionally harsh rebuke of EU asylum policy in the context of the newly-externalized single border.[32] Rather than focus on guaranteeing safe passage to those in need, demonstrators argued, EU asylum policy had become chiefly preoccupied with preemptive exclusion.[33] Some scholars have conceptualized "Fortress Europe" as a "gated community."[34]

Popular support for the Anti-"Fortress Europe" movement, which had quickly spread across the EU in its advocacy for humane immigration politics, became drowned out by the terrorist attacks of September 11, 2001. 9/11 had an immediate effect on European policy, tightening restrictions on visas and immigration while securitizing border spaces such as air- and sea-ports.[35] Most significantly, however, 9/11 allowed for a fundamental shift in the theoretical framing of migration policy as a whole. Since the attacks, "immigration"—in both global and European discourse—has come to be defined as a security issue, presupposing that migrants are a threat to dubious notions of "national security."[36]

## RATHER THAN FOCUS ON GUARANTEEING SAFE PASSAGE TO THOSE IN NEED, DEMONSTRATORS ARGUED, EU ASYLUM POLICY HAD BECOME CHIEFLY PREOCCUPIED WITH PREEMPTIVE EXCLUSION.

The 1997 Treaty of Amsterdam, which served to amend the 1993 Maastricht Treaty, had explicitly defined EU migration policy as liberal regulation of movement underscored by the desire to "prevent and combat crime."[37] Just four years later, however, the securitized approach birthed by 9/11 transformed "immigration policy" into euphemistic terror prevention. The 2004 Madrid train bombings and the 2005 London suicide attacks, which killed 191 and 52 people, respectively, only further rationalized this approach.[38] In 2005, the Prüm Convention established a system for the exchange of security-related data between Germany, France, Spain, the Benelux states, and Austria with the explicitly-defined purpose of "fighting crime and terrorism."[39] The addendum of terror prevention to what one might call the EU's "mission statement" was

31  Casa-Cortes, Cobarrubias, and Pickles 2015, 898.
32  Smithsonian National Museum of American History, "Storming Fortress Europe."
33  Seilonen 2016, "Fortress Europe − A Brief History of the European Migration and Asylum Policy," 36.
34  Pinos 2009, "Building Fortress Europe? Schengen and the Cases of Ceuta and Melilla," 1.
35  Goldschmidt 2006, 40.
36  Karyotis 2007, "European Migration Policy in the Aftermath of September 11," 1-2.
37  European Parliament, "Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Related Acts."
38  Goldschmidt 2006, 37; Burridge 2014, "Spain Remembers Madrid Train Bombings 10 Years On"; BBC News 2015, "7/7 London Bombings: What Happened on 7 July 2005?"
39  Bundesministerium des Innern, fьr Bau und Heimat. "Zusammenarbeit ьber Grenzen hin-weg"; European Commission, "Prьm Convention."

a mark of the times that would fundamentally alter European border policy for perpetuity. Latent xenophobia—regarding the "other" as dangerous—had found a vindicating political force in Brussels.

The year 2005 also marked the establishment of the Global Approach to Migration and Mobility (GAMM), the EU's most comprehensive migration initiative to date.[40] GAMM has four goals: to promote legal migration, combat human trafficking, develop a streamlined asylum policy, and emphasize international development. Perhaps most notably, GAMM opened the door for joint policing operations between EU states and transit countries.[41] The following year, in 2006, the Rabat Process was launched as an ongoing dialogue between more than 60 parties in Europe and Africa on migration that would play a crucial role in the development of future immigration policy.[42]

Though European immigration policy certainly became more draconian in the early years of the 21st Century, participation and policy development were still heavily bent on the classic Mediterranean actors of Spain, Italy, and France—all of whom had colonial ties to North Africa. A century ago, what is now Northern Morocco was Spanish territory (evidenced by Spain's continued presence in Ceuta and Melilla), modern-day Libya was run under Italy's behest, and today's states of Tunisia and Algeria fell under French control. The French mandate in West Africa also extended into sub-Saharan regions, or "origin states" in EU-speak.[43] It is unsurprising, then, that each former colonial power guided EU-wide negotiations with its respective "transit states," over which they still had—and continue to have—undue political, cultural, and linguistic influence.

It is worth noting, however, that Spain in 2002 began extraditing migrants from sub-Saharan Africa to Morocco without due process.[44] This disturbing trend was a harsh departure from the legal frameworks of the existing 2000 Cotonou Agreement, which stipulated that African countries were required to readmit their *own* nationals who had found their way into Europe illegally (and presumably after having undergone a fair trial)—not that they were required to admit nationals of other states.[45]

Europe has largely turned a blind eye to the fate of migrants once apprehended—a sort of "don't ask, don't tell" approach. Since the border with Algeria was closed in 1994, Moroccan authorities have increasingly cracked down on sub-Saharan migrants, expelling them into the Sahara Desert at Oujda, a clandestine but militarized locale along the Algerian frontier.[46] In short, Spain's dubious endeavor in 2002 set forth a precedent of illegitimate deportations and tacit moral and physical erosion of asylum-seekers from the EU that persists to this day. North African leaders were—and are—generally complicit in the affair due to their enduring history of cooperation with and capitulation to colonial powers.[47]

Italy's post-colonial partnership with Libya likely reached its most worrisome peak under Prime Minister Silvio Berlusconi, who governed

40   Casa-Cortes, Cobarrubias, and Pickles 2015, 903-907.
41   Babiker and Oette 2017: "Migration Control a la Khartoum: EU External Engagement and Human Rights Protection in the Horn of Africa," 68.
42   Processus de Rabat, "Processus de Rabat."
43   University of South Florida, "The Colonization of Africa, 1870-1910."
44   Goldschmidt 2006, 38.
45   Reslow 2012, 398.
46   Goldschmidt 2006, 36.
47   Reslow 2012, 394.

the country from 2008 to 2011. Berlusconi, known for his theatrics and controversial politics, largely normalized the brutal regime of Libyan dictator Muammar Gaddafi after the EU embargo on Libya was lifted in 2008—quickly becoming its largest importer of crude oil. Antics were often overblown: Berlusconi never failed to name Gaddafi a "guest of honor" during his numerous visits to Rome, and at one point even kissed his hand.[48] Perhaps most emblematic of the two leaders' close relationship, though, was the establishment of joint Italian-Libyan police-patrol operations in the Mediterranean in 2008: Gaddafi cracked down on illicit migration from his ports with an iron fist.[49] Now, of course, things look markedly different: Gaddafi was ousted and assassinated in 2011 and Libya exists in a state of chaos, deemed unfit for international cooperation of any kind—only the first example of how the Arab Spring fundamentally altered the Mediterranean's migratory framework.[50]

France's vast colonial ties to greater West Africa have allowed it to engage not only with North African "transit states," but also sub-Saharan "origin states" such as Senegal. Fundamental to cooperation between the EU and third countries has been the promise of visa liberalization for nationals of the state at hand.[51] Historically, though, France has applied this easing only to those migrants whom it considers to be "skilled," prompting great frustration with Senegalese authorities. During talks for the *accord de gestion concertée des flux migratoires* in 2006, which established an accompanying worker exchange program for skilled laborers, Dakar expressed its discontent with what it

## EUROPE HAS LARGELY TURNED A BLIND EYE TO THE FATE OF MIGRANTS ONCE APPREHENDED—A SORT OF "DON'T ASK, DON'T TELL" APPROACH.

perceived to be an imposed "brain drain" by Paris.[52] The agreement crumbled after only two years.[53]

In a stunning rebuke of France's perceived entitlement to West Africa, Senegal in 2006 signed a memorandum with Spain, openly stating that Dakar much preferred working with Madrid than with its former colonizer. Spain, Senegalese authorities claimed, had a much larger labor market for unskilled workers, even providing language and orientation programs for sub-Saharan migrants. As part of the agreement, Senegal would send 4,000 migrant workers to Spain in exchange for the extradition of 4,000 illicit Senegalese migrants from the EU. Moreover, the EU's Frontex patrol boats would now be permitted to surveil Senegalese waters.[54] What had seemed so difficult to accomplish with France came with considerably more ease when working

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48   Faris 2011, "Italy's Bad Romance: How Berlusconi Went Gaga for Gaddafi."
49   Norman 2013, 198.
50   Lottes 2017, "Conflicting Interests: A Power Vacuum Remains in Libya."
51   Reslow 2012, 397.
52   Note that the French do not capitalize these titles, a format which has been maintained in this paper.
53   Reslow 2012, 412.
54   Reslow 2012, 413; Frontex, AKA the European Border and Coast Guard Agency, was established in 2004.

with a power that was not one's former oppressor—emblematic of the slow erosion of the default colonial arrangements that had characterized EU migration policy and its securitization of the Schengen area through the first decade of the 21st century. Bilateral relationships defined more by trust and less by power seemed to be the path of least resistance and greatest efficacy forward for the EU.

Throughout all of this—as Spain, Italy, and France all but autonomously developed a migration approach for the entire EU—Germany, the Netherlands, and many northern European countries were considered "free-riders." As European immigration politics became more and more explicitly neocolonialist—epitomized by Berlusconi's tenure—it also seemed less and less legitimate, eliciting more policy failures and fewer gains. When the Arab Spring began in December 2010, calls for democratization had overcome the region, jeopardizing the future of the very regimes with which the EU was collaborating.[55]

All EU member states knew that European immigration policy was inelegant and in dire need of reform, but Northern Europe in no way wanted to be a part of such a revision.[56] Despite being Europe's largest and most populous economy, the German government withheld itself from making any bold assertions in the realm of immigration, particularly as it pertained to the North African operations from which it was quietly profiting. Instead, policymakers in Berlin preferred to hide behind the mantle of Germany's activist population—which had coined the term "Fortress Europe" and, through its own lived experience, campaigned against the creation of walls and the division of peoples.

Until very recently, German foreign policy in the postwar period has been characterized by the strict doctrine of *Zurückhaltung*, or non-intervention—largely fueled by Germany's very serious commitment to historical atonement and its widespread "never again" mantra.[57] In addition to immense skepticism vis-à-vis uninvited involvement abroad, *Zurückhaltung* is deeply opposed to German military force and deployment.[58] With regards to the securitized, increasingly militant European border externalization policy of the early 21st Century, Germany was most comfortable being a silent bystander to its southern neighbors' questionable practices in North Africa. Berlin conveniently turned a blind eye to these actions—but would soon become ensnared therein as well.

## EU MIGRATION POLICY SINCE 2011: GERMANY'S "HUMANITARIAN" LEGITIMATION

Prior to the Arab Spring, Germany's only measurable engagement in the Middle East and North Africa (MENA) region had been its relationship to Israel. In 1952, German Chancellor Konrad Adenauer and Israeli Prime Minister David Ben Gurion signed an agreement in which Germany agreed to pay over 3.5 billion marks in reparations to the Israeli state as part of its post-war *Wiedergutmachung*, or attempt to correct past wrongs.[59] Foreign

55   History, "The Arab Spring."
56   Ratka 2012, 61.
57   Link 2015, "Gemeinsame Fьhrung und die Kultur der Zurьckhaltung in der deutschen AuЯenpolitik," 289.
58   Ratka 2012, 67.
59   The National Library of Israel, "The Reparations Agreement of 1952 and the Response in

policy elsewhere in the region was tepid at best, including little more than the standard embassies, consulates, and development aid—certainly not a priority of Berlin's.[60]

Though complicit in its EU peers' involvement with North African autocrats, pre-2011 Germany had always taken a back seat in European collaboration efforts in the realm of migration—uncharacteristic and unassuming behavior markedly different from its otherwise vocal, managerial presence in Brussels. Even as the Arab Spring began on the streets of Tunis in December 2010, Germany remained coy.[61] When Egyptian protests resulted in Hosni Mubarak's fall from power on February 11, 2011, however, Berlin finally decided to speak up—officially endorsing demonstrators' pleas for justice and democracy in the Middle East.[62]

Any semblance of a European consensus on how to respond to the massive cultural and political changes in North Africa, however, definitively eroded a month later with the United Nations Security Council's (UNSC) resolution authorizing the use of force and application of the principle of Responsibility to Protect (R2P) in Libya.[63] Germany, sticking to its non-interventionist framework, had fiercely opposed the move, and was particularly angry at France for its support thereof. The head of the Social Democratic Party's (SPD) faction in the *Bundestag* (German parliament), Frank-Walter Steinmeier, went so far as to claim that he had "never seen a decision about a military intervention by the international community that was so motivated and driven by the national interests of one state, [namely France]."[64]

As the Arab Spring progressed, German Foreign Minister Guido Westerwelle largely assumed an autonomous role—separate from the discord in Brussels—demanding that Germany reform its Mediterranean politics. Westerwelle, who served in the second Merkel Cabinet from 2009 to 2013 and was the first openly gay man to hold the position, had a personal interest in the promotion of democratization and human rights.[65] He focused on the establishment of civil society programs and initiatives between Germany and emerging Arab democracies, while his membership in the economically liberal Free Democratic Party (FDP) simultaneously informed a desire to open the EU's markets with North Africa. Westerwelle was the first foreign dignitary to visit post-Ben Ali Tunisia and post-Mubarak Egypt on the 13th and 24th of February 2011, respectively—foreshadowing the major role Germany would soon play in the region.[66]

It is unsurprising, then, that Germany's foci in the "transit states" of North Africa have become Egypt and Tunisia. Not long after Westerwelle's historically unprecedented visits to Tunis and Cairo, German civil society organizations began cropping up in both countries. In addition to the pledged amount of 100 million euros for Egypt and Tunisia earmarked in Germany's 2012 and 2013 federal budgets—labeled explicitly as money that would be

Israel."
60    Ratka 2012, 60.
61    History, "The Arab Spring."
62    Ratka 2012, 64.
63    *The Economist* 2011, "The Lessons of Libya."
64    Ratka 2012, 63; Medick 2011, "Westerwelles roter Freund."
65    Smale 2016, "Guido Westerwelle Dies at 54; German Foreign Minister Opposed Libya Intervention."
66    Ratka 2012, 64; Federal Foreign Office 2011, "Foreign Minister Westerwelle and Minister for Economic Cooperation and Development Niebel to Visit Egypt."

UNTIL VERY RECENTLY, GERMAN FOREIGN POLICY IN THE POSTWAR PERIOD HAS BEEN CHARACTERIZED BY THE STRICT DOCTRINE OF ZURÜCKHALTUNG, OR NON-INTERVENTION...

spent in pursuit of "democracy promotion, education, economic assistance, and civil society"—storied German political foundations began proliferating in North Africa as well.[67] Though the Konrad Adenauer Stiftung and Friedrich Ebert Stiftung—the political foundations of the Christian Democratic Union (CDU) and SPD, respectively—had opened offices in Cairo and Tunis in the late 20th Century, the aftermath of the Arab Spring marked a fundamental shift in their agendas. Since 2012, for example, the Friedrich Ebert Foundation's Cairo branch has committed itself to the "regional and national establishment of a network of young leaders"—explicitly tying itself (and thereby mainstream German politics) to democratization in Egypt.[68]

By May of 2011, Germany and France looked past their differences with regards to Libya and created the Deauville Partnership through the then-G8 (now the G7) and the Middle East and North Africa Transition Fund.[69] The agreement established networks of loans and development funds to MENA states in pursuit of two goals: the strengthening of governance and bolstering of economic growth in the region.[70] As of December 2018, over $56 billion and $53 billion have been pledged to Egypt and Tunisia, respectively.[71] Like most of Germany's development aid, there are very strict conditions attached to Deauville funds. Interestingly enough, however, this has not seemed to bother North African states: though Germany does have a colonial past in sub-Saharan Africa, it did not colonize the Arab world and thus has little history in the region.[72] Moreover, Germany's status as a revered and responsible economic powerhouse has proved alluring to states previously intertwined with the fickler finances of southern Europe.[73]

Germany's financial incursions into North Africa in the aftermath of the Arab Spring demonstrated that the country was shedding its traditional hesitance in favor of experimenting with a more assertive international presence. Its leadership in the region allowed Germany to become the second-largest donor in MENA development aid after the United States.[74] Though Germany's economic engagement in North Africa during Angela Merkel's second term as Chancellor—which concluded in 2013—was relatively uncontroversial, it arguably paved the way for the much more questionable, increasingly militarized involvement that would be introduced come January 2014 and the inauguration of the third Merkel Cabinet.

Though Angela Merkel retained her position as Chancellor, the 2013 German federal elections largely proved to be a watershed moment in German politics, shifting the governing coalition from the more rightward-leaning leadership of the CDU and FDP to the centrist "grand coalition" comprised of the CDU and SPD.[75] The new cabinet, particularly the new Foreign Minister Steinmeier (SPD) and Minister of Defense Ursula von der Leyen (CDU), articulated their desire for Germany to emphatically embrace its increasingly important role on the global stage and demanded that the government bid

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67   Ratka 2012, 64; Schⱥfer 2013, "Nordafrika-Politik zwischen Ideen und Interessen," 12.
68   Friedrich Ebert Stiftung, "Referat Naher/Mittler Osten und Nordafrika."
69   Ohlheiser 2014, "After Kicking Out Russia, the G8 is now the G7."
70   OECD, "G7 Deauville Partnership – MENA Transition Fund Project."
71   Middle East and North Africa Transition Fund, "Portfolio."
72   Eligon 2018, "The Big Hole in Germany's Nazi Reckoning? Its Colonial History."
73   Ratka 2012, 65.
74   Ratka 2012, 64.
75   *Tagesschau* 2013, "Bundestagswahl 2013."

goodbye to *Zurückhaltung*.[76]

Steinmeier and von der Leyen's wish soon became reality: on January 31, 2014, German President Joachim Gauck issued a rare political plea in his largely ceremonial role, calling for the official end of *Zurückhaltung* in a now-famous speech delivered at the Munich Security Conference. 70 years after the Holocaust, Gauck claimed, Germany was using its policy of non-intervention and historical shame to "shun responsibility" and "privilege itself" rather than employing its ample resources to spur meaningful change throughout the world.[77] In envisioning an end to *Zurückhaltung*, Gauck articulated his desire for Germany to become an important player not only in "civil" endeavors, but also securitization efforts worldwide.[78] As one of its first actions responding to Gauck's demand, Germany increased its military presence in the United Nations' (UN) Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).[79]

> THE RACISM AND XENOPHOBIA PLAGUING THE EUROPEAN CONTINENT ARE CAUSES FOR SERIOUS CONCERN THAT MERIT JUST AS MUCH INTERVENTION AS THE "IRREGULAR MIGRATION" OCCURRING BEYOND ITS SHORES.

Berlin's 180-degree policy maneuver was well-timed. 2014 also marked Italy's assumption of the European Council presidency, which gave Rome ample discretion in determining the EU's political priorities. Though Berlusconi no longer sat at its helm, Italy—historically overburdened by migrants compared to its EU peers—vowed to make border externalization the Council's focus.[80] Coupled with Germany's experimentation with interventionism, this political imperative drastically increased the European presence in North Africa and served to legitimize the GAMM as well as the flawed humanitarian initiatives run under its behest.

The Khartoum Process is one such measure. Launched in 2014 as a purported effort between the EU and the African Union (AU) to combat human trafficking in the Horn of Africa, it has instead been marred by power asymmetries and allegations of inefficacy.[81] Since 2016, the Khartoum Process has been guided by the Better Migration Management program (BMM), which is managed by the German Agency for International Cooperation (GIZ). Critics claim the GAMM and BAM do little more than "combat symptoms" of irregular migration through projects that fail to effectively promote capacity-building and rely on repressive regimes as partners.[82] If these humanitarian agendas were truly intent on eradicating suffering by combatting its root causes, endowing problematic governments with legitimacy via financial flows would be off the table.

More critical to border externalization of "Fortress Europe" was the 2014

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76    Kьhne 2013, 113; Bittner and NaЯ 2014, "Kurs auf die Welt."
77    *Spiegel* 2014, "Gauck auf Sicherheitskonferenz: Deutschland soll sich in der Welt mehr einmischen."
78    Der Bundesprдsident 2014, "Erцffnung der 50. Mьnchner Sicherheitskonferenz."
79    Kьhne 2013, 117.
80    2014 Italian Presidency of the Council of the Council of the European Union. "Programme of the Italian Presidency of the Council of the European Union."
81    Babiker and Oette 2017, 68.
82    Babiker and Oette 2017, 71, 86; Khartoum Process, "Operations."

establishment of the European Commission's Internal Security Fund (ISF). Including all EU states except Denmark and the United Kingdom, the ISF seeks to channel 3.8 billion euros from 2014 to 2020 to the securitization of European borders, visas, and policing. How states use these funds, however, is discretionary.[83] Germany has chosen to funnel much of its ISF money to the *Vorverlagerungsstrategie*, a program run under the German Interior Ministry (BMI) that roughly translates to "outward displacement strategy" and, much like its name suggests, seeks to intercept migrants before they even reach European shores.[84] Initially developed following 9/11 under the guise of combating crime, the *Vorverlagerungsstrategie* was first implemented in Afghanistan in 2002 with the establishment of the German Police Project Team (GPPT), through which over 2,000 German police officers have worked in Kabul and Mazar-i-Sharif to train Afghan forces. Since the Arab Spring, the BMI has worked to expand such programs in many of its North African partner states and is keen on securitizing war-torn Libya in the near future.[85]

Tunisia—home to North Africa's most stable government—is Germany's strongest partner in the region, housing over 100 different development projects run in tandem with Berlin.[86] Though the BMI and GIZ frame these initiatives using humanitarian vocabulary—in terms of "developing the economy," "supporting democracy," and "creating jobs"—the reality on the ground looks far different.[87] In 2015, the *Bundespolizei* (German Federal Police) opened a permanent office in Tunis, stating that they hoped to create a "visible German presence" in the fight against illicit migration and human trafficking while offering apprenticeships and training to strengthen Tunisian forces.[88] Neither Tunisia nor Germany are unique in this regard: at present, over 1,780 members of the *Bundespolizei* are deployed to 86 countries, while documents published by the German government suggest that the EU has a police force of around 5,000 broadly tasked with "crisis management"—an umbrella term that explicitly includes "humanitarian activities."[89] Importantly, these numbers do not even begin to take Frontex into account, around which an emerging body of literature too large to grapple with in this paper has developed. Nevertheless, the export of one's own police forces is a hardly-shrouded attempt at border externalization emblematic of a tacit violation of sovereignty on the part of Germany and all EU states for which it implicitly speaks.

## CONCLUSION: POLICING PARADOX

The ISF and *Vorverlagerungsstrategie* represent a new frontier in European border policy whereby migration management has been delegated to interior—as opposed to foreign—ministries. European migration politics have always been problematic. The overwhelming jurisdiction formerly held by foreign ministries, however, meant that, at the very least, the autonomy of

83   European Commission, "Internal Security Fund − Police."
84   *Zeit* 2016, "Innenminister will Bootsflüchtlinge nach Afrika zurückschicken."
85   Bundesministerium des Innern, für Bau und Heimat. "Internationale Polizeimissionen: Im Einsatz für den Frieden."
86   René Kluge, Lecture at German Federal Academy for Security Policy (BAKS), 2018.
87   Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, "Tunesien."
88   Frankfurter Allgemeine 2015, "Bundespolizei eröffnet ständiges Büro in Tunesien."
89   Bundespolizei, "Internationale Einsätze"; Bund-/Länder-Arbeitsgruppe 'Internationale Polizeimissionen' 2016, "Leitlinien für die gemeinsame Beteiligung des Bundes und der Länder an internationalen Polizeimissionen," 7.

third-party states was respected; bilateral agreements acknowledged North African states were self-governing spaces. Now, the overwhelming presence of interior ministers at deliberations on migration into the Schengen area demonstrates that EU states have had a fundamental shift in how they regard the sovereignty of the other and security within foreign spaces: happenings elsewhere are no longer matters of foreign policy, but issues of immediate domestic concern. It is ironic that the proliferation of such a haughty approach developed in the wake of attempts to democratize the Arab world, apparently taking advantage of pleas for a freer society to bolster "Fortress Europe" and its exclusivity. Perhaps it is a response to a waning colonial presence in Africa.

Germany's role in normalizing border externalization and the securitization of North Africa cannot be overstated. Berlin did not invent border externalization, but it made the practice acceptable by taking advantage of its history of non-interventionism and economic strength to create a flawed culture of trust, both inside and outside of the Schengen area. While its heightened engagement in the North Africa in the wake of the Arab Spring may have initially been motivated by hopes that the region would democratize, Germany exploited then-politically vulnerable and changing states to craft its own version of an exported police state rationalized by demands for security and heightened by claims that high-quality German development and job training initiatives are exceptional among world powers. As the European hegemon, Germany's securitized, investment-driven approach to humanitarian initiatives has inevitably shifted EU norms as well.

The *Vorverlagerungsstrategie* and its various offshoots—both in Germany and in the EU at large—do not seem to be abating anytime soon. The current German Interior Minister, Horst Seehofer, is historically unrivaled in his xenophobia and hardline politics, while the ISF promises funding through 2020 at the very least. Meanwhile, as Angela Merkel's final term elapses, her successor will likely indulge more extreme measures in the realm of immigration.[90] Across Europe, even the massively securitized approach of the present is somehow not enough to satisfy both political and popular cravings for racial and cultural homogeneity.

On December 10, 2018, leaders from Austria, Poland, Hungary, the Czech Republic, and Slovakia refused to sign the UN's revolutionary Global Compact for Safe, Orderly, and Regular Migration (GCM), while Italy still remains undecided on the measure.[91] The racism and xenophobia plaguing the European continent are causes for serious concern that merit just as much intervention as the "irregular migration" occurring beyond its shores. Though lasting solutions are complex and perhaps illusory, an end to Schengen area's border externalization and the exceptionalization of the European space would be a good start. Moving from a fortress to the commons would be even better.

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90   Connolly 2018, "Annegret Kramp-Karrenbauer Elected Merkel's Successor as CDU Leader."
91   Ghani 2018, "UN Members Adopt Global Migration Pact."

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