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Exploring an Unconventional Approach to Denuclearization

Applying Lessons from the Argentine-Brazilian Nuclear Cooperation to Curtail the Nuclear Arms Race in South Asia

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In May 1998, India and Pakistan together detonated eleven nuclear devices and ignited a nuclear arms race.[1] Progress towards nuclear disarmament in the region has been disappointing, and both countries still refuse to sign the Treaty on the Nonproliferation of Nuclear Weapons of 1970 (NPT).[2] In the same decade, Argentina and Brazil acceded to the NPT. More importantly, following the emergence of enabling domestic political conditions, the two countries consented to bilateral confidence-building measures, including the establishment of a bilateral nuclear inspection agency. Together, these bilateral confidence-building measures accomplished extensive nuclear cooperation even before the two countries' accession to the NPT.[3]

Despite the fact that India and Pakistan are armed with nuclear weapons, both countries have shown a willingness to escalate conflict. The Kargil and Twin Peaks crises in 1999 and 2001, respectively, are illustrative of this danger.[4] In addition, South Asia's nuclear proliferation is not only destabilizing for the continent and the nearby regions, but could also impede the international community's efforts to rid the world of nuclear weapons. This study argues that the Argentine-Brazilian nuclear cooperation model represents a new approach to strengthening nuclear nonproliferation that would be invaluable for mitigating, if not resolving, the Indian-Pakistani nuclear arms race.

After providing a brief history of Argentine-Brazilian nuclear rivalry, this essay will explore the subsequent period of nuclear cooperation between the two countries. The essay then discusses the Indian-Pakistani nuclear arms race and elaborates on how the lessons learned from nuclear cooperation in Latin America could be applied in South Asia to develop a condition conducive to nuclear reconciliation and cooperation in that region. Particular attention is given to the use of a bilateral inspection mechanism as an alternative to the NPT. This essay acknowledges that Indian-Pakistani cooperation is unlikely to reach the level of cooperation achieved by their South American counterparts. It does argue, however, that applying the South American nonproliferation approach would facilitate amelioration of nuclear conflict between India and Pakistan and could pave the way towards conflict resolution in the long run.

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[1] "Country Profiles – Pakistan – Nuclear," *Nuclear Threat Initiative*, accessed May 15, 2016, http://www.nti.org/learn/countries/pakistan/nuclear/.
[2] The Treaty on the Nonproliferation of Nuclear Weapons (NPT) entered into force in 1970 and prohibits the nuclear weapons states (NWS) from transferring nuclear weapons to non-nuclear weapons states (NNWS) or assisting NNWS in acquiring nuclear weapons. Under the treaty, NNWS are not permitted to build such weapons. It encourages peaceful uses of nuclear energy and nuclear research and states that NWS have the legal obligation to assist NNWS in developing nuclear technology and facilities, provided that they are for peaceful ends. Article VI of the treaty envisions total elimination of nuclear weapons from the world and stipulates that the NWS, in cooperation with the NNWS, must work towards achieving this goal.
[3] For the purpose of this essay, "nuclear cooperation" refers to a bilateral or multilateral measure that is supportive of nonproliferation objective. This includes an agreement between two or more countries to eliminate mutual suspicion and mistrust over each other's nuclear programs, increase transparency and cooperate through, *inter alia*, confidence-building programs and verification processes to prevent weaponization of nuclear materials. Where nuclear weapons are involved, the agreement would limit and reduce the number of weapons or disarm them, in addition to carrying out verification work. Thus "nuclear cooperation" here is used in a nonproliferation sense, as opposed to international nuclear trade cooperation or a country's agreement to furnish nuclear technology or reactors to another country.
[4] The former involved a small war in the province of Jammu and Kashmir (a disputed region between India and Pakistan). In the latter conflict, India mobilized its forces near its border with Pakistan and threatened to use force.

ARGENTINA AND BRAZIL: A CASE STUDY IN BILATERAL NUCLEAR COOPERATION

Beginning in the early 1950s, Argentina and Brazil began to develop nuclear programs in order to become energy self-sufficient, a matter both countries viewed as vital to national security.[5] Driven by a fear of losing the nuclear competition with the other, both countries' autocratic and nationalist regimes and armed forces continued to develop their nuclear programs and fought against anti-nuclearization measures for the next three decades.[6] By the 1980s, each country's nuclear program reached an advanced phase. In the same decade Argentina and Brazil's uranium enrichment and reprocessing facilities, previously a secret, became known worldwide.[7] In 1990, Fernando Collor de Mello, Brazil's president, uncovered the extent of the Brazilian military's nuclear ambition under its clandestine "Autonomous Program of Nuclear Technology" (PATN), which included a plan to test a nuclear device in Cachimbo in the state of Pará, Brazil.[8]

Argentina and Brazil's respective nuclear capabilities alarmed each other and the international community. Although both countries' respective nuclear power programs were established for the purposes of economic development, the international community feared that the programs might develop a military dimension. In the absence of a credible safeguards and verification system, Brazilian and Argentine leadership likewise feared that the other would weaponize its respective nuclear programs. Each country refused to join the NPT and each had military-controlled nuclear programs, causing additional anxiety. Finally, Brazil's plans to deploy a peaceful nuclear explosion (PNE) to clear land for urban development blurred the line between civilian and military use of nuclear technology.[9] It is clear that the bilateral development of nuclear capabilities was caused by each country's desire to avoid becoming inferior to its neighbor.

TOWARDS THE ARGENTINE – BRAZILIAN NUCLEAR COOPERATION

The tension perpetuated by the bilateral competition gradually gave way over the course of the 1980s to cooperation and increased transparency. The Argentine and Brazilian presidential elections of 1983 and 1985 respectively brought to power democratic and civilian governments: President Raul Alfonsin in Argentina and President Tancredo Neves in Brazil (though President Jose Sarney succeeded President Neves upon his death in April 1985).[10] Despite the individual militaries' tight grip on the nuclear power industries, Alfonsin and Sarney introduced measures to reduce nuclear tensions between the two states, initiated economic liberalization programs, and curbed the power of the militaries over their respective nuclear establishments.[11] In the Foz do Iguacu Declaration of 1985,

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[5] Etel Solingen, "Hindsight and Foresight in South American Nonproliferation Trends in Argentina, Brazil, and Venezuela" in *Over the Horizon Proliferation Threats,* ed. James J. Wirtz and Peter R. Lavoy (Stanford, CA: Stanford University Press, 2012), 139-140.

[6] Ibid, 139-141.

[7] John R. Redick, Julio C. Carasales and Paulo S. Wrobel, "Nuclear Rapprochement: Argentina, Brazil, and the Nonproliferation Regime." *Washington Quarterly* 18, no. 1 (1995): 108, doi: 10.1080/01636609509550135.

[8] Paul Beaumont and Thomas Rubinsky, *Latin America & Nuclear Weapons: An Introduction to the Issue of Nuclear Weapons in Latin America* (Oslo, Norway: International Law and Policy Institute, 2012), 12-13, http://nwp.ilpi.org/wp-content/uploads/2015/11/BP02-12_LatinAmerica.pdf.

[9] The Brazilian military never carried out PNE, though it had a plan to carry out such a test in Cachimbo. In 1990, President Color de Mello ordered this nuclear testing site to be closed down, demonstrating his commitment to nonproliferation.
 Arturo C. Sotomayor, "Brazil and Mexico in the Nonproliferation Regime: Common Structures and Divergent Trajectories in Latin America," in *State Behavior and the Nuclear Nonproliferation Regime*, ed. Jeffrey R. Fields (Athens, GA: University of Georgia Press, 2014), 222.

[10] John R. Redick, Julio C. Carasales and Paulo S. Wrobel, "Nuclear Rapprochement: Argentina, Brazil, and the Nonproliferation Regime." *Washington Quarterly* 18, no. 1 (1995): 112, doi: 10.1080/01636609509550135.

[11] Julio C. Carasales, "The Argentine-Brazilian Nuclear Rapprochement." *The Nonproliferation Review* (Spring-Summer 1995): 41-42. https://www.nonproliferation.org/wp-content/uploads/npr/carasa23.pdf.
Paul Beaumont and Thomas Rubinsky, *Latin America & Nuclear Weapons: An Introduction to the Issue of Nuclear Weapons in Latin America* (Oslo, Norway: International Law and Policy Institute, 2012), 13, http://nwp.ilpi.org/wp-content/uploads/2015/11/BP02-12_LatinAmerica.pdf.

both presidents committed to confine nuclear projects to civilian use.[12] Between 1986 and 1988, the Argentine and Brazilian presidents participated in multiple exchange visits to nuclear facilities to demonstrate their commitment to improving transparency.[13] Alfonsin and Sarney believed in the importance of the inclusion of nuclear cooperation with free-trade and signed the 1986 Argentine-Brazilian Integration and Economic Cooperation Program (PICE),[14] which led to the creation of MERCOSUR (South America's regional common market and free-trade area) in 1991.[15] In addition, both presidents increased state power over military-controlled nuclear industries. In Argentina, Alfonsin appointed a civilian to head the Argentine National Atomic Energy Commission (CNEA) in 1983 and decreased the budget for the nuclear program.[16] In September 1987, enriched uranium production was discovered in Brazil (to the surprise of the Brazilian public), prompting the government to investigate the military's nuclear program and demand for more openness and an inspection regime.[17]

President Carlos Menem (elected in Argentina in 1989) and President Fernando Collor de Mello (elected in Brazil in 1990) took a deep interest in further institutionalization of nuclear cooperation. In November 1990, both governments reached a joint agreement, which prohibited the construction of nuclear weapons and established the Joint Common System for Accounting and Control of Nuclear Materials (SCCC) and the Argentine-Brazilian Agency for Accounting and Control of Nuclear Materials (ABACC) in July 1991.[18] Under the SCCC, states were required to put on the SCCC record nuclear inventories and the location of nuclear-related facilities.[19] The ABACC, a bilateral verification agency with thirty inspectors from Brazil and thirty from Argentina, would implement the SCCC and carry out inspections.[20] To win the world's trust in the bilateral safeguards regime, the two Latin American governments and the ABACC brought the International Atomic Energy Agency (IAEA) into the safeguards process with the Quadripartite Agreement in December 1991.[21] This agreement permitted the IAEA to inspect the work of the ABACC, conduct independent verification, and apply the safeguards under Article 3 of the IAEA Statute.[22] This series of diplomatic events spanning over a decade represents the success of the Argentine-Brazilian initiatives. In 1994, both countries consented to be additionally bound by the Tlatelolco Treaty (South American Nuclear

[12] Julio Carasales cited in Sharon Tanzer, "Rapporteur's Summary," in *Averting a Latin American Nuclear Arms Race: New Prospects and Challenges for Argentine-Brazil Nuclear Co-Operation*, ed. Paul L. Leventhal and Sharon Tanzer (New York: St. Martin's Press and Nuclear Control Institute, 1992), 10-11.

[13] John R. Redick, Julio C. Carasales and Paulo S. Wrobel, "Nuclear Rapprochement: Argentina, Brazil, and the Nonproliferation Regime." *Washington Quarterly* 18, no. 1 (1995): 112, doi: 10.1080/01636609509550135.

[14] Julio C. Carasales, "The Argentine-Brazilian Nuclear Rapprochement." *The Nonproliferation Review* (Spring-Summer 1995): 41, https://www.nonproliferation.org/wp-content/uploads/npr/carasa23.pdf. "Integration, Cooperation and Development Treaty Between Brazil and Argentina," *Argentine-Brazilian Agency for Accounting and Control of Nuclear Materials,* accessed October 25, 2016, http://www.abacc.org.br/?p=3419&lang=en.

[15] Established in 1991 by the Treaty of Asuncion of 1991, MERCOSUR is a regional common market and free-trade area in South America.

[16] Emmanuel Adler, "State Institutions, Ideology, and Autonomous Technological Development: Computers and Nuclear Energy in Argentina and Brazil," in *Essay on Mexico, Central and South America – Latin America's International Relations and Their Domestic Consequences*, ed. Jorge I. Dominguez (London: Garland Publishing Inc, 1994), 284.

[17] Paul Beaumont and Thomas Rubinsky, *Latin America & Nuclear Weapons: An Introduction to the Issue of Nuclear Weapons in Latin America* (Oslo, Norway: International Law and Policy Institute, 2012), 13, http://nwp.ilpi.org/wp-content/uploads/2015/11/BP02-12_LatinAmerica.pdf.

[18] Julio C. Carasales, "The Argentine-Brazilian Nuclear Rapprochement." *The Nonproliferation Review* (Spring-Summer 1995): 42, https://www.nonproliferation.org/wp-content/uploads/npr/carasa23.pdf.

[19] Arian L. Pregenzer, Michael Vannoni and Kent L. Biringer. "Cooperative Monitoring of Regional Security Agreements" (Nonproliferation and Arms Control Analysis Department, 1996), 15-16. http://www.sandia.gov/cooperative-monitoring-center/_assets/documents/sand96-1121.pdf.

[20] John R. Redick, Julio C. Carasales and Paulo S. Wrobel, "Nuclear Rapprochement: Argentina, Brazil, and the Nonproliferation Regime." *Washington Quarterly* 18, no. 1 (1995): 114, doi: 10.1080/01636609509550135.

[21] The IAEA is an international institution, headquartered in Vienna, responsible for carrying out inspections to ensure state compliance with obligations under the NPT and safeguards agreements, promoting peaceful uses of nuclear energy and research, and administering safeguards to prevent diversion of nuclear materials from civilian to military uses. In addition, the Agency is required to inform the UN Security Council of any violation of the NPT and safeguards agreements, so that the Council can consider taking necessary enforcement actions. At the time of this writing, the IAEA Director-General is Yukiya Amano from Japan.
John R. Redick, Julio C. Carasales and Paulo S. Wrobel, "Nuclear Rapprochement: Argentina, Brazil, and the Nonproliferation Regime." *Washington Quarterly* 18, no. 1 (1995): 114, doi: 10.1080/01636609509550135.

[22] Ibid.

Weapons-Free-Zone treaty).[23] Finally, in 1995 and 1998, respectively, President Menem of Argentina and Brazil's President Fernando Cardoso acceded to the NPT.[24]

FACTORS DRIVING ARGENTINA AND BRAZIL TOWARDS NUCLEAR COOPERATION

In large part, the move towards nuclear cooperation can be attributed to domestic political development — namely the advent of democratic governments, the control these governments asserted over nuclear policy, and the resulting cost-benefit calculations in favor of cooperative nuclear policy.[25] Etel Solingen argues that the "inward-looking regimes" of the pre-democratic era in Argentina and Brazil saw nuclear energy as an instrument to bolster nationalist image and power within their respective countries.[26] This type of regime resisted any economic-liberalization or external influence that could pose a threat to their power.[27] Despite the cost, developing a nuclear program served the militaristic agenda of such regimes.[28] However, the utility of a nuclear program changed with the elections of Presidents Alfonsin and Menem of Argentina and Presidents Sarney and Collor de Mello of Brazil. Each president's dependence on popular support and economic prosperity for political survival led him to liberalize economic and trade policies.[29] Solingen asserts that with the new "internationalizing coalitions" in office, expensive nuclear programs and competition were costly, and nonproliferation compliance was necessary in order to attract foreign investment, trade, and economic assistance from international institutions.[30] The intra-regional trade benefit derived from MERCOSUR, to which both states were committed, was another incentive for participating in bilateral nuclear control regime. In fact, the level of trade between the members of MERCOSUR tripled between 1991 and 1996.[31] This remarkable economic performance would have been difficult to achieve had Argentina and Brazil continued unabated in their nuclear competition.

Both governments owe their accomplishments to the bilateral confidence-building measures and the ABACC, but not the NPT. Because the two states viewed the instrument as discriminatory against non-nuclear weapons states and an obstacle to the development of peaceful nuclear energy, international efforts to pressure Brazil and Argentina to adhere to the NPT were bound to fail.[32] The

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[23] Paul Beaumont and Thomas Rubinsky, *Latin America & Nuclear Weapons: An Introduction to the Issue of Nuclear Weapons in Latin America* (Oslo, Norway: International Law and Policy Institute, 2012), 15, http://nwp.ilpi.org/wp-content/uploads/2015/11/BP02-12_LatinAmerica.pdf.

[24] Etel Solingen, "Hindsight and Foresight in South American Nonproliferation Trends in Argentina, Brazil, and Venezuela" in *Over the Horizon Proliferation Threats,* ed. James J. Wirtz and Peter R. Lavoy (Stanford, CA: Stanford University Press, 2012), 143.

[25] John Redick et al and Etel Solingen concur that changes in domestic politics in the 1980s and 1990s, and the new bilateral nuclear relationship that those changes helped bringing about, best account for the Argentine-Brazilian decision to accede to bilateral, regional and global nuclear nonproliferation regimes and an end to their costly nuclear competition. They argue that although the favorable geopolitical environment emerged near and after the end of the Cold War was certainly supportive of denuclearization, it is beyond doubt that the main driver for this positive change in Argentina's and Brazil's nuclear policies was domestic political development.
See John R. Redick, Julio C. Carasales and Paulo S. Wrobel, "Nuclear Rapprochement: Argentina, Brazil, and the Nonproliferation Regime." *Washington Quarterly* 18, no. 1 (1995): 118, doi: 10.1080/01636609509550135;
Etel Solingen, "Hindsight and Foresight in South American Nonproliferation Trends in Argentina, Brazil, and Venezuela" in *Over the Horizon Proliferation Threats*, ed. James J. Wirtz and Peter R. Lavoy (Stanford, CA: Stanford University Press, 2012), 144.

[26] Etel Solingen, "Hindsight and Foresight in South American Nonproliferation Trends in Argentina, Brazil, and Venezuela" in *Over the Horizon Proliferation Threats,* ed. James J. Wirtz and Peter R. Lavoy (Stanford, CA: Stanford University Press, 2012), 137-141.

[27] Etel Solingen, *Nuclear Logics: Contrasting Paths In East Asia and the Middle East* (Princeton, NJ: Princeton University Press, 2007), 42.

[28] Etel Solingen, "Hindsight and Foresight in South American Nonproliferation Trends in Argentina, Brazil, and Venezuela" in *Over the Horizon Proliferation Threats,* ed. James J. Wirtz and Peter R. Lavoy (Stanford, CA: Stanford University Press, 2012), 137-138.

[29] Ibid, 137, 142-144.

[30] Ibid.

[31] Carlos Feu Alvim, "The Conference on Nuclear Confidence Building in the Korean Peninsular: Potential Application of the ABACC to Other Regions," *Institute for Science and International Security*, accessed November 16, 2013, http://isis-online.org/uploads/conferences/documents/feu.pdf.

[32] Sharon Tanzer, "Rapporteur's Summary," in *Averting a Latin American Nuclear Arms Race: New Prospects and Challenges for Argentine-Brazil Nuclear Co-Operation*, ed. Paul L. Leventhal and Sharon Tanzer (New York: St. Martin's Press and Nuclear Control Institute, 1992), 44. See "Panel Six – Would A Bilateral Arrangement Between Argentina and Brazil Serve as a Useful Model For Other Regions? What Would Be the Implications for IAEA Safeguards and the Tlatelolco and NPT Treaties?"

series of bilateral measures gained momentum during the 1980s and culminated in the creation of the ABACC. This agreement proved to be a better alternative because each country wanted to assure the world of the peaceful nature of its nuclear program. Another remarkable feature of the ABACC system was the inclusion of nuclear inspectors from both Argentina and Brazil. Because nuclear arms control and verification are of serious concern to national security, countries undergoing inspections typically demand a certain degree of involvement in the process.[33] This was an inherent advantage of the bilateral nonproliferation regime because it was tailored to Argentina's and Brazil's preference for joint inspection, an advantage that international nonproliferation regimes (such as the NPT) had not previously been able to offer.

THE INDIAN-PAKISTANI NUCLEAR CONFLICT: HISTORY, NUCLEAR DOCTRINE AND NONPROLIFERATION POLICY

Unlike South America, where the nuclear rivalry between Argentina and Brazil did not cross into a weapons threshold, the bilateral nuclear competition in South Asia is more severe because it involves two nuclear-armed states, India and Pakistan. The persistence of armed conflict in, and the territorial dispute over, the region of Jammu and Kashmir makes nuclear proliferation in South Asia a serious cause for concern for the international community, and provides a *raison d'être* for India's and Pakistan's nuclear weapons. India and Pakistan are able to operate a full nuclear fuel cycle.[34] It is estimated that the number of warheads in India's possession ranges from 90 to 110, while the quantity of Pakistan's warheads is between 100 and 120.[35]

THE DEVELOPMENT OF THE INDIAN-PAKISTANI NUCLEAR ARMS RACE

Soon after gaining independence from Britain, India started developing a peaceful nuclear energy program. However, conflicts between India and Pakistan-backed guerilla forces to gain sovereignty over Kashmir in 1947, several border clashes with China in the 1960s, and domestic political support for nuclear deterrence stimulated India's interest in conducting a nuclear explosion. In an effort to demonstrate its nuclear capability, India exploded an atomic device under the guise of a peaceful nuclear explosion in May 1974.[36] Fearing India's conventional forces' superiority and nuclear advancement, Pakistan reciprocated by accelerating its own nuclear weapons program, to the point of enduring economic hardship.[37] With China's assistance and cooperation from Abdul Qadeer Khan, Pakistan managed to acquire the means to produce highly enriched uranium in order to weaponize its nuclear program.[38]

1998 marked a milestone in South Asia's proliferation history. In May, India tested five nuclear weapons and, to demonstrate its deterrence capability, Pakistan responded by detonating six nuclear bombs.[39] Since then, both governments have adopted "credible minimum deterrence" and have

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[33] Arian L. Pregenzer, Michael Vannoni and Kent L. Biringer. "Cooperative Monitoring of Regional Security Agreements" (Nonproliferation and Arms Control Analysis Department, 1996), 21 http://www.sandia.gov/cooperative-monitoring-center/_assets/documents/sand96-1121.pdf.
[34] "Country Profiles – India – Nuclear," *Nuclear Threat Initiative*, accessed May 15, 2016, http://www.nti.org/learn/countries/india/nuclear/. "Country Profiles – Pakistan – Nuclear," *Nuclear Threat Initiative*, accessed May 15, 2016, http://www.nti.org/learn/countries/pakistan/nuclear/.
[35] *SIPRI Yearbook 2015: Armaments, Disarmament and International Security – Summary* (Solna, Sweden: Stockholm International Peace Research Institute, 2015), 18, accessed October 17, 2016, https://www.sipri.org/sites/default/files/2016-03/YB-15-Summary-EN.pdf.
[36] "Country Profiles – India – Nuclear," *Nuclear Threat Initiative*, accessed May 15, 2016, http://www.nti.org/learn/countries/india/nuclear/.
[37] In 1965, Pakistani President Zulfika Ali Bhutto stated: "if India builds the bomb, we will eat grass or leaves, even go hungry, but we will get one of our own."
"Country Profiles – Pakistan – Nuclear," *Nuclear Threat Initiative*, accessed May 15, 2016, http://www.nti.org/learn/countries/pakistan/nuclear/.
[38] Abdul Qadeer Khan's network specialized in illicit nuclear trade and helped countries evade Western restrictions on the export of nuclear technology.
"Country Profiles – Pakistan – Nuclear," *Nuclear Threat Initiative*, accessed May 15, 2016, http://www.nti.org/learn/countries/pakistan/nuclear/.
[39] Ibid.

declared that their nuclear doctrines are defensive in nature.[40] India adopted a "no-first-use" policy in 1999.[41] Pakistan has maintained that nuclear weapons will only be used in the event of an invasion of Pakistani territory or a nuclear attack by another state.[42]

On nonproliferation policy, India and Pakistan have chosen to remain outside the NPT and have refused to sign the Comprehensive Test Ban Treaty (CTBT).[43] Both states oppose international pressure to join the NPT, arguing that it is discriminatory. While the treaty permits the five recognized nuclear weapons states (United States, United Kingdom, France, China and Russia) to possess nuclear arsenals, it deprives other states of the same privilege.[44] India holds the position that global nuclear disarmament is a precondition for signing the NPT. India's rival, Pakistan argues that nuclear disarmament will only be realized if India agrees to eliminate its nuclear weapons.

THE APPLICATION OF THE ARGENTINE-BRAZILIAN NUCLEAR COOPERATION MODEL TO THE NUCLEAR ARMS RACE IN SOUTH ASIA

Political dynamics and circumstances in South America are vastly different than those on the Indian subcontinent. Given the vastly different circumstances in South Asia, nuclear cooperation of the same scale of that achieved between Argentina and Brazil is unlikely in the region. Any effort to apply the lessons of bilateral nuclear cooperation in Latin America must acknowledge these differences. However, a similar bilateral cooperation framework may serve to alleviate tensions between India and Pakistan.

Volatile geopolitical environment in South Asia – South Asia is situated between a volatile Middle East and China. The United States and China are also competing for political influence in the region. The United States, in an attempt to mitigate China's power in the region, agreed to aid India's civil nuclear program in 2005.[45] The decision caused uneasiness among Pakistani officials, who, in turn, sought nuclear assistance from China. In addition, an increasingly assertive Chinese foreign policy reinforces India and Pakistan's arguments for strengthening nuclear deterrence.

Unlike India and Pakistan, Argentina and Brazil have not been in conflict for almost two centuries. India and Pakistan still have outstanding tensions, particularly with regards to the territorial dispute over Jammu and Kashmir. This region is divided into two parts by the Line of Control— one half managed by India and the other by Pakistan. Ethno-religious differences are also absent in Argentina and Brazil but present in India and Pakistan. It is precisely these ethno-religious differences that continue to cause turmoil in the Indian-Pakistani relationship over the political status of Kashmir, to the detriment of political and nuclear reconciliation.

Domestic ruling coalitions favoring nuclear weapons – While the advent of democratic regimes (taking advantage of a robust international economy) had a positive impact on nuclear nonproliferation in Argentina and Brazil, the current liberal-democratic regime in India continues to benefit from nuclear weapons development, specifically because of domestic support for nuclear deterrence. This support was demonstrated by the May 1998 nuclear detonations, which, Kanti Bajpai

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[40] "Country Profiles – India – Nuclear," *Nuclear Threat Initiative*, accessed May 15, 2016, http://www.nti.org/learn/countries/india/nuclear/.
Michael Krepon, "Pakistan's Nuclear Strategy and Deterrence Stability," in *Deterrence Stability and Escalation Control in South Asia,* ed. Michael Krepon and Julia Thompson (Washington, DC: Henry L. Stimson Center, 2013), 44, http://www.stimson.org/sites/default/files/file-attachments/Deterrence_Stability_Dec_2013_web_1.pdf.
[41] "Country Profiles – India – Nuclear," *Nuclear Threat Initiative*, accessed May 15, 2016, http://www.nti.org/learn/countries/india/nuclear/.
[42] "Country Profiles – Pakistan – Nuclear," *Nuclear Threat Initiative*, accessed May 15, 2016, http://www.nti.org/learn/countries/pakistan/nuclear/.
[43] The Comprehensive Test Ban Treaty (CTBT) prohibits states from testing every form of nuclear explosion. Despite having been opened for signature since September 1996 the treaty has not entered into force, as ratifications by all of the states (including India and Pakistan) noted in Annex 2 of the treaty are required.
[44] The United States, the United Kingdom, France, China and Russia (five permanent members of the UN Security Council) are parties to the NPT and are recognized, under that Treaty, as nuclear weapons states. See Article IX(iii) of the NPT.
[45] "Country Profiles – Pakistan – Nuclear," *Nuclear Threat Initiative*, accessed May 15, 2016, http://www.nti.org/learn/countries/pakistan/nuclear/.

asserts, succeeded in pulling the government of Prime Minister Atal Vajpayee out of political crisis.[46] In Pakistan, the civil-military balance weighs in favor of the army when it comes to control over nuclear weapons.[47] In Pakistan, nuclear weapons are central to the country's defense strategy. The Pakistani army has also placed an unusual amount of importance on its nuclear arsenal, according to Scott D. Sagan, "[s]enior officials sometimes treat nuclear weapons… as valued objects to be protected themselves rather than the deterrent that protects the Pakistani people."[48]

Although this study acknowledges the difficulty of achieving the same level of nuclear cooperation in India and Pakistan as has already been accomplished in South America, many useful lessons can be drawn from South America's success and applied to the conflict in South Asia in order to relieve nuclear tensions. The following are the factors that contributed to nuclear cooperation in Latin America and the potential ways international policymakers can adapt these factors to build similar conditions in a nuclear South Asia:

1) Bilateral arms control and verification regime as an alternative to the NPT option – The success of the ABACC has drawn attention to the advantages of bilateral confidence-building measures for nonproliferation efforts. The most important measure of the potential success of a bilateral nuclear cooperation mechanism is the ability to accommodate both parties' preferences and generate mutual trust. Argentina and Brazil in the 1980s and the early 1990s shared India and Pakistan's current concerns regarding the NPT, particularly the concerns over discrimination and inadequacy. Such a concern drove the two Latin American countries to look elsewhere for a solution. Both Argentina and Brazil intended, from the start, that confidence-building should be the primary goal of bilateral nuclear cooperation, in contrast to the supposed discrimination that some non-nuclear weapons states see inherent to the NPT.[49] In fact, the ABACC was intentionally created to assure one another (and the world more broadly) that their respective nuclear energy programs were intended for peaceful purposes. India and Pakistan could benefit from pursuing the same path.

An exchange visit by two heads of state to nuclear facilities, like that of similar exchange visits carried out by Argentina and Brazil in the 1980s, could alleviate mistrust and demonstrate a bilateral commitment to transparency. Regular exchange visits by the Indian and Pakistani leadership to civil and military nuclear installations could prove to be a positive step towards nuclear arms control in the region. India and Pakistan have entered into a few nuclear-related confidence-building measures. One such agreement prevents India and Pakistan from attacking each other's nuclear sites; another agreement makes information regarding nuclear installations available to both parties.[50] While these represent progress, more could be done. No high-level exchange visits have ever taken place, for example. Ultimately, though, the long-term goal should be the creation of a bilateral inspection agency.

When regional circumstances allow for a more concrete nonproliferation program, a bilateral nuclear inspection agency for India and Pakistan should be considered and modeled after the ABACC. There is no guarantee that a bilateral agency will lead to the eventual elimination of nuclear weapons in South Asia. Nonetheless, subject to Indian-Pakistani approval, the agency could *inter alia* limit the number of nuclear warheads, prevent the creation of further fissile materials for weapons production,

[46] Kanti Bajpai, "The BJP and the Bomb," in *Inside Nuclear South Asia*, ed. Scott D. Sagan (Stanford, CA: Stanford Security Studies, 2009), 57.

[47] Scott D. Sagan and Kenneth N. Waltz, *The Spread of Nuclear Weapons: An Enduring Debate,* 3rd ed. (New York, NY: W. W. Norton & Company, 2013), 138-140.

[48] Scott D. Sagan, "The Evolution of Pakistani and Indian Nuclear Doctrine," in *Inside Nuclear South Asia*, ed. Scott D. Sagan (Stanford, CA: Stanford Security Studies, 2009), 237.

[49] Sharon Tanzer, "Rapporteur's Summary," in *Averting a Latin American Nuclear Arms Race: New Prospects and Challenges for Argentine-Brazil Nuclear Co-Operation*, ed. Paul L. Leventhal and Sharon Tanzer (New York: St. Martin's Press and Nuclear Control Institute, 1992), 39-46.
This is the view that the Brazilian and Argentine representatives and participants expressed during the Latin American Nuclear Cooperation Conference of October 1989 – See "Panel Six - Would A Bilateral Arrangement Between Argentina and Brazil Serve as a Useful Model For Other Regions? What Would Be the Implications for IAEA Safeguards and the Tlatelolco and NPT Treaties?"

[50] For a comprehensive list of CBMs in South Asia see Umbreen Javaid, "Confidence Building Measures in Nuclear South Asia: Limitations and Prospect," *A Research Journal of South Asian Studies* 25, no. 2 (July-December 2010): 348-350. http://pu.edu.pk/images/journal/csas/PDF/10-Dr.%20Umbreen%20Javaid.pdf.

and monitor compliance, effectively imposing a legal limit on the regional arms race. The agency could also impose safeguards on nuclear facilities and materials. The scope of its work and authority would be determined by the two parties, though it could be strengthened over time. Because the United States and China are heavily involved in the region, their participation is critical in any attempt to establish a nuclear arms control regime. China, for example, should consider including negative security assurance into an agreement establishing a bilateral agency to address India's fear of a Chinese nuclear attack.[51] India and Pakistan could also consider making their bilateral nuclear agreement's entry into force conditioned upon this criterion being met. Again this highlights the flexibility of a bilateral arms control system and the importance of tailoring it to suit the specific circumstances of the region.

Following the ABACC's joint inspection method, inspectors from both India and Pakistan should jointly conduct routine inspections under the auspices of the bilateral agency. Extending the scope of verification and safeguards to India's military nuclear facilities could help to alleviate international concern, as these military facilities are, at present, out of the scope of the IAEA.[52] India might be more receptive to this type of inspection than one carried out by international inspectors. Mutual inspection of India and Pakistan's nuclear programs would also encourage both countries to be more responsible actors, as they would have to adopt and adhere to the internationally-recognized standards.

2) Regional stability is an indispensable part of nuclear rapprochement – Even though the Argentine-Brazilian nonproliferation measures were caused in large part by changes in domestic politics, the increase in international stability associated with the end of the Cold War did provide an atmosphere conducive to nuclear cooperation as well.[53] This point is even more significant in South Asia, as the presence of unresolved militarized conflicts, notably the Kashmiri dispute, "is the main cause for failure of attempts to have normal relations between India and Pakistan."[54] Preventing future conflict over the disputed province and reaching a permanent political settlement would go a long way towards improving prospects for nuclear reconciliation and increasing bilateral dialogue on nuclear conflict resolution. Thus, solving the Kashmiri dispute should not be seen in isolation from an attempt to tackle South Asian nuclear proliferation.

The international community has a part to play in mitigating the volatile political environment in the region. U.S. nuclear assistance to India and the Sino-Pakistani nuclear counter-deal only encouraged the existing nuclear rivalry. This is hardly a recipe for constraining proliferation. U.S. and Chinese cooperation with India and Pakistan, respectively, give both superpowers diplomatic leverage over their allies. This influence should be used to force both South Asian countries to normalize their relations and roll back the present nuclear arms race.

3) The importance of having civilian control over a nuclear weapons establishment – Eliminating mutual distrust would have been difficult to achieve in Argentina and Brazil without each country exerting democratic control over the military-controlled nuclear programs. It was the civilian leaders, not the armed forces, who wanted to elevate their countries to the rank of responsible nuclear energy-producing countries. This lesson is more applicable in Pakistan than India, because in the former, the military exercises the sole authority over the use of nuclear weapons. While the Pakistani military will not likely allow any political reform that would weaken its control over the nuclear forces,

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[51] A "negative security assurance" is a formal agreement made by a nuclear-weapons state to not launch a nuclear attack against a non-nuclear weapons state.

[52] "Country Profiles – India – Overview," *Nuclear Threat Initiative*, accessed May 15, 2016, http://www.nti.org/learn/countries/india/. Under the June 2014 India-IAEA safeguards agreement, the IAEA can only visit and inspect India's civilian nuclear facilities.

[53] John R. Redick, Julio C. Carasales and Paulo S. Wrobel, "Nuclear Rapprochement: Argentina, Brazil, and the Nonproliferation Regime." *Washington Quarterly* 18, no. 1 (1995): 118, doi: 10.1080/01636609509550135.

[54] Umbreen Javaid, "Confidence Building Measures in Nuclear South Asia: Limitations and Prospect," *A Research Journal of South Asian Studies* 25, no. 2 (July-December 2010): 355, http://pu.edu.pk/images/journal/csas/PDF/10-Dr.%20Umbreen%20Javaid.pdf.

Scott D. Sagan suggests that introducing civilian nuclear technicians and personnel into the military establishment may help increase the voice of the civilian government.[55] Sagan also points out that organizing public, inclusive debates on the contribution of nuclear arsenals to Pakistan's national security could be another way for civilian leadership to influence the military's nuclear policy.[56] In short, increasing civilian control will likely encourage Pakistan to be more peaceable in its relations with India.

      4) Trade and Economic Incentives – Just as MERCOSUR strengthened Argentine and Brazilian interest in nuclear cooperation by increasing interdependence and the cost of nuclear competition, improving trade between India and Pakistan would likely do the same. A nuclear cooperation project for India and Pakistan ought to integrate trade cooperation so as to raise incentive for participation. The international community should take advantage of the fact that there is enormous room for improvement in Indian-Pakistani bilateral trade. Taneja et al wrote that "[t]he potential bilateral trade between India and Pakistan has been estimated to be around US$20 billion, compared to the current trade volume of USD $2.6 billion."[57] This large gap reveals that there is ample room to remove trade barriers. What's more, the trade along Jammu and Kashmir's Line of Control remains highly restrictive. In recognizing the huge benefit of free trade across the Line of Control, Sajad Padder argues that liberalization would enable the local economy to flourish and could lead to India-Pakistan reconciliation over this disputed territory.[58] A peaceful Kashmir could, in turn, increase India and Pakistan's willingness to resolve their nuclear dispute. If bilateral trade had been operating at full potential, previous nuclear and military escalations would likely have been too costly for both countries.

CONCLUSION

      The end of suspicious nuclear rivalry between Argentina and Brazil and their full participation in bilateral, regional and global nonproliferation regimes represents one of the most significant contributions to the international community's nuclear disarmament effort. After two and a half decades of competition to attain nuclear superiority, the two governments, through their unprecedented bilateral initiatives, managed to gradually place their nuclear relationship on a cooperative footing. This cooperation climaxed with the two states' accession to the NPT in the mid- to late 1990s. The bilateral nuclear inspection agency, the advent of civilian government and civilian control over nuclear policy, the desire to secure economic benefits of denuclearization, and the formation of a regional trade bloc were largely responsible for the positive change. The Argentine-Brazilian nuclear cooperation model underlines the fact that alternative paths to the NPT can also lead to an outcome supportive of nonproliferation.

      This essay advocates using the lessons learned from Latin America to create policy recommendations for addressing South Asia's nuclear arms race. Because of the differences in historical and political circumstances between the two regions, this research acknowledges that the factors that led to positive engagement in nonproliferation in one region would yield a much less effective result in the other. Nevertheless, the policy-recommendations put forward here could be invaluable for reducing nuclear conflict in South Asia. Of particular interest to policymakers is the role of bilateral confidence-building measures, such as the ABACC, which has taught the world that the

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[55] Scott D. Sagan, "The Evolution of Pakistani and Indian Nuclear Doctrine," in *Inside Nuclear South Asia*, ed. Scott D. Sagan (Stanford, CA: Stanford Security Studies, 2009), 254.
[56] Ibid.
[57] Nisha Taneja, Sanjib Pohit and Shravani Prakash, "Chapter 12 – The Way Forward," in *India-Pakistan Trade: Strengthening Economic Relations,* ed. Nisha Taneja and Sanjib Pohit (India: Springer India, 2015), 337.
[58] Sajad Padder, "Cross-LoC Trade: Peace and Process," *Social Sciences Review of Pakistan* 1, no. 2 (Winter 2014): 1 and 13.

present NPT is not a panacea. Establishing a similar bilateral nuclear agreement that addresses the concerns of both India and Pakistan could be an important step towards reducing the regional arms race and improving transparency. Furthermore, it would provide an alternative to the NPT, which both states currently oppose. The fact that the ABACC is the only institution of its kind in the world reveals that the international community has yet to explore this option in other proliferation cases.[59] Other policy-recommendations that flow from South America's accomplishment include: improving regional stability and Indian-Pakistani relations, increasing civilian input in Pakistan's national security policy-making, and bilateral and regional trade liberalization. Establishing these conditions could make India and Pakistan, especially the pro-nuclear factions, more amenable to reconciliatory nuclear policies.

Reducing and ultimately ending the Indian subcontinent's nuclear rivalry is not only in the interest of India and Pakistan, but also of key stakeholders in the region, namely the United States and China. A South Asia free of nuclear arsenals would free up each of these countries' energies and resources to focus on other matters vital to their national security, such as economic growth and combating terrorism on the Indian-subcontinent. Stakes in the Indian-Pakistani nuclear conflict are too high for the world to ignore. This warrants using a non-traditional method for dealing with the crisis. The Argentine-Brazilian nuclear cooperation represents a new approach, which deserves serious consideration. Only through implementation, in good faith, by all involved parties, can the new approach's value be realized.

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[59] "The ABACC," *Argentine-Brazilian Agency for Accounting and Control of Nuclear Materials*, accessed March 8, 2016, http://www.abacc.org.br/?page_id=95&lang=en.

Economic Diversification in Saudi Arabia
The Challenges of a Rentier State

Doreen Horschig

There are two types of economies in the world. One that relies heavily on one specific resource and one that collects revenue from diverse economic resources. Economic diversification in this paper is defined as modification of national income sources to reduce the dependence on one particular resource. In Saudi Arabia, this resource is oil and it is used as rent. Rent creates a substantial revenue for the government from the availability of one specific resource through its sales to external actors. Thus, Saudi Arabia is a rentier state because it heavily relies on its rent of oil. Relying on one sector of income, however, can create long-term instability. Since 1970, the Saudi government introduced new policies for more diversification in ten development plans, yet most of them have failed in their implementation.[60] What, then, are the challenges of economic diversification policies in Saudi Arabia, and what can lead to a greater diversification despite these challenges? This work argues that the new government-initiated Vision 2030 and economic diversification can only be successful if work ethics, innovation, and government control are addressed.

In April 2016, Saudi Arabia's Deputy Crown Prince announced the Vision 2030, a reform plan that aims to free the kingdom of oil dependence through diversifying the economy and social politics. This essay demonstrates that Vision 2030 and economic diversification can only be successful if the identified challenges are addressed. The key judgments of the paper entail three challenges to diversification policies. First, Saudi culture of the rentier state and youth work ethics challenge the implementation of such policies. Second, government subsidization has to be reduced in order to promote innovation. Third, enforcement of diversification policies will be unsuccessful if the ruling Al-Saud family is not willing to reduce government control.

Employing an empirical approach, the paper will review the background on the Saudi Arabian economy and its development with a focus on proposed policies. It will continue to review the literature and research that has been conducted on economic diversification in the Gulf States to be able to meet the challenges that diversification programs in Saudi Arabia contain. More specifically, it will look at three challenges of diversification policies and efforts: Saudi culture, subsidies, and government control. Subsequently, the research will analyze future conditions and settings that answer the question whether economic diversification in Saudi Arabia is possible after all. With its conclusion of the case study of Saudi Arabia, the paper adds to the literature of economic diversification in rentier states by identifying key challenges for the Saudi government.

The research is aware that resources from the Saudi government have to be read with caution because of possible biases. For example, the Saudi Ministry for Economy and Planning widely praises the Saudi economy in its 2025 Vision.[61] The Saudi government, as a monarchical autocracy, acts out of self-interest when publishing reports and documents. Therefore, the research will look at government, non-government, and foreign sources for data collection and literature review before arriving at a conclusion.

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[60] Bassam A. Albassam, "Economic diversification in Saudi Arabia: Myth or reality?" in Resources Policy 44, (June 1, 2015): 112, ScienceDirect, EBSCOhost, accessed March 21, 2016, http://ac.els-cdn.com/S0301420715000215/1-s2.0-S0301420715000215-main.pdf?_tid=fd439984-efb0-11e5-b49f-00000aab0f01&acdnat=1458598094_c889d3c11343f642b8827821e6234102

[61] "Saudi Arabia: Long-Term Strategy 2025" (Riyadh: Saudi Ministry of Economy and Planning October 2007), 19-22, accessed April 25, 2016, http://vision.cer.uz/Data/lib/vision_texts/Saudi_Arabia/SAUD_Long_Term_Strategy_2025_October_2007.pdf

An answer to the long-discussed question of when and whether the world will eventually run out of oil is not addressed in the paper. The work addresses the challenges of economic diversification and is not an approach to science. Several scientific research publications and scholars have concluded that oil is a limited resource.[62, 63] Therefore, the paper will assume that oil-based economies must consider different sources of income for a sustainable future.

BACKGROUND ON SAUDI ARABIA: ECONOMY, POLICIES, AND DIVERSIFICATION ATTEMPTS

Saudi Arabia is one of the largest oil producer in the world.[64] Its economy is driven by wealth from oil resources and "the kingdom depends largely on oil as a major source of income."[65] After 15 years of surpluses, 2014 was the first year to report a deficit for the country. The government recognized already in 1998 that the country could not rely entirely on revenue allocated through the state and announced political changes, such as raising gasoline prices for consumers, increasing prices for government services, and reducing farm subsidies.[66]-According to Bernard Haykel et al.[67], however, "the Saudis did not follow through on these rumored political changes."[68] The attempt to alternate the oil revenue and government spending was not effective before the 21st century.

Another effort to diversify revenue and economy was made on April 25, 2016. Mohammed bin Salman announced the program of diversification efforts: Saudi Vision 2030.[69] The plan includes improved structural reform, transparency, and a package of economic and social policies.[70] An education reform seems to be missing. The question is whether the vision can meet international expectations of reforming the economy. For the purpose of the study, this paper will consider the policies of a former publication for analysis: Saudi Arabia's Long-Term Strategy 2025 (LTS 2025). The Vision 2030 was published in the summer of 2016 and does not provide enough data on its implementation. The paper assumes that the concluded challenges of the 2025 vision will be similar for the 2030 vision.

With the release of the vision for 2025, Saudi Arabia took several approaches to diversify its economy and introduced policies to do so. The new plan focuses on "job creation, poverty alleviation, diversification and balanced regional development."[71] The second pillar of the plan introduces 80 policies to implement the goals. For example, the improvement of infrastructure through public-funded projects, incentives for Saudi investors to turn to domestic instead of foreign sectors, the strengthening of the private sector and its responsibility, and the appointment of a Supreme Economic Council to create a regulatory framework for the private sector. [72] As a result of the policies, the Saudi Arabian Monetary Agency reports that manufacturing industries, construction

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[62] Callen, Tim, Reda Cherif, Fuad Hasanov, Amgad Hegazy, and Padamja Khandelwal, "Economic Diversification in the GCC: Past, Present, and Future," International Monetary Fund: IMF Staff Discussion Note (December 2014), accessed March 21, 2016, 4. https://www.imf.org/external/pubs/ft/sdn/2014/sdn1412.pdf.

[63] Martin Havidt, "Economic diversification in GCC countries: Past record and future trends," In The London School of Economics and Political Science (2013, January), 1, accessed April 27, 2016, http://www.lse.ac.uk/middleEastCentre/kuwait/documents/Economic-diversification-in-the-GCC-countries.pdf

[64] Bernard Haykel, Thomas Hegghammer, and Stéphane Lacroix, eds, *Saudi Arabia in Transition: Insights on Social, Political, Economic and Religious Change* (New York: Cambridge University Press, 2015), 0.

[65] "Kingdom of Saudi Arabia: Fifty-First Annual Report,"(Riyadh: Saudi Arabian Monetary Agency, 2015), 25, accessed March 21, 2016, http://www.sama.gov.sa/en-US/EconomicReports/AnnualReport/5600_R_Annual_En_51_Apx.pdf

[66] Bernard Haykel et al., *Saudi Arabia in Transition*, 26.

[67] Bernhard Haykel, professor of Near Eastern Studies at Princeton University, Thomas Hegghammer, senior research fellow at the Norwegian Defence Research Establishment, and Stéphane Lacroix, associate professor of political science at Sciences Po, Paris.

[68] Bernard Haykel et al., *Saudi Arabia in Transition*, 26.

[69] *Vision 2030*, Kingdom of Saudi Arabia, 2016, accessed October 22, 2016. http://vision2030.gov.sa/en

[70] Celine Aswad, Andrew Torchia, and Karin Strohecker, "Analyst view: Saudi Arabia's Vision 2030 reform plan," (Dubai/ London: Reuters, April 25, 2016), accessed April 25, 2016, http://www.reuters.com/article/us-saudi-plan-reaction-idUSKCN0XM1FX

[71] "Saudi Arabia: Long-Term Strategy 2025" 3.

[72] Ibid.31.

and building, transport, storage, and communication, wholesale, retail trade, restaurants, personal, social services, finance, insurance, real estate, agriculture, and mining activities grew in 2014.[73]

Following the diversification approaches and policies, the King Abdullah University of Science and Technology (KAUST) opened, signaling a step towards new areas of skilled education besides the oil production field. Furthermore, KAUST is a symbol for the history of intellectual achievements and richness of research in Islam.[74] This drive towards new achievements and contributions to the field of medicine and mathematics seems to be forgotten in the height of oil wealth. The university also marks a contribution to diversification because it allows men and women together in one classroom.[75] In conservative Saudi Arabia, this is a central message of a step towards modernization. Additionally, the school is an exemplar for diversification because it is derived from the limited King Fahd University of Petroleum and Minerals (KFUPM),[76] which solely focused on education in engineering and training for the oil sector. In conclusion, the government has introduced numerous policies and ideas to diversify its economy.

LITERATURE REVIEW

The future of the Saudi Arabian economy has been a widely discussed topic, research results ranging from a chaotic revolution through disappointed youth rebels to a continued status quo that is unlikely to change. In his work "Saudi Arabia's Economic Time Bomb," Luay Al-Khatteeb, the founder and director of the Iraq Energy Institute and former resident at the Brookings Doha Center, sees a continuation of an oil based economy with skepticism for the country.[77] Pauline Jones Luong and Erika Weinthal, on the other hand, portray a more positive outlook on Saudi future, describing the numerous benefits of an oil economy. The Saudi government itself continues to publish positive reports on their visions of economic diversification, yet implement the policies rather unsuccessfully.

Martin Hvidt[78] uses the term *Dubai-model* to define economic development that integrates free trade, market liberalism, economic openness (a market-economy (mostly) free from trade barriers), pro-business, and pro-globalization.[79] He argues that, unlike the assumptions of many scholars, other Gulf States –including Saudi Arabia– have not yet replaced their allocation models with the *Dubai-model*.[80] An allocation model describes how a state distribute resources, goods, and products. He does conclude, however, that that process has been initiated and may lead to an adoption in the future.[81] Scholars have suggested increasingly that Saudi Arabia will have to redefine its economic model to continue its economic development.

For example, Al-Khatteeb gives an outlook of the drawbacks for the country if it does not adjust its economy and fails to review its budget. He argues that Saudi Arabia has to increase public and private sector cooperation to integrate the youth into the workforce and address the lack of

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[73] "Kingdom of Saudi Arabia: Fifty-First Annual Report," Saudi Arabian Monetary Agency, 23 and 25.

[74] Bernard Haykel et al., *Saudi Arabia in Transition*, 31.

[75] Ibid. 33.

[76] Ibid.

[77] Luay Al-Khatteeb, "Saudi Arabia's economic time bomb," The Brookings Institution, (December 30, 2015), accessed March 19, 2016, http://www.brookings.edu/research/opinions/2015/12/30-saudi-arabia-economic-time-bomb-alkhatteeb

[78] Dr. Martin Hvidt currently teaches at Zayed University in Dubai and received his PhD from Colorado State University. His research focus is economic and social development of Arab Gulf countries.

[79] Martin Hvidt, "Economic and Institutional Reforms in the Arab Gulf Countries," *Middle East Journal* 65, no. 1 (Winter2011 2011), 85, accessed April 12, 2016, http://eds.a.ebscohost.com/eds/pdfviewer/pdfviewer?sid=15612ebe-8312-47d1-a685-7b64b5ac4568%40sessionmgr4002&vid=2&hid=4213

[80] Hvidt, "Economic and Institutional Reforms," 102.

[81] Ibid.

education and training, otherwise the *economic time bomb* will cause severe damage.[82] One major drawback of the current economy that Al-Khatteeb points out is the possible radicalization of the youth.[83] Saudi Arabia's youth unemployment rate is extremely high and can pose a great challenge to the country in the future. Young people –especially men– are generally tempted to join a grouping or organization where they follow a common purpose and feel appreciated. Hence, Al-Khatteeb's suggested radicalization can take place.

Several other scholars capture another factor of the Saudi youth's mindset towards work: the lack of incentives and motivation to perform blue-collar work looked down upon as immigrant and foreigner work. Abdullah Abdul Elah Ali Sallam, Murray Hunte,and Ann T. Jordan evince this lack work ethic of the youth.[84, 85] They adhere to the idea that a majority of the Saudi youth do not show an interest in education or work opportunities.

The International Monetary Fund (IMF) and some staff members take a more theoretical approach by comparing successful economic diversification and its application to member states of the Gulf Cooperation Council (GCC). In 2014, the fund points to three benefits GCCs can have from a transformed economy: reduced exposure to an uncertain international market, provide jobs in the private sector for unemployed nationals, and create sustainable growth and productivity.[86] If Saudi Arabia implements its policies, it could experience those benefits.

Literature on the rentier state and its economy has been of diverse opinions, arguments, and recommendations. What makes this work new and necessary are the specific challenges that economic diversification in Saudi Arabia faces. Previous literature has put an emphasis on the value and return of investment of oil. This work looks at factors other than simply the revenue of oil but incentives that are characterized by the uniqueness of Saudi Arabia and that impact challenges significantly.

CHALLENGE ONE: SAUDI CULTURE, RENTIERISM, AND WORK ETHIC

Rentierism is deep-rooted in Saudi Arabian economy, culture, and government structures, making change unlikely over the next decades. As Hvidt states, "rolling back 30 to 50 years of Rentierism is not a process that can be accomplished easily or hastily."[87] The economic boom of the rentier state resulted in a governance by the Al-Saud family that exercised strict authoritarian rule in all aspects of life. The oil resources and revenues had lasting economic, social, and political effects. They are at the core of the state's existence and, thus, will be difficult to change.

Being a rentier state does not only imply the collection of rent, economic benefits for the government, and reallocation of the wealth to the people; it is also "a continuation of centuries-old cultural behavior common in Arabia."[88] Being a citizen of the rentier state and benefiting from collected revenue is part of the culture, identity, and tradition of Saudi nationals. Therefore, Saudis, especially young Saudis that did not know a Saudi Arabia before the oil, might not welcome a change in economic revenue and alternate job opportunities.

The younger third and fourth generations of Saudis were born after the oil boom, but lived with the privileges of a wealthy oil state. These generations mostly identify themselves with the

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[82] Luay Al-Khatteeb, "Saudi Arabia's economic time bomb."

[83] Ibid.

[84] Abdullah Abdul Elah Ali Sallam and Murray Hunter 2013, "Where is Saudi Arabian Society Heading?" Contemporary Readings in Law & Social Justice, vol. 5, no. 2, 145, accessed March 19, 2016. http://ezproxy.library.nyu.edu:2240/eds/detail/detail?vid=21&sid=6f1e30ce-fd58-484f-b5be-ceae22ca2bdb%40sessionmgr113&hid=120&bdata=JnNpdGU9ZWRzLWxpdmU%3d#AN=93326096&db=lgs

[85] Ann T. Jordan, *The Making of a Modern Kingdom: Globalization and Change in Saudi Arabia,* Long Grove: Waveland Press, 2011, 24.

[86] Callen, Tim et al., "Economic Diversification in the GCC: Past, Present, and Future," 10.

[87] Hvidt, "Economic and Institutional Reforms in the Arab Gulf Countries," 102.

[88] Jordan, *The Making of a Modern Kingdom,* 24.

stability of family, religion, and nation.[89] This implies that their major interests do not lay in the participation in an economic diversification and *Saudization*-the process of replacing foreign workers with Saudi experts in the private sector. The young generations expect the oil benefits and job provision from the government to continue. Additionally, "the pay is typically higher for government jobs than it is for comparable private sector jobs to making Saudi citizen less interested in the latter and most available jobs are in the private sector."[90] Therefore, the incentives for Saudis to participate in the idea of *Saudization* in the private sector do not reflect culture or interests. Many jobs that foreigners hold –and that Saudis are supposed to replace– are in highly skilled science and engineering sectors, yet only eight percent of Saudi graduates specialize in those fields.[91]

This lack of skilled labor implies another challenge to *Saudization* rooted in Saudi culture. The numerous efforts of the government to provide more education opportunities do not work efficiently if young Saudis are not willing to participate. A center that seeks to train electricians reports that "most of the young Saudis appear too sullen and lethargic to want to learn...[and] appear to be interested only in the government stipend they receive for showing up."[92] The challenge does not seem to be the actual proposed policies with *Saudization*, but the cultural mindset of young Saudis towards education and work.

One of the policies that the government introduced is the implementation of a selected minimum wage.[93] Yet, even if a minimum wage will be passed, would Saudi nationals or foreigners end up working these jobs? Generally, minimum wage jobs do not have a good reputation and are usually in low-skilled sectors. The Saudi mindset would reject the idea of working in these sectors because "the youth are uninterested in the menial jobs now performed in [Kingdom of Saudi Arabia] by foreigners."[94] For the purpose of this paper, minimum wage jobs can be defined as *menial jobs*. Saudi culture and youth mindset are hurdles to this particular policy.

Another proposed policy is the expansion of the tourism sector. The Vision 2025 aims for an increase in the "provision of tourism education and training facilities and programmes."[95] This policy faces a similar resistance of Saudi culture. Young Saudis are "traditional in their views and lifestyle" and generally "not pushing for radical political reforms."[96] An attempt to employ them in the tourism sector is likely to fail. First, it is rather untraditional to be educated and employed in tourism in order to serve foreigners in their leisure needs. This is contradictory to the pride with which Saudis praise themselves. Second, intensified education would require more funds in this sector and thus call for cuts or reforms in other sectors. Saudi nationals, however, do not seem keen to participate in political and economic reforms.

The disinterest and fear of change exhibits a challenge to the majority of policies and hopes of diversifying, because "change is seen by many [citizen] to be a threat to Saudi culture."[97] The roots of culture, Rentierism, and Islam create a general antipathy towards radical economic change. As long as this challenge is not addressed, diversification policies and *Saudization* will be difficult to implement. Since Saudi Arabia is a divided country, however, a portion of the country is indeed dissatisfied with the status quo[98] and would welcome change. Yet, the majority of dissatisfied

[89] Jordan, *The Making of a Modern Kingdom,* 125.
[90] Ibid. 79.
[91] Ibid. 90.
[92] Karen Elliott House, *On Saudi Arabia: Its People, Past, Religion, Fault Lines - and Future*, (New York: Vintage Books, 2012), 170.
[93] "Saudi Arabia: Long-Term Strategy 2025," 39.
[94] Jordan, *The Making of a Modern Kingdom,*169.
[95] "Saudi Arabia: Long-Term Strategy 2025," 38.
[96] Ali Sallam et al., "Where is Saudi Arabian Society heading?" 145-152.
[97] Ibid.149.
[98] House, *On Saudi Arabia Future*,122.

citizens leave the country to get an education abroad, returning with their degrees[99], avoiding the lack of education opportunities, and, thus, engagement in reforms.

CHALLENGE TWO: SUBSIDIES AND INCENTIVES FOR INNOVATION

The efficiency of the Saudi economy relies heavily on government subsidies. To diversify the economy, the government has to reallocate money given to businesses in the oil sector. Bassam Albassam stated that government support is mostly granted to industries that are dependent on oil[100] and Al-Khatteeb estimated that "annual subsidies on oil and gas are costing the Kingdom around $61 billion and nearly $10 billion for electricity and water."[101] Reducing subsidies, however, could affect the stability of the economy negatively due to the backfiring frustration of receiving companies and people (specifically the many wealthy members of the widespread Al Saud family).

The subsidies to the public sector hinder a creative and innovative Saudi workforce. According to the IMF, "the continued availability of public sector jobs discourages nationals from pursuing entrepreneurship and private sector employment."[102] The incentives for Saudi nationals to create their own self-reliable private businesses to compete with the local and international market are missing. Although, the government has invested in the education system, young graduates are drawn into the already existing system because it provides financial stability, assurance of employment, and benefits. Creating one's own business or joining unsubsidized private businesses might not be as rewarding or secure.

Furthermore, the three of the largest private companies-the Saudi Electricity Corporation (SEC); the Saudi Telecommunications Corporation (STC); and the Saudi Basic Industries Corporation (SABIC), are majority-owned by the government and receive heavy subsidies.[103] If the government owns their shares, what incentives for diversification remain? The companies experience more economic security through involvement of the government. That is because they owe their production –through contracts and orders of foreign investment– to the government.[104] To diversify production and employment and invest in innovation, research, and development, the private companies need more competition and fewer subsidies. The subsidized economy can only be transformed if the government allows "a more competitive industrial base to develop that leverages both foreign technology and investment."[105] For now, the definition of Saudi private enterprises is not so private after all because of subsidization.

CHALLENGE THREE: GOVERNMENT CONTROL AND LACK OF POLICY IMPLEMENTATION

A third challenge is the resistance by the ruling Al-Saud family to change the economic approach with its current stability through oil revenue. Simply put, the incentives of intensified diversification are missing for state officials. The regime holds an "almost unique degree of power over society and lead to a very high degree of material dependence."[106] This power derives from the oil wealth and natural resources. Through its tight control, the regime also has autonomy over the local economy. In 2008, the government employed 900,000 Saudis, the private sector only

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99 House, *On Saudi Arabia Future,* 175.
100 Albassam, "Economic diversification in Saudi Arabia," 112.
101 Luay Al-Khatteeb, "Saudi Arabia's economic time bomb."
102 Callen, Tim et al., "Economic Diversification in the GCC: Past, Present, and Future," 4.
103 "Saudi Arabia: Long-Term Strategy 2025" 32.
104 House, *On Saudi Arabia, 163.*
105 Ibid. 164.
106 Bernard Haykel et al., *Saudi Arabia in Transition*, 98.

830,000.[107] If the regime would implement more policies of economic diversification, the private sector would expand and become more self-reliant. This, however, would mean the regime loses a great portion of control since employment distribution would change. Would the government welcome a shift from public to private sector employment that would result in a decrease in dependence, and thus control? As mentioned in the background section, the government appointed the Supreme Economic Council to regulate diversification, yet the council acts on behalf of the government, assuring its continued control.

  The rentier state has not, of yet, seen a fiscal crisis. Haykel et al. argue that the state was able to avoid a crisis because of "its reserves, its ability to tap domestic wealth through the banking system, and its unique role of being able to affect global oil prices by its own decisions."[108] These three powerful tools have provided the government with the ability to continue to provide wealth and to avoid an expansion of economic diversification.

  Another tool that confirmed the consistent path of the government is the reliability of foreign investors in the Saudi oil market. Even when prices decrease and instability seems to increase, investors are interested in the Saudi market. Haykel et al. point to the fact that "investors are attracted by instability, because their return on investment will be potentially much greater...rigid demand and supply becomes amplified and attracts ever more financial investment."[109] Therefore, the government does not need to react instantly to an unstable economy with new diversification policies. There seems to be a lack of interest in substantial economic reforms due to efficient investment.

  The government admits that speed and content of a reform have not been implemented yet.[110] This exemplifies that the government does not want a rapid change, though it recognizes the need for reform. The Al-Saud family members find themselves in a dilemma between diversifying the economy in order to continue growth and stability, yet they do not want to lose the ability to determine regulations and ownership. In the strategy for 2025, the government acknowledges that conversion of policies and ideas into implementation often failed.[111]

  The same control and failed implementation is exemplified by the formulation and word choice of suggested policies in the government Vision 2025. One of the 80 policies proposes to "consider privatization of Aramco[112] and divestiture of parts of it in the long run."[113] The word choice of "consider" clearly dismisses an actual interest in more privatization and less government control. In addition, another policy states to "speed up privatisation process."[114] This is a vague statement that would need much more detail for successful enforcement. What process is described and how will the government go about a faster rate? Essential details on specific actions are missing. It seems like the policies are simply proposed but will be unlikely to be seriously implemented.

  This is the case because the government is aware that it will reduce its sphere of influence and open up the political system if policies are successfully implemented. Policies that educate and encourage the population "to depend more on its own initiative and less on the government risks unleash [ing] forces that the regime fears it may not able to contain."[115] The dilemma of the Saudi government is apparent. It can follow through with the enforcement of proposed policies and lose

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[107] Bernard Haykel et al., *Saudi Arabia in Transition*, 101.
[108] Ibid. 28.
[109] Ibid. 75.
[110] "Saudi Arabia: Long-Term Strategy 2025" 34.
[111] Ibid. 44.
[112] Aramco is a Saudi oil company with the largest oil reserves in the world and is 100 % government owned.
[113] "Saudi Arabia: Long-Term Strategy 2025" 39.
[114] Ibid. 42.
[115] House, *On Saudi Arabia,* 178.

influence on its population, or continue on its current path of tight government control and possibly face instability in the future.

FUTURE OF ECONOMIC DIVERSIFICATION

Having pinpointed several challenges of a successful economic diversification in Saudi Arabia, one might wonder if a fundamental change in the future is possible after all. The IMF argues that "success or failure appears to depend on implementing appropriate policies well ahead of the decline in oil revenues."[116] As the three aforementioned challenges exemplify, policy implementations may continue to fail. Additionally, there have been only a few cases in history of successful diversification through adjusted policies: Indonesia, Malaysia and Mexico.[117] Therefore, the question remains what other factors and solutions might contribute to a change of the economic sector.

First, a revolution or regime change can result in a diversified economy. As mentioned by Haykel et al., the current monarchy heavily relies on the oil sector. The collected revenues are used to fund public infrastructure (hospitalities, universities, etc.) and provide social services such as education, water and health.[118] A revolution could lead to a government that does not use oil as regime tool to satisfy its people. Instead, newly elected leaders could use a diversified economy to create different job sectors with skilled labor. A new regime must also be appointed through fair elections to avoid incidents and tumult similar to other areas of the Middle East.

In keeping with this line of thought, the question of the likelihood of a revolution arises. As Haykel et al. argue, there has been no mobilization in the population or a weakened regime after oil prices decreased.[119] Therefore, even in 2016 with a low in oil prices and a state deficit, the motivations for political mobilization do not seem to exist on a large scale. So, what incentives do there need to be for political engagement of the population? It seems like Saudi nationals apply a high degree of trust into the government. Falling oil prices and the increase of state deficit did not seem to distress the people. Oddly, the regime did face political mobilization when oil prices were high: 1997-80, 1991-96, and 2001-06.[120] The possibility of revolution or regime change should not be exaggerated, but neither should it be dismissed. It is important for any Saudi government to follow Islamic guidelines and adapt its teachings, however it does not necessarily need a revolution, such as another Arab Spring, to use Islam as incentive for economic diversification.

In fact, a second, a more likely, factor to potentially contribute to an economic change, is the impact of Islamic teachings. For example, well-read Islamic scholars like the Wahhabi scholarly establishment, the Ulama can contribute to fundamental changes of work ethics and morals of Saudis, and to a focus on broader education. Apparently, as discussed in the literature review, Saudi Arabia shows a "lack of any work ethic among the local youth,"[121] yet their Islamic faith and jihad teaches them to be humble and benefit the greater society.[122] This lack of work ethics could be addressed by the Ulama.

Literature and resources on the process and possibility of involvement of Islamic scholars in economic change has not been analyzed in greater detail. Haykel devotes a short section on oil and

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[116] Callen, Tim et al., "Economic Diversification in the GCC: Past, Present, and Future," 5.

[117] Ibid.

[118] Bernard Haykel et al., *Saudi Arabia in Transition*, 133.

[119] Ibid. 15.

[120] Ibid. 16.

[121] Ali Sallam et al., "Where is Saudi Arabian Society heading?" 145.

[122] *The Holy Qur'an: Arabic Text and English Translation,* transl. Maulawi Sher 'Ali (Islamabad: Islam International Publications LTD, 2004), 54, 143, 176, 362, and 491, accessed May 9, 2016,
https://books.google.com/books?id=8hCktJb64WIC&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q=humble&f=false

the Ulama in his book, explaining that, historically, the Ulama criticized the reliance on oil and foreign influence.[123] Only over time have scholars accepted oil as the future of Saudi life, which granted them "[and] employed [them] in a number of institutions such as government ministries, universities, and missionary organizations"[124] to increase influence in social, religious, and educational spheres. Since the Ulama has a voice on many state matters and is "directly involved in government,"[125] it has the potential to promote greater diversification, especially in the educational sector. Just as the opening of KAUST symbolizes the importance of intellectual achievements on behalf of Islam, the Ulama could refer to Islamic intellectual roots before the oil. To return to the roots of being humble and drive towards achievements, the lack of work ethic would need to be reformed. Young people need incentives and motivations to work as part of their nation. A greater activism of Islamic scholars and continued education and training can bring what Ali Sallam called "a new religious culture:"[126] a culture that emphasizes erudite work and education in contrast to relying on the wealth of the oil sector.

Third, a change is possible if the Saudi government as well as the Saudi population undergo a fundamental mindset. This is not to say, that the country should adapt to Western standards. Modernization does not mean Westernization.[127] What should change for increased diversification is the understanding that citizens must participate in the national workforce to continue economic development. As for now, the government can rely on its oil revenue and pay subsidies and military expenses and avoid tax collection. But eventually, oil revenue will no longer provide for stability. Some challenges need to be resolved to prolong the Al-Saud rule.

All factors and possibilities—a regime change, religious revolution or change in mindset-will not happen overnight, but, instead, will take years or even decades. Bassam argues that Saudi Arabia has "a long road ahead before the (...) economy can be considered a diversified economy."[128] The recommended research question for further analysis is how much time the country has before oil becomes a scarce resource. Some might argue it will never cease since humankind will find substitutes or a way to produce petroleum. Should the government gamble as a rentier state or diversify its economy "just in case" the world runs out of oil? And if the world does not run out of oil, what other factors can challenge the stability that comes from a sole income resource? The increase in technology, access to Internet, and exchange of information, for example, can account for more instability for the ruling Al Saud family.

CONCLUSION

Analyzing the challenges, yet also the possibilities, of diversifying the Saudi economy, results in one major conclusion: Saudi Arabia must initiate a change from within to produce economic development that will benefit generations to come. Former economic crises in the country have not seen political mobilization,[129] however, that does not mean that it will not lead to one in the future should oil revenues come to a halt. It would be a risk of the Saudi government to rely solely on a continued, momentarily strong, oil market. The long-term interests of the country are in all likelihood better served through science, development, technology, and diversification. A reliable, measurable plan to implement policies and overcome the challenges is necessary to achieve the vision of the Saudi economy:

[123] Bernard Haykel et al., *Saudi Arabia in Transition*, 130.
[124] Ibid, 131.
[125] Ali Sallam et al., "Where is Saudi Arabian Society heading?" 144.
[126] Ibid.146.
[127] House, *On Saudi Arabia,* 256.
[128] Albassam, "Economic diversification in Saudi Arabia," 116.
[129] Bernard Haykel et al., *Saudi Arabia in Transition*, 29.

> "By the will of Allah, the Saudi economy in 2025 will be a more diversified, prosperous, private-sector driven economy,   providing rewarding job opportunities, quality education, excellent health care and necessary skills to ensure the well-being of all citizens while safeguarding Islamic values and the Kingdom's cultural heritage."[130]

In June 2016, the government introduced its policies of the Vision 2030, accessible to the public.[131] The implementation of these policies, however will only be successful if the outlined challenges are addressed efficiently.

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[130] "Saudi Arabia: Long-Term Strategy 2025", 4.
[131] *Vision 2030*, Kingdom of Saudi Arabia, 2016.

"Reform or Die"

Doi Moi, TPP, and the Legitimacy of Power in Vietnam

Andrew Keough

BACKGROUND NOTE

Resistance to external aggression is a theme throughout Vietnamese history, with notable examples including the conflicts over territorial sovereignty with China, France, and the United States. China dominated Vietnam for roughly a thousand years, until the tenth century. As a regional power, and a fellow communist nation, Vietnam has a complicated relationship with China balanced between cooperation and apprehension. French colonization of Vietnam, during the nineteenth and twentieth centuries, inspired a mix of nationalist and communist resistance, ending with military defeat for France and the division of Vietnam during the 1954 Geneva Accords. U.S. support for the Republic of Vietnam in the south drew resistance from the communist regime in the north, as they sought to unify the country, which they achieved with U.S. withdrawal and the collapse of the South Vietnamese regime in 1975.

Following decades of war, Vietnam engaged in further conflicts with its neighbors. In 1978, Vietnam deposed the Khmer Rouge regime in Cambodia and in 1979, engaged in border disputes with China relating to Vietnam's invasion of Cambodia. During this time, Vietnam tried to rebuild its devastated economy and consolidate its one-party governing structure in ways that would make the nation self-sufficient and able to maintain its sovereignty. In understanding contemporary Vietnam, it is useful to keep in mind these historical motivations and the recent events that have conditioned political identity and behavior.

INDEX OF TERMS

Consistency Plans – Human rights provisions in the Trans-Pacific Partnership
Doi Moi – Vietnam's economic "renovation," leading more liberalized policies
Foreign Direct Investment (FDI) – investment by a business entity based in one country (either by creation or purchase) into the economy of another country
Gross Domestic Product (GDP) – monetary value of total goods and services produced in a given country (for the purposes of this paper annually)
Land Collectivization – state control and distribution of farmland and profits to cooperatives instead of individuals/families
Legitimacy – the ability of a given regime to rule and have its rule recognized and obeyed as the rightful system of government
Performance-Based Legitimacy – political legitimacy derived primarily from successful economic performance (in addition to other factors)
Price-Control – state control of market prices for goods
Socialist-Oriented Market Economy – the Vietnamese economic system that is both integrated into the global economy while also being heavily state-owned (thus mixed forms of economic activity)
Trans-Pacific Partnership (TPP) – a U.S.-led trade agreement (with significant strategic implications) involving twelve Pacific Basin countries in North America, South America, and Asia and notably excluding China

INTRODUCTION

Since agreeing to the Trans-Pacific Partnership in principle in 2015, there has been considerable debate regarding the potential economic and political development of Vietnam as a result of its inclusion. Some observers claim that inclusion in TPP, with the economic liberalizations and provisions on human rights that it requires, will lead to cracks in the Vietnamese Communist Party's hold on power and bring about political liberalization. Others point to the recent reelection of Nguyen Phu Trong as General Secretary in January 2016, at the expense of the reform-minded Nguyen Tan Dung, as a signal that conservative forces hostile to the West, and more inclined to China, will slow down the economic reforms that have only recently been agreed upon. This paper contends that a closer analysis of Vietnamese politics and society will allow for a more thorough understanding of how economic liberalizations function in an erstwhile socialist nation. Additionally, by better understanding the particular sociopolitical contexts of Vietnam, one will be able to make more informed hypotheses about what lies ahead. To fully understand the implications of TPP in Vietnam, it is useful to analyze the economic reforms of the late 1980s—termed *doi moi*—in order to understand not only how a country governed by a communist party enacts and justifies economic liberalization, but also to see the effects these liberalizations have had on civil society and the very structures of power that legitimize the regime.

Part I of this paper will explain what *doi moi* was, and, most importantly, how the *doi moi* policies came into existence. This will involve looking at the post-war economic situation of Vietnam, as well as theories of performance-based legitimacy and the socialist-oriented market economy in order to explain how the VCP established, and maintained, a socialist regime while justifying economic liberalization. This will be instructive for approaching how TPP fits into the particular Vietnamese politico-economic context. Part II will look at how *doi moi* affected growth rates in the Vietnamese economy and what this has meant for Vietnam in terms of changes in domestic civil society. Part III will examine how economic growth has resulted in Vietnam's heightened role in the region and beyond. Increased trade has led to continued economic growth and inclusion in larger trade agreements—such as the World Trade Organization—but with warning signs for the future. This enhanced international role also works as a secondary factor in terms of increasing the regime's legitimacy. Part IV will analyze projections of what TPP will mean for Vietnam in terms of economic growth and treaty consistencies on human rights in the context of performance-based legitimacy, the example of *doi moi*'s effects on society, and the 2016 Central Committee elections.

Through background and analysis, this paper aims to address the following thematic issues:

- Vietnam's economic reforms are not a part of gradual government-led shifts towards liberal-democracy. They are, instead, pragmatic initiatives to retain control and maintain legitimacy.
- Political restructuring during the 1980s has allowed for competition within the confines of the VCP but does not extend to outside candidates in a serious way or provide for the development of alternative political parties.
- Vietnam's reforms have resulted in economic growth and enhanced international recognition. These two factors of legitimization perpetuate each other.
- In order to make forecasts about the future, it is necessary to understand the recent VCP elections within the contexts of previous patterns of regime legitimacy and interactions between the state and civil society.

DOI MOI AND PERFORMATIVE-LEGITIMACY: BACKGROUND AND THEORETICAL INTERPRETATIONS

Doi moi, meaning "renovation" in Vietnamese, refers to the economic liberalizations enacted by the ruling Vietnamese Communist Party following the 6th National Congress of the Communist Party of Vietnam in 1986. These liberalizations included agrarian reform by undoing state-led land collectivization and allowing agricultural production autonomy to return to the village and family level, price-control reforms by drastically reducing subsidies for state enterprises and allowing commodity prices to synch with the market, and the opening up to international trade through a mixture of private and state-owned trading systems with an emphasis on export growth.[132]

These reforms were not initiated as a government program to abandon socialist principles in order to liberalize the economy and pursue the global market. Rather, they were reactions to an internal economic crisis that threatened the legitimacy of the VCP. Theories of regime legitimacy place liberal democracies at odds with communist governments in terms of establishing legitimacy. Whereas rule-of-law processes — *e.g.*. elections or the development of a civil society organizations — legitimize government authority in liberal democracies, communist regimes rely on a host of factors for legitimacy such as nationalism, charismatic leaders, and international recognition. The standout-legitimizing factor for communist countries is economic performance, the universal welfare benefits of which provide a counterweight for the civil liberties that the regime does not provide.[133]

Following Vietnamese unification, a number of issues threatened economic performance. Land collectivization caused rice production output in Vietnam to plummet, while budgetary funds were diverted to military engagements with Cambodia and China and subsidies for unprofitable state-owned enterprises. Additionally, the impact of decreased foreign aid was exacerbated by an economic climate unfavorable to foreign investment. As a result, inflation skyrocketed to over 700% and, by 1988, famine posed a legitimate threat in northern Vietnam.[134]

Secondary factors compounded the economic crisis. These included a poor international perception due to the occupation of Cambodia, a lack of official recognition for the VCP regime by the U.S., the absence of a charismatic figure — aside from Ho Chi Minh, who had died in 1969, the Politburo eschewed cults of personality — and decreased nationalism. Nationalism had been an important factor during the struggle for national liberation, but was exhausted as a legitimizing factor following conflict with China and the occupation of Cambodia. The weakness of the regime was not only theoretical. Threats to the VCP manifested as public criticism from the Front Uni de Lutte des Races Opprimée, which was a Montagnard rebel group, and the Club of Resistance Fighters, which was a politically-active group of veterans and high-ranking party members in the South traditionally opposed to land collectivization efforts. In reaction to these circumstances, General Secretary Nguyen Van Linh famously made the call to "reform or die."[135]

It is important to note that the reforms were seen as a renovation of the socialist approach and not of socialism itself. The reforms were a reaction against a misapplication of socialism — in the nationalistic pursuit of self-sufficiency — that emphasized a rapid transition to industrialization in a country that lacked sufficient infrastructure. *Doi moi*, was the first step in the still on-going transitional period of Vietnamese socialism, termed the socialist-oriented market economy. According to Vietnamese academics Pham Van Duc and Tran Tuan Phong, "the development of the socialist-oriented market economy aims to create a kind of balance and harmony between the private and the public, profit and wages, and the market and the state." They continue:

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[132] Van Arkadie, *Viet Nam: A Transition Tiger*, 79-86.
[133] White, "Economic Performance and Communist Legitimacy," 463-464.
[134] Van Arkadie, *Viet Nam: A Transition Tiger*, 66.
[135] Le, "Performance-Based Legitimacy," 155-158.

we realize fully that the economic theory of Marx is still theoretically and methodologically valuable. Marx's theory plays a fundamental and guiding role in economic thinking in the present context of globalization. What we must do is to rethink and develop further Marx's ideas as well as to acquire critically the quintessence of other traditions and schools of thoughts in order to work out a viable theory of development for Vietnam.[136]

This statement reinforces the party line of "cooperation and struggle," by which Vietnam must engage in globalization in order to develop economically, while retaining its identity and averting "peaceful evolution". In essence, this refers to maintaining a Leninist rule of the VCP while avoiding the undermining influence of Western democracies.[137]

DOMESTIC RESULTS

By the numbers, Vietnam's growth since the liberalizations associated with *doi moi* policies are staggering. According to the World Bank, Vietnam's per capita income increased from US $100 in 1986 to US $ 2,100 by 2015. Vietnamese GDP grew rapidly, with an average growth rate of 7.4% in the 1990s, 6.4% in the 2000s, and most recently, 6.7% in 2015. The percentage of those living in extreme poverty dropped from 50% in the 1990s to 3% as of 2016. Life expectancy and education levels rose and the availability of electricity increased from less than 50% in 1993 to nearly 99% of households in 2016. Clean water and sanitation is now available to over 75% of households, compared to below 50% in 1993.[138] This economic growth and exposure to the globalized world has not, however, resulted in gains for civil liberties or an expanded political process in Vietnam.

Between 1986 and 1990 there was a shift in the structure of the VCP. However, this had less to do with economic crisis and *doi moi*, and more to do with the simple fact that during this time, four leading Politburo officials (Le Duc Tho, Le Duan, Truong Chinh, Pham Hung) all passed away. The result was a succession crisis in which modernizers, state-sector economy traditionalists, and the army competed for influence in the party, expanding the number of representatives in Central Committee in order to fill it with supporters. An institutional compromise was reached at the 1991 Seventh Party Congress, resulting in the division of power between the General Secretary, Prime Minister, and President to prevent any one faction from acquiring too much power.[139] While the VCP did restructure in order to accommodate the influence of a multiplicity of factions, this was done solely within the confines of the party. This process did not extend to include any other political entity outside of the VCP.

This is not to say that independent political parties do not exist in Vietnam or in overseas Vietnamese communities. These parties exist, albeit either under control of the VCP or in exile. Examples include the People's Democratic Party of Vietnam whose party leaders were sentenced to 3-5 years in prison in 2006, and the Vietnam Populist Party which was created in the U.S. and whose members were arrested in Vietnam in 2007. Although the Democratic Party of Vietnam has a small number of members, the party lawyer was "forcibly committed" to a psychiatric hospital in Vietnam in 2006. The United Workers-Farmers Association, a group of strike activists, was forced to go underground in 2007 after 10 leaders were arrested.[140]

From a social perspective, writer Nguyen Qui Duc laments the effect consumerism has had on culture. Unlike in years past, he is no longer followed, or questioned by the police, but rather left alone because he, and his café, caters to an ineffectually small crowd of intellectuals with little

[136] Pham and Tran, "The Views of Some Economic Theories on the Economic Crisis of Capitalism and Some Lessons for Vietnam," 728.
[137] Nguyen, "Vietnam's New Security in the Context of Doi-Moi," 420.
[138] 'The World Bank: Vietnam Overview.'
[139] Malesky, Abrami, and Zheng, "Institutions and Inequality in Single-Party Regimes," 408-409.
[140] Thayer, "Vietnam and the Challenge of Political Civil Society," 11-14.

commercial ambition. They provide no real threat to the economic successes that legitimize the VCP. In fact, for Duc, materialism and the pursuit of money is the new censor. For example, the former avant-garde artist Dang Xuan Hoa who was once critical of the government has now assumed an official position in the government-controlled Artists' Union. Duc observes, "For a time, the country's embrace of capitalism seemed to promise greater freedom for the production of art. But under Vietnam's new artists/censors, the profit motive is proving even more stifling than political propaganda."[141]

In his 1998 observation of post-*doi moi* Vietnam, Robert Templer notes, "Vietnam is starting to see first buds of an emerging civil society that buffers the individual from the power of the state, serving the interests of the group rather than the government."[142] There are indeed greater freedoms in terms of economic opportunity which may be seen in family farms, private entrepreneurship, or manufacturing for export. There is even more freedom of artistic and intellectual expression. But it is clear that this freedom, and the truth of Templer's statement, extends only to a point – the point at which the legitimacy of the VCP is challenged in a meaningful way.

INTERNATIONAL RESULTS

One of the major results of *doi moi* is the extension of Vietnamese foreign relations. Since 1986, Vietnam established diplomatic ties with 178 countries, engaged in over 60 intergovernmental organizations, and assumed a non-permanent member position on the U.N. Security Council in 2007.[143] There are two cases of international recognition worth examining to understand regime legitimacy and how Vietnam complies with human rights provisions: recognition by the Association of Southeast Asian Nations (ASEAN) and the U.S. in 1995 and accession to the WTO in 2007 .

At a fundamental level, recognition by ASEAN and the United States grants the VCP regime external legitimacy. Economically, trade with ASEAN allowed Vietnam to sustain its economic growth thereby supporting performance-based legitimacy. For example, in 2010 imports from ASEAN were 19.3% of total imports, and exports from ASEAN were 13.3% of all exports, with 26% of Vietnam's FDI coming from ASEAN members.[144] Most importantly for the reinforcement of the VCP, ASEAN, unlike the EU, does not hold regime-type requirements. While retaining its socialist regime domestically, ASEAN membership has allowed the VCP to open itself in terms of foreign relations with constituents of ASEAN through a common Southeast Asian identity, rather than solely a communist one.[145]

Relations with the United States, too, add to the prestige of the VCP. Reestablishment of relations with a world superpower that was formerly at war with Vietnam over the nature of its regime is a major accomplishment in terms of international recognition for the VCP and its legitimacy narrative. Economic relations between the two countries support the rhetoric of normalization, with the U.S. standing as Vietnam's biggest export market. Between 2001 and 2011 trade increased twelve times, amounting to US $20 billion, and in 2010 the United States was Vietnam's seventh biggest investor. Relations with the United States are also strategic because of mutual concern over Chinese expansion in the South China Sea.

Accession to the World Trade Organization in 2007 was another example of Vietnam advancing its global standing. However, immediately after joining the WTO with the required permission of the United States, Vietnam engaged in what the Human Rights Watch deemed "one of

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[141] Nguyen, "The New Censors of Hanoi."
[142] Templer, *Shadows and* Wind, 241.
[143] Le, "Performance-Based Legitimacy," 159.
[144] Le, "Performance-Based Legitimacy," 160.
[145] Nguyen, "Vietnam's Membership of ASEAN," 496-498.

the worst crackdowns on peaceful dissidents in 20 years."[146] Looking forward, continued human rights abuses by the VCP juxtaposed with its continued inclusion in processes of economic globalization will be instructive for exploring outcomes of TPP.

TPP AND THE 2016 ELECTIONS

Much like *doi moi*, experts in international trade and finance project that TPP will bring increased rates of growth to the Vietnamese economy. Vietnam is expected to be one of the biggest beneficiaries of the agreement due in part to factors that will "boost Vietnamese exports and terms of trade" in the form of strong trade with the U.S., as well as protections for apparel and footwear manufacturing and other sectors where China's output is fading. The agreement is also expected to "stimulate productivity gains" through, initially, high levels of protection for domestic industries and the increased scale of production volume in Vietnam's principal production areas.[147] In the next ten years, Vietnam is projected to raise its GDP by 11%— roughly US $36 billion—and increase exports by 28%.[148]

Within TPP there are human rights provisions known as "consistencies." One of the most problematic consistencies for Vietnam concerns the formation of independent labor unions. While the consistencies are technically binding, Vietnam has a five-year window to allow the unionization to develop. "Even if Vietnam does not implement the changes by the fifth year, the process for hashing out tariff reductions is so convoluted that they might not even happen," said Cathy Feingold, the Director of the International Department of the AFL-CIO. "Once the U.S. allows companies to access the benefits of the TPP, it's very unlikely that the government would withhold those benefits should it come to labor abuses."[149]

Vietnam's inclusion in a trade agreement that was, initially, exclusively for democratic regimes highlights its strategic importance in the region and for the success of President Obama's "Pivot to Asia." This fact is even more telling when one considers that China, a much larger economic and strategic regional power, was not included in the agreement. Indeed, in December 2015 President Obama and General Secretary Nguyen Phu Trong met for an unprecedented meeting at the White House. However, according to Obama's strategic outlook, "there are going to be times where the best we can do is shine a spotlight on something that's terrible, but not believe we can solve it automatically. There are going to be times where our security concerns conflict with our concerns about human rights."[150] This statement gives credence to labor rights activists who claim that enforcing consistencies in TPP is not a fundamental priority of the agreement. If Vietnam is allowed to enjoy the benefits of TPP without adhering to the requisite consistencies, this would further legitimize the VCP from an international perspective while allowing it to continue to crackdown on dissidents and quash democratic movements while legitimizing itself yet again through increased economic performance.

VCP elections during January 2016 have cast some doubt about the direction of the country. The party's Central Committee re-elected Nguyen Phu Trong as General Secretary at the expense of former Prime Minister Nguyen Tan Dung. Mr. Dung was seen as a more proactive economic reformer and friend to the West. General Secretary Trong, by contrast, is painted as a pro-China conservative. This is a misleading portrayal as General Secretary Trong is very unlikely to be pro-China in the traditional sense of the term because of the hostility in Vietnam for China due to perceived aggression

[146] 'Vietnam: Crackdown on Dissent in Wake of WTO and APEC.'
[147] Petri, Plummer, and Zhai, *The Trans-Pacific Partnership and Asia-Pacific Integration*, 81-82.
[148] 'The Biggest Winner from TPP Trade Deal may be Vietnam.'
[149] Semuels, "The TPP's Uneven Attempt at Labor Protection."
[150] Goldberg, "The Obama Doctrine."

in the South China Sea. More likely, General Secretary Trong can be expected to be less confrontational regarding China than Mr. Dung, who allowed destructive anti-China protests to occur during 2014. Similarly, the tag of conservative does not mean that Vietnam's agreement to TPP will be reversed during his term. Conservative in this case should be interpreted as cautious of the political ramifications of accelerated economic reform. Statements by Mr. Trong such as, "a country without discipline would be chaotic and unstable…we need to balance democracy with law and order,"[151] testify to the expectations of cautious advancement one should have for his time as General Secretary. Even more important than his speeches are the members of the party with Ministry of Public Security and police backgrounds that are being appointed to leading positions in the VCP Politburo. The Politburo will be blended with technocrats that will guide reforms, while those with internal security backgrounds in the Politburo and elsewhere (such as General Ngo Xuan Lich, a political commissar and soon to be Minister of National Defense), will focus inward, "reflecting the leadership's ongoing fear of 'colored revolutions.' The heavy commissar representation suggests that the leadership remains prepared to use the [People's Army of Vietnam] for internal security operations should the need ever arise."[152]

This shift of internal security and political commissar personnel to key regime positions signals that there will be a lower tolerance for dissident behavior in the general populace as economic liberalizations continue. The alternative for Vietnamese citizens to engage in their political process is to run as an independent candidate for the National Assembly. These candidates are often celebrities and activists such as Mai Khoi, a Vietnamese pop star—or perhaps business people and academics with a connection to the VCP. Though, with roughly two-dozen such candidates, there are more now than ever, the viability of independent candidacy in Vietnam is still very much subject to a party-controlled vetting process. Even when it would appear that the regime is losing its grip on control, the opposite is true.[153]

CONCLUSION

Rather than promoting liberal democratization through economic openness, growth from *doi moi* and TPP actually reinforces the Vietnamese Communist Party's monopoly on power in two key ways. First, it provides legitimacy through continued economic growth, and second, it continues international recognition of the current state regime, enhancing its involvement in strategic and economic affairs. While these reforms did not inherently discourage political liberalization, they encouraged processes that strengthened the authoritarian regime's ability to crack down on dissent, peaceful or otherwise. The recent election of Nguyen Phu Trong as General Secretary, and installation of officials with internal security backgrounds into key positions, signals a less confrontational approach to China, the continuation of current economic policies at a measured rate to maintain political stability, and an increased inward focus for security operations. This paper does not intend to suggest that the sociopolitical path the VCP is charting is sustainable indefinitely, or that no opposition to the party currently exists. Dissident and independent elements exist in all levels of society, from the internet, to the arts, to accepted independent candidates and repressed opposition parties. What this paper has determined, however, is that the VCP has been strengthened and legitimized by the economic reforms it has enacted—in pursuit of a specific "transition stage" of socialism—to the point where it is currently able to contain all avenues of dissent or opposition that may result from said reforms. In the absence of a disastrous economic or foreign policy crisis that

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[151] Joshi, "Re-elected Vietnam Communist Boss Defends One-Party Rule."
[152] Abuza and Nguyen, "Little Fallout: Vietnam's Security Policy After the 12th Congress of the Vietnam Communist Party."
[153] Ives, "In One-Party Vietnam, Independents Vie for Assembly Seats."

completely erodes the capability of the party to maintain authority, it is likely that the VCP will maintain a Leninist political model while employing its own brand of economically-liberalized socialist-oriented market economy for the near future.

How Coalitions in the Islamic Republic of Iran Maintain the Regime's Stability

A Review of the Competition Among Coalitions and Blocs of Power in Post-Revolution Iran

Dena Motevalian

The founders of the Islamic Republic of Iran based the ruling structure of the new state on three main political coalitions, organized to preserve its stability and to avoid potential revolutions. The complexities of these coalitions and their relation to the Supreme Leader of Iran remain opaque. The main goal of this research is to understand the structure of these coalitions and their role in stabilizing the regime for over thirty-seven years.

I investigate how Iran has maintained its stability for over three decades, despite inherent social division and the influence of many coalitions with different interests. I use *The Dictator's Handbook*,[154] which demonstrates a framework and a theory for leaders' political landscapes, and provides a consistent analysis regarding the importance of political coalitions in maintaining stability for both democratic and non-democratic[155] societies. Iran, being a theocracy with a supreme leader who has power over all social institutions, can be used as a case study for the theory of *The Dictator's Handbook*.

While applying the book's theory to the Iranian theocracy with small coalitions, one would expect to observe constant revolts of disenfranchised groups against the dictator. However, I argue that several small coalitions in Iran with complex structures franchise various small groups of supporters, and therefore divide the society into an amalgam of ideologies that is less likely to create an assembly against the regime and a mass revolution. I similarly argue that in Iranian society the regime will maintain its stability, and gradual reforms are more likely to occur. This paper focuses on two key points:

1. How the factional rivalry, in alliance with the Leader, affects the winning coalition's size and the stability of the regime.
2. The effect of the Leader's health on maintaining the stability of both regimes as well as that of the coalitions.

In order to demonstrate these points within the Iranian context, a brief analysis of the winning coalitions' structure and size during the Shah period and during the era of the Islamic Republic is provided. Both the pre-revolution and post-revolution power structure will be briefly presented. Furthermore, an analysis of the post- revolution era with a focus on the coalition building, their size and competition among them will be provided. Lastly an analysis on the role of the Iranian coalitions, their size and their supporters in maintaining stability for the regime will be discussed.

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[154] Bruce Bueno de Mesquita and Alastair Smith, *The Dictator's Handbook* (New York: Public Affairs, 2011).

[155] A Modern definition of Democracy based on Webster dictionary is a form of government, where a constitution guarantees basic personal and political rights, fair and free elections, and independent courts of law. Similarly, it is referred to a system with equal rights and opportunities for every individual. Whereas, in a non-democracy, in contrast, the leader or leaders are not chosen by the populace and do not have accountability to them. Because an authority, and not the people rule the state, such governments are called authoritarian, according to Patrick H. O'Neil's "Essentials of Comparative Politics." The specific type of authoritarian state is dependent on who wields the power. One common form is "totalitarianism", which, O'Neil explains, features a leader or small group of leaders who ruthlessly seek to combine the economy, society and state according to a powerful central ideology. North Korea can be a modern-day example of a totalitarian regime. Specific forms of government may include military rule, as in a junta; personal rule, as in a dictatorship; monarchical rule, as in a kingdom; religious rule, or theocracy; and bureaucracy, as in an authoritarian technocracy. It is possible for states to be hybrid forms, or what O'Neil calls, "illiberal," having the surface forms of a democracy.

THEORY OF *THE DICTATOR'S HANDBOOK* AS APPLIED TO IRAN

After the 1979 revolution, Iran became a theocracy based on Islamic and revolutionary ideology, with a Supreme Leader as a guardian of this theocracy, alongside a constitutional governing system with various small coalitions. The ruling structure in Iran is divided among three main coalitions: the pragmatists, the conservatives, and the radicals. These coalitions create a social divide among the citizens of the Islamic Republic, as each has a slightly different interpretation of revolutionary Islam and have mutually exclusive circles of supporters. The Supreme Leader is considered the highest position in the Iranian power structure and balances the rivalry between the coalitions in order to ensure a stable, revolutionary, and a theocratic Iran.

The theory laid out in *The Dictator's Handbook* assumes that leaders' interest in political survival drives everything they do and that leaders have to meet the needs of their most valuable allies in order to maintain their power. Therefore, a leader must manage the struggle for power among political coalitions to garner support and maintain a position of power. In order to stay longer in office, leaders must sustain a winning coalition drawn from the "Selectorate"—the individuals whose support is essential to a leader's survival in office.

> In small-coalition polities like dictatorships, leaders can stay in power through the judicious use of private rewards. However, in some dictatorships various Selectorate members competing for loyalty can be observed, while in others, there are few Selectorate members and the dictator is vulnerable to them.[156]

On the contrary, in a democracy, the Selectorate is large, but so is the winning coalition. In large-coalition polities, leaders need to distribute public goods in a larger size so as to satisfy the voters and to govern longer.[157] Dictators only need to promote the right people within a small coalition, however, revolutions occur when there is not enough money to circulate and to keep people off the street or to pay the army.

Not all of the theoretical framework of *The Dictator's Handbook* is applicable to the Iranian case study, however, the authors' theory on coalition building is an essential factor in maintaining power in Iran, both before and after the revolution. This study of the Iranian winning coalitions illustrates the complex layered structure of the country's ruling system and the competition among these coalitions for alliance with the Supreme Leader.

A CLASSIC MONARCH BEFORE 1979

By investigating Iran's political structure before the revolution of 1979, we can better understand the political structure that allowed for protest, revolt, and change throughout Iran's social classes. This chapter provides an account of the political factions, which existed under the reign of Shah that precipitated unrest, and suggest that the Shah's inability to manage the interests and size of these coalitions led to Iran's political instability and eventual demise.

During his thirty-seven[158] years of ruling in Iran, Mohammad Reza Shah Pahlavi experienced various crises, which in some cases seriously endangered his kingship. He was forced to leave Iran in 1953 when the Prime Minister, Mohammad Mosadegh,[159]* attempted to restructure the ruling system. With the assistance of the British and Americans through a coup d'état[160] the

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[156] Bueno de Mesquita and Smith, *The Dictator's Handbook*, 5.
[157] Ibid, 12.
[158] Mohammad Reza Shah Pahlavi (1912-1980), the shah of Iran from 1941 until his overthrow by the Iranian revolution in 1979.
[159] Prime Minister of Iran from 1951 to 1953 and popular leader of Iran's movement for oil nationalization.
[160] Saeed Kamali Dehghan and Richard Norton-Taylor, "CIA admits role in 1953 Iranian coup," *The Guardian,* last modified August 19, 2013, https://www.theguardian.com/world/2013/aug/19/cia-admits-role-1953-iranian-coup.

Shah saved his rule. When various oppositions reinforced and mobilized against him, the Shah had to alternate between numerous strategies to maintain his power. For example, he employed the Mobs, the Army, and the intelligence service SAVAK to oppress its opposing mobilization. Eventually, the Shah's political mismanagement and the increased pressure of the oppositions led to a mass revolution in 1979 which forced him to leave the country for good.

An analysis of the Shah's behavior and the structure of power in the latter years of his kingship illustrates the mistakes in coalition building he committed as a last resort to maintain and stabilize power. Perplexed by Western values and Eastern values, the Shah created a society that promoted a partially liberal, westernized middle class with cultural freedoms and the more traditional social groups ruled by arbitrary political despotism.[161] In order to maintain his personal rule, the Shah narrowed down his winning coalition size. The Shah abated his winning coalition into limited high ranking members of the Army, the intelligence service, the royal family, the elites, the neglected growing middle class, and the majority of educated Iranians who later joined the opposition movement. The mass middle class, the intellectuals, merchants, and religious clerics who were all left disenfranchised for years created an opposition against the Shah that led to his overthrowing in 1979.[162]

Within the last months of his rule, the widespread rumor of the Shah's health problems was largely responsible for revoked support from his most important loyalists. A leader's health is considered a crucial factor for them to stay in power and to maintain their loyalists and supporters. The essential backers and loyalists needed assurance of continuous rewards from the leader or they would turn their support towards the next best incumbent.[163] This is an important reason why dictators keep their terminal illnesses secret because a "terminal ailment is bound to provoke an uprising, either within the ranks of the essential coalition or among outsiders who see an opportunity to step in and take control of the palace."[164]

The Shah's health problem was never officially announced When he was diagnosed with "Lymphocytic blood disease" in 1974, it became the policy of the Shah, his three male confidantes, and his French physicians to keep the Shah's illness strictly confidential.[165] The Shah was worried that if the western powers learned about his sickness, they would abandon their support and use it against him.[166]

The Shah's mismanagement of the 1979 crisis turned the crisis into a full-scale revolution. Nonetheless, his small coalition-building, exclusion of Iran's extended middle class, religious clerics, merchants, and the increased rumors of his health problems were all important factors that led to his overthrowing.[167] The Shah's failure to manage and maintain the coalitions during his rule points to their significance in Iranian politics. His regime's attitude towards them is in stark contrast with coalition building in the Islamic Republic of Iran, which has enabled the Islamic Republic to survive a greater number of crises in competence of the Shah.

COALITION-BUILDING IN THE ISLAMIC REPUBLIC OF IRAN

Although the Islamic Republic has experienced several economical instabilities, sanctions, and war since its foundation, an investigation of the ruling structure and the coalition-building in the Islamic Republic of Iran after the Shah era provides an understanding of the reasons for

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[161] Abbas Milani, *The Shah* (New York: Palgrave Macmillan, 2011), 336.

[162] Mohammad Ghaed, About Mohammad Reza Pahlavi, 10-14. http://www.mghaed.com/ay/Ayandegan.list.htm

[163] Bueno de Mesquita and Smith, *The Dictator's Handbook*, 30.

[164] Ibid, 26.

[165] Assadollah Alam, Dr. Abdul Karim Ayadi and Dr. Abbas Safavian.

[166] Milani, *The Shah*, 370.

[167] Milani, *The Shah*, 387.

regime survival. By analyzing coalition-building in Iran after the 1979 revolution, the position of the Supreme Leader, and the rivalry among coalitions, I suggest that the structure of the Iranian ruling system is aimed to prevent mass revolutions and is more likely to observe gradual reforms.

After seizing power in 1979, the charismatic leader Ayatollah Khomeini (1902-1989) and his inner circle restructured and organized the Islamic Republic of Iran's ruling system with themselves at the top of the power structure. In the early years of revolution, the clerics concentrated on implementing Khomeini's revolutionary ideology. This required the replacement of their early supporters and factions with more reliable loyalists. Through mass executions and extreme violence, the Islamic Revolution Party and its allied factions erased all the early supporters of the revolution who differed with Khomeini ideologically.[168] With the Islamic revolutionary ideology prevailing, the new republic evolved into a theocracy. In the 1980s its ruling party developed and divided into three main factions: the pragmatists, the radicals, and the conservatives. To maintain the stability of such a complex theocracy, three factions remained within the regime as the main coalitions, and each provided privileges for their small winning coalition of supporters and loyalists.[169]

The pragmatists held executive power and ran the state while advocating for economic development, improving ties with the West, and supporting Iran's modern middle class of government employers, technocrats, professionals, and major components of the business community. The radicals were mostly outside of the government and gained support from younger militant clerics and religious revolutionary student associations. They promoted stern adherence to revolutionary ideas and the export of the Islamic revolution. They emphasized the need for Iran's economic independence and rejected better relations with the West. Though less vocal than the other two, the conservatives were equally influential. They received support from conservative clerics, merchant circles, and the traditional middle class. Conservatives recognized the pragmatists on issues such as economy, but sided with the radicals on ideology and culture. Hence, they advocated the strict application of Islamic norms in legal, social, and cultural arenas, along with the enforcement of private property, freedom for private enterprise, and increased economic interaction with the world.[170]

With experiences gained from the revolution and mistakes learned from the previous regime's coalition building and army structuring, the founders of the Islamic Republic of Iran created various armed forces to prevent any possible coups. Originally, their greatest concern was the military Artesh, or the standard army. Hence, the founders created the Basij, a paramilitary volunteer militia, and Sepah, the Army of the Guardians of Islamic revolution, which contained various creeds of Islamic revolutionary groups. This built various layers of military to control any unexpected opposition or "deviant movements."[171]

Each of the discussed coalitions, with their various armed forces held their own circle of loyalists and electorates, each with slightly different ideologies regarding revolutionary Islam. Therefore, these three coalitions were in constant competition with one another to ally with the Supreme Leader. This resulted in the dissolution of the remaining two coalitions, securing stability for the regime with minimal reforms.

THE SUPREME LEADER

Understanding the position of the Supreme Leader in the Iranian ruling structure is important to see how this position balanced power among the coalitions. The Supreme Leader

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[168] David Menashri, preface to *Revolution at a Crossroads* (DC: Washington Institute for Near East Policy, 1997).
[169] Menashri, *Revolution at a Crossroads*, 10.
[170] Ibid, 14.
[171] David Menashri, *Post-Revolutionary Politics in Iran: Religion, Society and Power* (London: Frank Cass, 2001), 71.

was able to ally with certain groups, isolate other coalitions, manage the size of the Selectorates, and, moreover, maintain the regime's status quo.

   According to the Iranian constitution, the Supreme Leader's role is defined as responsibility for "delineating the general policies" of the state and "supervising the execution of those policies."[172] While Ayatollah Khomeini, the charismatic founder and the Supreme leader of the Islamic Republic of Iran, reconciled the legal logic of the modern state with the traditional logic of Shi'ite Jurisprudence, the question of succession remained problematic.[173] As his death approached, Khomeini had to promptly solve the issue of his potential replacement in order to guarantee a smooth succession and a balance among coalitions. Since there was no theologian endowed with both religious and revolutionary credentials who appeared fit for the succession, Khomeini and his disciples opted for a less prominent but fully loyal cleric to be the future Supreme Leader in order to avoid a struggle for succession after his death.[174]

   In 1989 after the death of Khomeini, Ali Khamenei was selected as the Supreme leader of Iran by the religio-politicians who had the majority of the Assembly of Experts.[175] The Assembly, under the influence of the leader of the pragmatist faction of the revolution Akbar Rafsanjani,[176] elected Khamenei despite disagreements about his lack of religious qualifications.[177] Ali Khamenei's selection as the Supreme Leader and the subsequent smooth transfer of authority was an evident sign of political stability.[178] Although clerics were still in charge, the prominent theologians no longer exercised ultimate authority.

   Khamenei, who had lesser religious rank, was promoted to the position of the Supreme Leader by the religio-politicians. From here on, the winning coalition's size began to dwindle and separate from the supreme religious clerics.[179]

   The Supreme Leader is the highest-ranking position and is considered the most powerful element of the ruling system in the Islamic Republic of Iran. The responsibilities of the Supreme Leader include demonstrating his high position in the hierarchic Iranian ruling system by building or eliminating coalitions and factions. Similarly, the Supreme Leader balances power and rivalry among political coalitions in order to maintain the status quo of the regime.

   The Supreme Leader has the authority to appoint, inaugurate, and supervise certain offices. The Supreme Leader inaugurates the President, Chief of Justice, Members of Expediency Discernment Council, half of the Guardian of Council members, and the provisional head of the three branches of the state (Judiciary, legislature, executive). He has control over the heads of important cultural and governmental offices such as the heads of national TV and radio, the head of the Foundation of Martyrs and Veterans, the head of law enforcement, and the head of the Friday Prayer Imams. In addition, he has supreme authority over the top military commanders of Iran's army, navy, and air forces. Military branches include the Armed Forces of the Islamic Republic of Iran (Artesh), the Islamic Revolutionary Guard Corps (IRGC) (Sepah), the IRGC Quds Force, the Basij Organization, and intelligence and counterintelligence. Similarly, the

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[172] Iran Constitution, art. 110.
[173] According to the Shi'i tradition, which is embodied in the 1979 Iranian constitution, the Supreme Leader supposed to be the most learned and righteous "faqih". Yet for Khomeini's succession the most prominent theologians were not politically suited, and the religio-politicians lacked the proper religious credentials. Similarly, the leading theologians of the rank of "Ayatollah 'uzma" (grand Ayatollah) did not fully identify with Khomeini's revolutionary doctrine, and none of Khomeini's loyal followers had the prominent religious standing, the charisma, nor the political authority of Khomeini himself to qualify for the succession.
[174] Menashri, *Post-Revolutionary Politics in Iran,* 16.
[175] The Assembly of Expert is in charge of supervising the Supreme Leader and confirming him in his position for a term of eight years, without prohibition to the number of terms.
[176] Ali Akbar Hashemi Rafsanjani (born 1934) is an influential Iranian Politician and was Iran's fourth president.
[177] Menashri, *Revolution at a Crossroads*, 13.
[178] A detailed discussion of Khamenei's nomination, and the reasoning given for his selection, see Menashri, "Iran", pp. 350-3. Khamenei was thereafter referred to as Ayatollah.
[179] Menashri, *Post-Revolutionary Politics in Iran*, 17.

declaration of war and peace is within the authority of the Supreme Leader and a two thirds majority of the Parliament.[180]

THE PRESIDENT IN THE IRANIAN RULING SYSTEM

In the Iranian power structure, the president is the head of the government and the highest popularly elected official in the Islamic Republic of Iran. Although he must be inaugurated by the Supreme Leader, the president reflects the votes of the majority of the Selectorates. Since the revolution, each of the Iranian presidents unofficially represented different coalitions and their strategies. Each presidency represented a coalition and the attempt to reward a small group of Selectorates with minimal cost to their local needs. Furthermore, the Supreme Leader avoided expanding its winning coalition and abolished any factional divisions and increases of the Selectorate's circle so as to maintain the Iranian theocracy at less cost.

The president is responsible for appointing his cabinet and ministers subject to the approval of Parliament,[181] signing treaties and agreements with foreign countries and international organizations, administering national planning and the budget, and overseeing state employment affairs. The president does not hold full control over Iran's foreign policy, the armed forces, and the nuclear policy. These matters are ultimately the responsibility of the Supreme Leader.

In the Iranian ruling system, the competition between each coalition turns the maximum eight-year term of presidency into a period of policy implementation favored by the winning coalition. However, the Supreme Leaders constantly favored smaller, less costly winning coalitions whose priority was the oppression of the public and the expansion of the revolutionary Shi'a Islam in the world.

Lastly, the position of the president remains limited to each coalition's representative whose election demonstrates the popularity of each coalition among Selectorates and voters. Knowing that the public elects each president, every president aims to meet the minimal needs of its electorates to strengthen the electorates' support for the winning coalition.

FACTIONAL DIVISIONS AND STRUGGLE FOR POWER

During the first years of its rule, the Islamic Republic of Iran, tried to promote the Islamic revolutionary ideology that differed from the traditional interpretation of Islam. Introduced by Khomeini, revolutionary Islam promoted the unification of religion and politics and emphasized the revolutionary mission of religion, its combative justice, freedom-seeking, pro-unprivileged, and justice and equality-seeking image.[182]

The Islamic revolutionary image suffered from various dissensions with each coalition competing for supremacy while promoting its own version of the initial ideology. Moreover, since every coalition had its own army, electorates, loyalists, and supporters, each bloc maintained their loyalty and promoted their needs by encouraging different images of revolutionary Islam.[183] Therefore, Iranian society remained an amalgam of various ideologies that could not unify against the theocracy through mass protests and hence, assured the stability of the regime.

In the course of the ensuing power struggle among the three main factions of the Islamic Republic of Iran, the election of President Mohammad Khatami in 1997 was the

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[180] Iran Constitution, art. 110.
[181] Iran Constitution, chp. XI, sec. 1-2.
[182] Behzad Navabi, "Islamic Revolution: Its Roots and Consequences," *Asr-e-Ma*, February 1996.
[183] Menashri, *Revolution at a Crossroads*, 57.

beginning of a novel factional division. Khatami belonged to the revolutionary elite that sought to bring top-down institutional changes to the ruling system. His movement attempted to reform from within the regime and promoted a liberal Islamic image that gathered a new group of supporters and loyalists to itself. Khatami attempted to expand the winning coalition's size and its Selectorates by creating a more democratic structure in the Iranian society. Although his attempts failed in the end, they were successful in many areas.[184]

The politically deprived Iranian upper and middle class, the youth, and the disenfranchised pragmatists and modern clerics joined Khatami's novel reformist coalition. Since Khatami attempted to divide the pragmatist coalition, his presidency became problematic and costly for the Supreme Leader. Khatami's reformist faction aimed to reward a larger size of the winning coalition with high popularity among its disenfranchised supporters. Therefore, the Guardian Council and the conservative coalition, including the Supreme Leader's hardliners, turned against the reformers and diminished the movement's power at the law-making phase. The rift between the reformists and the hardliners during the Khatami presidency was a delayed but typical pattern of revolutionary power struggle to maintain the Islamic Republic of Iran as non-democratic theocracy.[185]

The presidency of Mahmoud Ahmadinejad in 2005 reinforced the Supreme Leader's dominance in the Iranian ruling system because the Supreme Leader favored the coalition of the military-security elites and conservatives. Subsequently, he let their candidates run for president.[186] Similarly, the Supreme Leader intensified his financial and bureaucratic control over the religious institutions and established a surveillance apparatus under leadership that undermined the autonomy of the Grand Ayatollahs and the Shi'a clerics. Therefore, with all the financial resources at his disposal, Khamenei enhanced his position to control and manipulate the "impaired hierocratic authority structure" and to decrease the size of his winning coalitions. This created a group of large disenfranchised unified Selectorates for the first time after the revolution.[187]

Khamenei reinforced his ties with the conservative coalition and the Revolutionary Guards armed forces. He eliminated rewards to the reformists, pragmatists, and clerics. With the conservative, radical coalition coming into power, nuclear strategies became a central focus in order to assure a stable regional standing for the regime and to export revolutionary Islam outside of Iran. On the other hand, the United States and the West imposed severe sanction measures on Iran's economy, which decreased the GDP.[188]

Ahmadinejad's economic populism against Western sanctions was based on the Supreme Leader's instructions to rule over the economy and to circumvent the pragmatist coalition. Ahmadinejad could not silence the deprived coalitions and the Iranian population. With the expansion of the extra-legal power of the Supreme Leader, the conservative coalition, and their supporters, the trends toward reform and democratization initiated by Khatami reversed. The detachment of the Supreme Leader from the clerics, reformists, pragmatists, and their electorates sustained and gradually created a strong opposition movement.[189]

With the reelection of Ahmadinejad in 2009, the combination of deprived coalitions around Rafsanjani, Khatami, and Mousavi and a great number of despondent anti-Ahmadinejad electorates triggered unexpected massive demonstrations. For the first time since the revolution, the disenfranchised coalitions, their loyalists, and their Selectorates allied to regain power. Although the

[184] Arjomand, *After Khomeini: Iran Under His Successors*, 93.
[185] Ibid, 95.
[186] Alex Kireev, "Iran. Presidential Election 2005," *Electoral Geography,* last modified 2007, https://www.electoralgeography.com/new/en/countries/i/iran/2005-president-elections-iran.html
[187] Arjomand, *After Khomeini: Iran Under His Successors*, 176.
[188] Afshin Molavi, *The Soul of Iran: A Nation's Journey to Freedom* (New York: W.W. Norton, 2005).
[189] Molavi, *The Soul of Iran: A Nation's Journey to Freedom*, 183.

Supreme Leader underestimated the extent of the discontent from below and overlooked the reformists' large number of Selectorates, he managed to control the situation with widespread violence.[190] As is characteristic of small coalition theocracies, the Iranian Supreme Leader, alongside the allied coalition, utilized severe methods of oppression to subjugate the masses of excluded Selectorates.

With various small coalitions and factions at the center of the Islamic Republic's ruling structure that each promoted a different kind of Islamic revolutionary ideology, the Islamic Republic of Iran managed to create a heterogeneous Selectorate group that deterred revolts and maintained the status quo. As larger groups of people are disenfranchised, revolutions usually occur in small coalition societies. Using various military forces of oppression, the Islamic Republic of Iran created a society that maintained a large amalgam of small groups and loyalists similar to the characteristics of a stable, large-sized coalition society where mass revolutions are not likely to occur.

CONCLUSION

With its strategic location in the Middle East, its oil reserves, and its recent attempts to access nuclear energy, the Islamic Republic of Iran is undoubtedly an important political player to be analyzed. More than three decades after the revolution, the stability of the Islamic Republic of Iran remains an enigma. Its power structure, decision-making process, and exact politics are ambiguous, while the struggle over the revolutionary path and absolute power continues among its coalitions.

The ruling structure of the Islamic Republic of Iran is comprised of small winning coalitions with slightly different ideological definitions of "revolutionary." This prevents loyalists and electorates from cooperating with one another, thereby creating a mass opposition to destabilize the regime. The coalitions include three groups: the pragmatists who manage the economy, the conservatives who lead the armed forces, and the radicals who protect the ideology of the Islamic Revolution.

In order to understand the Iranian post-revolutionary ruling system and to see how its coalitions' structure maintains the stability of the regime it is important to first grasp the complexity and structure of Iran's coalitions. The complexity arises from the ways the winning coalitions managed to eliminate their early rivals to create a theocracy with a religious leader on top and the ways they created various layers of armed forces to prevent coups and revolutions.

The three winning coalitions created the Supreme Leader's position at the beginning of the Islamic Revolution as a symbol of the theocracy and the revolution's ideology. The death of Ayatollah Khomeini in 1989 ended his all-powerful, charismatic style of leadership. His death called into question the essence of the religio-political guardianship of the revolution and the very nature of clerical rule. However, in the mid-1990s, the second Supreme Leader empowered himself by solely supporting the conservative coalition and their armed forces, thus disenfranchising the other coalitions by recruiting his own technocrats.

The Western economic sanctions against Iran not only crippled the conservatives, but also paralyzed the country's economy entirely, assembling a large group of disadvantaged opposition. For the first time since the revolution, the disenfranchised coalitions, their loyalists, and their Selectorates allied to regain power during the presidential election of 2009 through large-scale revolts, but they were violently suppressed by the conservative armed forces. The Iranian Supreme Leader has been successful in maintaining his power and control over the Iranian theocracy by

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[190] Arjomand, *After Khomeini: Iran Under His Successors*, 191.

keeping the dominant coalitions small and divided to reduce the possibility of an alliance among them and by reinforcing the regime's overall stability for over three decades.

Mill on Paternalism

Eunseong Oh

The doctrine of paternalism has been the subject of rigorous scrutiny and can be traced back to the days of John Stuart Mill. Paternalism is defined as the exercise of power over an individual and an interference with an individual's free will. Mill regarded any external intervention in individual affairs, even if committed for the sake of the actor's welfare, as a violation of individual liberty (a policeman preventing an individual from crossing a dangerous bridge is a well-known example used by Mill). Mill's "Harm Principle," refuses limitations on individual liberties *unless* such limitations reduce "harm to persons other than the actor (the one prohibited from acting) *and* there is probably no other means that is equally effective at no greater cost to other values."[191] The Harm Principle does not allow forceful prevention of physical harm and moral or social offense, if the effects of the physical harm or moral or social offence are limited to the actor himself.[192]

Though many have interpreted Mill's principle as anti-paternalistic, Mill's argument in *On Liberty* (1859) has received scholarly attention for being lenient to paternalism, generating irreconcilable inconsistency. This article attempts to reconcile the seemingly contradictory principles of liberalism (defined as the belief that individual free will is inherently valuable and deserves protection from unjustified restrictions) and paternalism, by modifying the model of paternalism adopted in Mill's argument. In doing so, this paper revisits one of liberalism's primary rejection of paternalism. This paper aims to interrogate Mill's argument on paternalism deployed in *On Liberty*, in order to illuminate the compatibility between Mill's principles and paternalism, despite the *prima facie* irreconcilability. It will illustrate that paternalism is central to Mill's definition of liberty and is an essential part of his theories on human development and his attempt to demarcate space for exercising individual rights (while preventing an actor from bringing harm to himself or others). By placing the new model of paternalism at the center of Mill's theory, this paper will remedy the problematic stance of paternalism in liberal theories.

MILL'S LIBERAL REJECTION AGAINST PATERNALISM

At the beginning of *On Liberty*, Mill states that he will:

"… assert one very simple principle… [t]hat principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant."[193]

He clarifies that individual liberty can only be limited if, and only if, exercising that liberty inflicts harm on others. So, the threat of harm to others is the only legitimate reason for states to constrain the individual liberty of their citizens. Mill seems to categorically reject paternalism; any other reason, even if it is to promote an individual's own good, is not sufficient to justify interference with individual liberty. This rejection applies equally to all forms of power, including legal sanctions as well as moral reprimands. According to this principle, the government and the public are prohibited from using their authority to prevent an individual from exercising self-regarding actions. But this

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[191] Joel Feinberg, *Offense to Others* (New York: Oxford University Press, 1985), xiii.
[192] For further discussion on categories of wrongdoings that can be intervened by the state authority and the principles of limiting individual liberty, see: Joel Feinberg, *Harm to Others* (New York: Oxford University Press, 1984), *and* Gerald Dworkin, "Moral Paternalism," *Law and Philosophy*, 2005 24(3), 305-319.
[193] John Stuart Mill, *On Liberty* (Cambridge University Press Edition, ed. By Stefan Collini, New York, 2013), 13.

seeming rejection to paternalism depends on the idea of the supreme sovereignty of the individual. Since every individual is sovereign "over himself, over his own body and mind," he rightfully enjoys full-fledged liberty as long as its impact is only confined to his own person and does not additionally harm others.[194]

Mill presents two reasons for rejecting paternalism in *On Liberty*. First, he asserts that achieving human excellence requires exercising individual autonomy.[195] Mill justifies the liberty to *opinion* before advocating for the liberty to *act* on individuality. Mill explains the consequences of suppressing freedom of expression through three scenarios. In the first scenario, the silenced opinion is the truth. In this scenario, Mill argues that suppressing freedom of expression eliminates the opportunity to amend falsehood and spread truth. In the second instance, where the silenced opinion is wrong, repressing opinion costs the individual the opportunity to find the truth through discussion. In the third scenario, where there are two schools of opinion that each capture part of the truth, humanity needs liberty of thought and expression to discover the whole truth from both perspectives.

These same reasons equally justify the liberty to *act* upon the opinion, as long as it is not at the peril of another individual.[196] If individual freedom of thought and expression is valuable, humanity can exercise it for the greater good. Diversified opinions enrich human understanding, so permitting the development of opinions benefits all by promoting diversified individuality. As long as acting on one's opinion does not cause harm to others and only regards one's own satisfaction, there is no reason to prohibit individuals from doing so.

In fact, exercising autonomy is one of the most essential values in human life. In Chapter III, Mill asserts that each person, by enjoying autonomy and realizing his own individuality, develops his faculties:

> "He who lets the world, or his own portion of it, choose his plan of life for him, has no need of any other faculty than the ape-like one of imitation. He who chooses his plan for himself, employs all his faculties. He must use observation to see, reasoning and judgment to foresee, activity to gather materials for decision, discrimination to decide, and when he has decided, firmness and self-control to hold to his deliberate decision. And these qualities he requires and exercises exactly in proportion as the part of his conduct which he determines according to his own judgment and feelings is a large one."[197]

To exercise autonomy and cultivate their faculties, individuals use their physical and mental abilities.[198] Mill provides an example of an autonomous decision-making process: an individual first utilizes his perceptive ability to collect necessary information, then his intellectual ability to evaluate the circumstances and make decisions, and finally discipline to successfully carry out these decisions. Even simple autonomous activity involves various comprehensive mental processes. Through repeated practice, individuals further develop their faculties but this requires autonomy.

Mill emphasizes the development of faculty because it is the way to achieve human excellence. Mental development leads to individual success because these faculties are an essential part of their being. Individuals "become a noble and beautiful object of contemplation" and their lives are "rich, diversified, and animating, furnishing more abundant aliment to high thoughts and elevating feelings, and strengthening the tie which binds every individual to the race, by making the race infinitely better worth belonging to."[199] Mill describes true human nature as constantly developing to resemble the perfect, ideal form. The first step on this path of development is

[194] Ibid, 13.
[195] Gerald Dworkin, "Moral Paternalism," *Law and Philosophy*, 2005 24(3), 305-319.
[196] John Stuart Mill, *On Liberty* (Cambridge University Press Edition, ed. By Stefan Collini, New York, 2013), 56.
[197] Ibid, 59.
[198] Robin S Downie and Elizbeth Telfer, "Autonomy", *Philosophy,* 1971 46(178), 293-301.
[199] John Stuart Mill, *On Liberty* (Cambridge University Press Edition, ed. By Stefan Collini, New York, 2013), 63.

securing the liberty to think, express, and act upon individuality. Mill argues that it is never sufficient to possess the truth. Rather, only through the full exercise of autonomy and liberty can individuals live as nature intends. In particular, the liberty to deliberate autonomously is necessary, because free deliberation allows individuals to find the truth. As such, paternalism is incompatible with human excellence. Any paternalistic argument justifying constraint on individual liberty would rob individuals of the opportunity to exercise their individuality and autonomy, both of which are indispensable to the deliberative process and the perfection of their faculties.

The second reason for rejecting paternalism is the fallibility of paternalistic interference. There is always the possibility that the interference of society against the exercise of individual liberty will result in unexpected and undesirable outcomes. This is especially true when society invades the realm of self-regarding actions:

> "The interference of society to overrule his judgment and purposes in what only regards himself, must be grounded on general presumptions: which may be altogether wrong, and even if right, are as likely as not to be misapplied to individual cases, by persons no better acquainted with the circumstances of such cases than those are who look at them merely from without."[200]

Even if such interference would benefit the individual, as Mill has put, no one can justifiably exercise authority over purely self-regarding matters. Only the actor himself, the potential recipient of government intervention, can decide what is in his own interests. Even if his decision is perceived by others as wrong, the principle still holds. Mill compares the harm of government interference to an individual's misjudgment. He argues that "all errors which [an individual] is likely to commit against advice and warning, are far outweighed by the evil of allowing others to constrain him to what they deem his good."[201] Such an uncompromising position stems from Mill's belief that only the individual himself occupies the best position to evaluate his own actions.

In *On Liberty*, Mill repeatedly echoes his argument on human fallibility and the belief that an individual is sovereign over himself. At first glance, those ideas seem to conflict with his discussion of paternalism. For Mill, however, individuals may make mistakes in their lives. The reason why he advocates for the sovereignty of the individual is not because an individual is perfect but because he is in a better position than others to judge the effects of his own actions. Mill applies his theories to constitutional democratic societies, where his overriding concern is that societal interference in an individual's life will create more problems than it solves.[202] The fallibility of majoritarian opinion is a more serious concern for Mill than the tyranny of despotic governments. Mill discusses situations in which the majority suppress a minority in a court of law or in public opinion. Mill carefully considers cases where the majority wrongly impose their own preference on individuals. In these cases, paternalistic practice is problematic because the opinion of the majority infringes on an individual's liberty, despite the possibility of being incorrect.

To illustrate the fallibility and injustice of paternalism, Mill provides several examples, including Islamic religious abstinence, the Puritanical ban on amusement, sumptuary laws, Prohibition, and legislation regarding the Sabbath. If the majority in an Islamic country prohibit pork consumption, Mill believes that personal taste should not be limited to suit the majority. Likewise, in Puritan society, it would be unjust to restrict leisure simply because the Puritan majority condemn recreation. In the same way, it would not be appropriate to restrict the conspicuous consumption of the wealthy minority in order to please those less fortunate. Laws prohibiting alcohol production and consumption also constitute unreasonable limits on individual liberty.

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[200] John Stuart Mill, *On Liberty* (Cambridge University Press Edition, ed. By Stefan Collini, New York, 2013), 77.
[201] Ibid.
[202] Ibid, 197.

THE PROBLEM OF MILL'S TELEOLOGY

Mill's argument does not necessarily contradict paternalism, however. To recap, Mill argues that individual liberty promotes human excellence. Individual liberty enables individual autonomy and thus cultivates human excellence. Mill further argues that human excellence is the goal of guaranteeing individual liberty. Individuals exercise their faculties to get closer to human excellence, which is intrinsically good. Mill seemingly rejects paternalism in order to encourage individuals to pursue excellence. In other words, the very reason for securing individual liberty is to allow individuals to achieve human excellence. Individual liberty is not advocated as an intrinsic good. Rather, its value lies in its ability to lead to human excellence.

If individual liberty is not intrinsically valuable, it does not need to be protected as a matter of first priority. In other words, if there is a paternalistic way to realize human excellence, such ways would be permissible, even at the expense of individual liberty. For example, let's suppose human excellence could be better attained by locking every individual inside of a training institution. In the institution, people would be forced to consume healthy food, exercise regularly, and would be intellectually challenged in a perfectly disciplined environment. Any autonomous activity would be prohibited if it undermined an individual's physical, intellectual, or moral excellence. Through harsh training, individuals would be able to practice and cultivate their faculties, which would lead to a state of perfect human excellence.

This argument regarding the intrinsic value of human perfection, however, does not explain why individual liberty should be prioritized over other values. It also fails to show why paternalism is not an option for constitutional democratic societies. Because of this, it is important to consider whether individual liberty is good for its own sake or for perfecting individuals' capabilities. If liberty is valued for its effects, additional reasoning is needed to categorically reject paternalism, as Mill seems to do.

THE PROBLEM OF EXCEPTIONAL CASES

A second apparent inconsistency arises when Mill admits there are exceptions to his principle. Mill's harm principle against paternalism does not hold in two cases: with incompetent individuals and in "underdeveloped" societies. In the circumstances of "incompetence," Mill argues that paternalism may be used against individuals judged to have insufficient cognitive faculties, such as children. Mill states that those who "require being taken care of by others, must be protected against their own actions as well as against external injury."[203] In this way, Mill approves of restricting the liberty of individuals who need constant supervision. In addition, "backward states of society" are also subject to paternalistic practices. Just as incompetent individuals may be protected against their will, societies can be subject to paternalism. Because of the racially deterministic overtones of the second exception, I will focus my argument on the first exception and its implications for the coherence of Mill's argument.

Contrary to his categorical dismissal of paternalism, Mill accepts paternalism over children.[204] This exception to paternalism is particularly interesting since, according to Mill, an individual's "own good" does not normally provide sufficient warrant for paternalistic interference. Mill argues, however, that children are not capable of judging the consequences of their actions and so must be prevented from inflicting harm on themselves or others.[205] A rational adult with developed faculties,

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[203] John Stuart Mill, *On Liberty* (Cambridge University Press Edition, ed. By Stefan Collini, New York, 2013), 13.
[204] Ibid, 144.
[205] Ibid.

for example, would understand the dangers of jumping into deep water if they do not know how to swim, but a child would not. Following Mill's argument, it would be reasonable to prevent these children from playing in the river to prevent them from harming themselves or others.

Another exception is self-enslavement. Suppose an individual sells himself into slavery voluntarily. According to Mill's harm principle, it would be inappropriate to intervene because intervention, even for the sake of the individual's own good, falls short of justifying paternalistic intervention. The individual is sovereign over his own matters. Mill argues, however, that such a contract is null and void. Even if an individual has voluntarily signed a contract to surrender his liberty, this contract cannot be used to limit the individual's liberty. Mill explains that these circumstances are too extreme to apply the harm principle.[206] He states, "the principle of freedom cannot require that he should be free not to be free. It is not freedom, to be allowed to alienate his freedom."[207] Thus, even though an individual could theoretically sign a contract enslaving himself, this contract would not be considered a legitimate reason to practice paternalism.

THE PROBLEM OF OBSCURITY IN THE CONCEPT OF HARM

The third irregularity is provided by Mill's bridge scenario. In this case, paternalism would be justified:

> "If either a public officer or any one else saw a person attempting to cross a bridge which had been ascertained to be unsafe, and there were no time to warn him of his danger, they might seize him and turn him back, without any real infringement of his liberty; for liberty consists in doing what one desires, and he does not desire to fall into the river. Nevertheless, when there is not a certainty, but only a danger of mischief, no one but the person himself can judge of the sufficiency of the motive which may prompt him to incur the risk: in this case, therefore, (unless he is a child, or delirious, or in some state of excitement or absorption incompatible with the full use of the reflecting faculty) he ought, I conceive, to be only warned of the danger; not forcibly prevented from exposing himself to it."[208]

In this scenario, Mill expands the concept of "harm," from "certain physical harm" to "the possibility of inflicting harm." Admittedly, Mill's concept of harm is vague from the outset when he discusses the sanctity of self-regarding actions, largely because the concept of "self-regarding action" is rather ambiguous. It seems as though self-regarding actions are nearly impossible to achieve. For example, even a decision to enjoy a cup of coffee alone is not entirely self-regarding. This simple act impacts both the coffee shop and laborer on the coffee plantation. Some might say committing suicide is completely self-regarding action, but if we consider the impact of the death on the deceased individual's relatives and close friends, even this act is not self-regarding. From this perspective, the domain of truly self-regarding action is limited to truly trivial decisions, such as which side of the bed an individual gets out of in the morning.

The same problem arises in the case of prohibition. In this example, Mill introduces a theory of social rights. Prohibitionists argue that the impact of alcoholic consumption on a society merits restrictions. For example, the sale of alcoholic drinks might produce social disorder and disrupt public safety. For these theorists, the most private matter of thought and conscience is a social act. Advocates of the temperance movement focused not just on the self-harm of alcoholic consumption, but on how fathers spend money on alcohol instead of food for their families. Now, one must also consider the dangers of drunk driving.

As it stands, Mill's concept of "self-regarding action" is vague, at best. For every individual

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[206] John Stuart Mill, *On Liberty* (Cambridge University Press Edition, ed. By Stefan Collini, New York, 2013), 102.
[207] Ibid, 103.
[208] Ibid, 96.

living in an interconnected society, the most simple and trivial action could inflict harm in unimaginable ways. Without clarification, it is difficult to determine whether to apply the harm principle or paternalism on individual liberty. Mill acknowledges this issue and clarifies. If a man's debauchery will drive him to poverty and result in his failure to provide education for his children, paternalistic intervention would be justified, though such a measure would be because of his neglect and not his intemperance.

The ambiguity is further exacerbated when the harm principle is expanded to include imminent harm, as well as actual harm. In the scenario of the bridge, Mill warrants intervening for the sake of the individual's *own good*. In this case, the state can legitimately interfere with individual liberty under the conditions that (1) there is sufficient reason to believe that crossing the bridge is dangerous, (2) there is not enough time to inform the individual of the danger, and (3) under the assumption that the individual does not want to fall into the river. Under these conditions, "self-regarding action" is quite limited. The sphere of governmental interference has expanded because the "risk" of harm now legitimates paternalism. If paternalistic interference is justified with the only the mere "risk" of harm, paternalism could be applied to nearly every circumstance. At this point it seems as if there are no circumstances under which an individual can truly be considered sovereign over his own actions. Mill's seeming rejection of paternalism no longer holds. Mill seems to have distanced himself from his original position. For example, the harm principle does not warrant government intervention to prevent suicide. But this expanded concept would allow a police officer to break into a house to prevent an individual from committing suicide, provided there is insufficient time to cajole him.

The circumstances under which paternalism may be practiced have clearly been expanded. If an individual disables himself from fulfilling his responsibilities (e.g. when a father's drinking prevents his children's education), Mill says he is guilty of social offense:

> "In like manner, when a person disables himself, by conduct purely self-regarding, from the performance of some definite duty incumbent on him to the public, he is guilty of a social offence. No person ought to be punished simply for being drunk; But a soldier or a policeman should be punished for being drunk on duty. Whenever, in short, there is a definite damage, or a definite risk of damage, either to an individual or to the public, the case is taken out of the province of liberty, and placed in that of morality or law."[209]

Mill states that even harming one's own ability to function as a person counts as a social offense because this would result in a failure to perform social duty. Even if harm will be inflicted through self-regarding action, an individual is not necessarily free from interference. Though the harm principle started as a categorical rejection of paternalism, upon further elaboration, it justifies even the prevention self-harm.

Finally, Mill's concept of harm is further diluted with the incorporation of the concept of benefit. In the bridge scenario, if the police officer refused to perform his duty and let the individual cross the bridge, he would be considered as having caused harm to the individual. Thus both action and inaction can cause harm to others, and in both cases the policeman is accountable. In other words, Mill's theory assumes that individuals are obligated to assist fellow citizens in danger. If, for example, a child is drowning in a lake near a town, whoever discovers the child drowning would be obliged to save the child despite the risk to their own life. Here, even inaction is subject to paternalistic interference, because inaction would cause greater harm than interference on the individual in this case. Such practice is also known as the Good Samaritan law. This law, however, is inherently ambiguous. When does inaction constitute a failure to fulfil communal obligation? To what extent is an individual responsible for harm caused by their inaction? In the bridge example, it

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[209] John Stuart Mill, *On Liberty* (Cambridge University Press Edition, ed. By Stefan Collini, New York, 2013), 82.

is not clear to what extent the police officer is obliged to deter the individual from crossing the river. If the police shouted to the individual but failed to block him, is he responsible for the harm inflicted? Or, if in his attempt to seize the individual the policeman accidentally pushed the individual into the river, is he guilty of involuntary manslaughter and subject to sanction?

REVISITING MILL: FROM PEREMPTORY REJECTION TO RECONCILIATION

After the benefits as well as the harm are considered, Mill's argument is hardly against paternalism. The bridge example, for instance, allows people to judge other individual's decision-making abilities. If an individual attempts to cross the bridge, Mill's harm principle allows the policeman to actively deter him, even if it is against the pedestrian's will. In that moment, the policeman has the authority to determine whether it is desirable for the individual to cross the bridge or not. Here, the individual crossing the bridge loses his own liberty to make a judgement.

Compromising individual liberty for one's own good conflicts with Mill's central concept of individual sovereignty. At the beginning of *On Liberty*, Mill clarifies that the purpose of writing his book is to claim the harm principle against paternalism, and declare the individual sovereign over his own affairs.[210] The bridge scenario, however, denies the individual's exclusive right to exercise sovereignty on his own decision. Specifically, the policeman would have to determine if the bridge is, in fact, dangerous. Mill's principle assumes that the policeman will realize that there is not enough time to warn the individual crossing the bridge of the impending doom. More importantly, the principle supposes that the policeman has the right to decide on behalf of the pedestrian whether the individual wants to fall into the river.

These exceptions and examples all contribute to the conflict between the harm principle and the paternalistic principle, both of which are apparent in Mill's argument on individual liberty. Mill appears to be arguing against paternalism and for limiting intervention at minimal levels, precluding direct intervention in the name of society or preventing self-harm. As Mill further presents applications and examples, however, Mill's harm principle does not seem to strictly oppose paternalism. Moreover, Mill even rebuts the reasoning he established in the second argument against paternalistic intervention. In the second argument, Mill presents the possibility of human error and the individual's superiority in determining his own matters. For those reasons, Mill argued that paternalistic intervention is neither helpful nor justifiable. However, this argument, suffers when Mill allows moral reprimand as a legitimate form of interference against the exercise of individual liberty. In his introduction, Mill states that any form of sanction, whether through legal means or public opinion, cannot be justified. Interference is only possible when the subjected action causes harm to others.

Besides this case, Mill's argument in Chapter I categorically rejects any form of paternalistic pressure imposed on individual liberty. Despite this clear statement, Mill approves moral reprimand as one of the paternalistic measures to step in on individuality:

> "There is a degree of folly, and a degree of what may be called (though the phrase is not unobjectionable) lowness or depravation of taste, which, though it cannot justify doing harm to the person who manifests it, renders him necessarily and properly a subject of distaste, or, in extreme cases, even of contempt."[211]

In this passage, Mill amends his former principle of prohibiting both moral and legal sanction upon the exercise of individuality. His prior categorical argument did not justify intervention on individuality on self-regarding matters, for any reasons or with any forms. As another exception, he

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[210] John Stuart Mill, *On Liberty* (Cambridge University Press Edition, ed. By Stefan Collini, New York, 2013), 13.
[211] Ibid, 77.

even accepts imposing social pressures against the exercise of individual liberty. This seemingly contradicts Mill's former argument on the individual knowing the most on self-regarding matters or the inevitable fallibility of paternalistic interference. Thus, if we are to assume that outside interference on individual matters is likely to be more erroneous than the individual's own decision, it is best to let the individual decide as he sees fit without facing outside pressure.

The pursuit of individuality and autonomy is now not limitless in this sense. Individuality is no longer immune to outside coercion, even if the pursuit of individuality does not cause harm to others. Throughout the book, Mill detracts from his originally anti-paternalistic stance by blurring the boundaries between the harm principle and paternalism. But, that is not true if we examine the concept of paternalism. Mill allows moral reprimand as an acceptable form of paternalistic practice, therefore requiring an interpretation of Mill's harm principle in a new light. Why or if he changed his principle is less important than the question of how to achieve compatibility between his harm principle and the paternalistic elements of his argument.

In the bridge scenario, Mill appended three exceptional provisions to his harm principle; the central of which is deciding if the individual would want to suffer the unknown consequences of his attempted action. Paternalistic interference only occurs when the policeman stops the action because he does not know what the individual has decided. Otherwise, the individual's autonomous decision would be respected and protected. If there is enough time for the policeman to stop the individual and confirm that the pedestrian does not wish to be harmed, then the pedestrian has time to choose a different path and the policeman can direct him in this different direction.

In this sense, Mill's argument is closer to "soft" paternalism than the harm principle. Even though Mill maintained that harm to others is the only legitimate reason to impose limits on individual sovereignty, he also provided several exceptions where paternalistic practice could reasonably be justified. These exceptions, however, are in direct conflict with Mill's original framing of the harm principle. If, on the other hand, what the individual wanted was to harm himself on the bridge, soft paternalism can still provide a coherent explanation. According to Mill's theory, a policeman would be obligated to avoid an unjust inaction. Hence, the policeman ought to attempt to stop the pedestrian even if he resists and wants to cross the bridge. This is an especially problematic case because the policeman's obligation to avoid unjust inaction and the pedestrian's individual liberty are incompatible.

Soft paternalism could resolve the conflict between the values of liberalism and paternalism. Unlike hard paternalism, soft paternalism provides a liberty to understand that the individual is sovereign with respect to self-regarding actions. At the same time, it delineates clearer limits on the realm of self-regarding actions. The aim of soft paternalism is not forcefully leading individuals to comply with the majority, but instead providing the individual with information necessary to determine what is best for himself. Thus with soft paternalistic principles, individuals are better informed about how they pursue happiness. To apply soft paternalism to the conflicting values in the bridge example, the individual would not only be informed of the risk on the bridge, but also of how he can achieve the best for himself. Thus what Mill was describing through the bridge scenario is now clear: the compatibility of moral, paternalistic obligation with individual liberty.

In addition, if Mill is arguing for soft paternalism, it resolves the long-standing paradox that individual liberty is only valuable if it is conducive to human excellence. Paternalism and individual liberty don't necessarily conflict if the aim of both is human excellence. Human excellence is intrinsically valued; it does not undermine the importance of individual liberty. This is because self-sovereignty is not the right to abuse oneself. Self-sovereignty, as a different concept from self-ownership, assumes politically possessing authority over oneself. If an individual is regarded as owning himself, self-harm could be justified because the individual can do whatever he wants with his rightful property. However, with self-sovereignty the individual governs himself within certain

limits, like a sovereign in a political community. As such, individual sovereignty does not allow abusive self-rule. Individuals enjoy sovereign authority over themselves, but within legitimate limits. Therefore, from a soft paternalistic viewpoint, the exercise of individual liberty and pursuit of human excellence are indispensable concepts. An individual cannot pursue human excellence in separation from his sovereign liberty.

CONCLUSION

In sum, understanding Mill's argument in the frame of soft paternalism resolves logical paradoxes in *On Liberty*. The problem of his instrumental argument is successfully resolved with the distinction between self-sovereignty and self-ownership. With this key concept in soft paternalism, individual liberty does not contradict human excellence, and thus does not produce a consequentialist argument.

After analysis, the ambiguous concepts of harm and self-regarding actions become clearer, because soft paternalism provides for compatibility between moral obligations to paternalistic actions and the self-governing realm. Soft paternalism recognizes a distinct division of roles between the individual and others, which is more useful than that of the harm principle and more flexible than that of hard paternalism. In this way, the moral obligation to avoid inaction, if such inaction causes harm to others, provides a ground for justifiable paternalism. In addition, individual liberty sets a sound limit within which an individual can rightfully promote his welfare unencumbered by unjust restrictions.

Finally, soft paternalism allows for moral reprimand as a legitimate paternalistic intervention. Considering Mill's argument that paternalistic interference can be wrong when the individual knows himself best, moral reprimand would better inform the individual to avoid possible mistakes in decision making without imposing harsh legal coercion.

The Social Aspects of Brazilian Cinema
The Dyadic Relations Between Art and Society and its Ramifications in the Retomada Movement

Laura Rossi

Although an important trend throughout film history, especially in the developed countries, the usage of cinema as political propaganda has dissipated with time, and it is currently almost restricted to the documentary format. However, the fictional productions from underdeveloped countries can still be broadly regarded as a political statement, as a result of the unstable political and sociological aspects of third world countries. So broadly, it even has its own term. *Third Cinema*[212] was used by filmmaker Glauber Rocha to depict the audiovisual production in most developing countries, which continually struggling through economic and political crises, which strives for a sense of national identity and asserts a desire to battle foreign oppression through cultural expression[213].

Many stages of Brazilian cinema can be traced back to a search for two interconnected forms of liberation: the search for a true national identity and the attempt to conquer a national audience. The accomplishments and failures of Brazilian film waves, as well as their narratives and aesthetics, are completely intertwined with the political movements that the country has underwent.

This correlation is in part connected to the fact that national cinema consistently relied heavily on the state's support for its existence. Such dependence exists partly due to the fact that Brazilian national cinema is almost entirely financed through state incentives, either direct or indirect. But less tangible issues of state politics towards culture have also played a special part. The most evident example is the censorship laws of the dictatorial government of Brazil from 1964 until 1985, however, as I will depict below, all Brazilian cinema's successes and failures seem to be shaped by the history of the country itself. The opposite however, has not always occurred. Brazilian cinema has only in a few rare cases been successful in effecting social and political changes, either due to the lack of political engagement, the incapacity to dialogue with the Brazilian public, or just the impossibility of reaching the public altogether in the case of the dictatorial censorship.

BRAZILIAN MOVEMENTS: POLITICS AND CULTURE

Like other Latin American countries, the democratizing Brazilian state faced a military coup in the sixties. In 1964, Brazilian forces overthrew Brazilian democratic government in a military coup. The dictatorial government ruled for two decades, enforcing varying degrees of repression. Combined with a forward thinking policy of development, the moments of softer censorship led to the strange contradiction that some of the most successful productions of national cinema were released during the dictatorship era.

In relation to aesthetics, *Cinema Novo* was the most socially engaged and important cinematic movement in Brazil. Beginning prior to the coup and surviving during the first years of the dictatorship when the censorship still allowed political allegories, this movement can be placed within an international trend of film modernism - with the French Nouvelle Vague and the New American Cinema.[214] It is marked by a strong defense of populist values, but also by the creation of a true national

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[212] Term *Tercer Cine* borrowed from Fernando Solanas and Octavio Getino's "Hacia Un Tercer Cine".

[213] Rocha, Glauber. "The Tricontinental Filmmaker: That Is Called The Dawn" *Brazilian Cinema* (London, Toronto: Associated University Presses Inc., 1992.) 76-80.

[214] Mogadouro, Cláudia, "A ditadura militar e a censura no cinema", *NET Educação*, April, 01 2014.
http://neteducacao.com.br/noticias/home/a-ditadura-militar-e-a-censura-no-cinema

cinematographic language. However *Cinema Novo* was indeed terminated by the subsequent stronger cultural repression, the political tensions which instigate the *coup d'etat* was the same matrix that fed the narratives of these movies.[215]

In relation to market, and more directly connected with the military policies, the period was also marked by the creation of the first state owned film distribution company. One of the main concerns of the dictatorship was in removing the underdevelopmentt status of Brazil, especially focusing in modernizing the country. These policies had implications for television and cinema development. *Embrafilmes,* for instance, was a very forward-thinking model of distribution structured and financed by the state. Operating as an independent public institution, Embrafilmes operated supporting production and commercializing national films based on the commercial potential of the projects.[216] As a consequence Embrafilmes was indeed very successful in enlarging the market share of Brazilian films. It was remarkable however for the legacy of political detached productions with little to no dialogue to Brazilian reality at the time.

But as paradoxical as the dictatorship investments in culture may be, it is the developments for the film industry in the redemocratization era which cause more concern. After the last military dictator in 1985, Brazil transitioned to an indirect elected president and in 1989 held its first direct elections since the coup in 1964. Ironically, it was in this moment of redemocratization that Brazilian cinema was essentially brought to extinction. Newly ellected President Fernando Collor de Mello had the challenge of reconstructing Brazilian economy after the critical legacy of the dictatorship era. His government used the same strategy implemented by the military of relying on foreign financing to develop an industrial country, which ultimately increased Brazil's international debt and deepened the national economic crisis. President Collor eventually faced an impeachment process that led to him resigning from office in 1992[217]. But the effects in Brazilian films were already felt as the industry released only twelve national films from 1991 to 1994.

From the successful box offices of the 70s and 80s with *Embrafilmes* to the almost complete extinguishing of Brazilian production with President Collor, an important gap was opened in the national market which was successfully filled by international productions. Because of the increase in international cinema in Brazil, in 1993, the newly elected president, Itamar Franco, implemented the Audiovisual Law - the most important financial source for audiovisual production up to today - and other policies to stimulate the film industry. The main concern of the filmmakers was to regain their audience.

1990s: RETOMADA MOVEMENT AND ITS UNFOLDING

In order to regain the Brazilian public, many films in the 1990s embodied crowd pleasing comedic characteristics, usually the adaptations of acclaimed literature or the portrayal of public figures. However, a new generation of directors, many of them coming from the documentary tradition, conquered the Brazilian box office during the following decade with a very different approach[218].

While sometimes understood as a transition period from the years of struggle to the period of stability for the national film industry, the *Retomada movement* (or *Brazilian* Renaissance) is understood by most academics as movies produced by young directors between 1995 and 2005, which embodied

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[215] Mogadouro, Cláudia, "A ditadura militar e a censura no cinema", *NET Educação*, April, 01 2014.
http://neteducacao.com.br/noticias/home/a-ditadura-militar-e-a-censura-no-cinema

[216] Dennison, Stephanie and Lisa Shaw, *Popular Cinema in Brazil: 1930-2001* (New York: Manchester University Press, 2004), 171-173.

[217] Bount, Jeb & Long, William R, "Brazil President Resigns in Wake of Impeachment", *LA Times*, December 30, 1992. Accessed on November 20, 2016. http://articles.latimes.com/1992-12-30/news/mn-2585_1_vice-president

[218] Names as Walter Salles, Fernando Meireles, José Padilha, Eduardo Coutinho, Karim Ainouz and Jorge Furtado are among the most distinguished directors of the *Retomada*.

the esthetics of social realism and spoke to issues of social engagement and poverty. The most distinguished characteristics were shooting on real locations, incorporation of Brazilian culture and the oral tradition of its people, while maintaining the point of view of the observer.

The *Retomada* (which means literally "to take back") is praised for successfully elevating Brazilian film's market-share from 3% in 1995 to the stable 12%-14% market-share that Brazilian cinema maintains today[219]. It is precisely this prestige that marks the first important aspect of these films. Never before had Brazil experienced a movement that produced films that were both critically acclaimed and box office hits. To this regard, they were the first *crossover*[220] productions (films which can achieve at the same time large audiences and the critics acclamation) established in terms of a collective movement. Films produced in the *Retomada* movement invoked critical messages, and therefore resonated with their audiences, provoking debate and social awareness that went beyond the dimensions of the work of art itself.

Since the post-Collor era of economic recession and lack of national pride, Brazil underwent a long journey of political and social awakening. This journey has been well documented and most likely shaped, by the national cinema. Some interesting aspects can be traced in the dyadic relationship between the society undergoing changes and the films which reflect this changing society.

Two films illustrate our understanding of this dyadic relationship with their thematic similarities and opposition in time. One, released in 1998, is among the first productions of the *Retomada*. The other is a contemporary film of 2015, directed by what can be called the second generation of directors since the national cinema rebirth. *Central do Brasil* (1998) and *Que Horas Ela Volta?* (2015) both highlight the symbol of the mother and the conflicts of generations between parents and sons, both metaphorically and figuratively. Both films tell stories deeply connected to their periods and the issues of inequality.[221]

Apart from the narrative aspects, these films are relevant because they are examples of crossover films, which have stood out as special exceptions in terms of social and political reach and have raised countless debates among the media and society which continues today. While both films were accessible enough to reach their audiences (which was made possible by using comic relief and casting a known actress for the starring role), the narratives did so without compromising the political message and the social engagement of the artwork. The analysis of both films attempt to condense the dyadic relations between art and society during the Brazilian redemocratization period.

CENTRAL DO BRAZIL (Central Station, 1998)

Directed by Walter Salles and released in 1998, *Central do Brasil* (Central Station) is a French-Brazilian co-production. The film is one of the most well-regarded among Brazilian cinematography. The film portrays its contemporary reality (even including documentary-style images), a post-Collor society, poor and illiterate, with no expectations and no hope after the decay of the "economic miracle." We are not introduced to an epic historical account. Rather, we follow the individual tale of the mediocre Dora (played by the Brazilian star Fernanda Montenegro): a retired teacher who has to work odd jobs to make ends meet. Her work writing letters for the illiterate puts her in a special position to help her community, but Dora (as a reflection of the society) is unable to empathize because she has lost faith in collective solutions. The analogy of the film seems to be that the Brazilian people - overloaded with international cultural allusions and left with no Brazilian references - lost their sense of identity.

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[219] Borges, Danielle Dos Santos, "A Retomada Do Cinema Brasileiro: Análise Da Indústria Cinematográfica Nacional De 1995 a 2005", (Master's thesis, Treball De Recerca - Universitat Autònoma De Barcelona, 2007) 11-12.

[220] The term *crossover* is used to define a film which can achieve at the same time large audiences and the critics acclamation.

[221] Nagib, Lúcia. *New Brazilian Cinema* (London, New York: I. B.Tauris & Co. Ltda., 2003), 62.

One unique aspect of *Central do Brasil* is the introduction of the *neo-feminist* values before its spread as a social movement in Brazil. Feminism of the 1990s is currently in vogue, reassessing the pragmatic sexist issues raised by previous generations such as work equality and sexual liberation, but expanding to more conceptual discussion regarding acceptance and the role of women in society. But before these discussions were widespread, in *Central Station,* Dora's path was not only to reconnect with the community, but to find herself as a woman, take leadership as master of her own destiny and accept her female traits not as weakening her but rather empowering her.

The counterpoint to the female protagonist is also a long-suffering character, Josué. Played by a non-professional actor, he is a boy without a father who loses his mother in the first sequence of the film. He is a member of and at the same time represents the lower class: a sub-human with no place to go, no means to stay and who is invisible to the masses. While searching for his father, Dora and Josué join forces in a journey that reconnects them with the Brazilian essence: a romanticized allegory which secured one of the biggest audiences of all times.

It is important to stress that joining forces is not easy for either of them. After being hurt and oppressed, both of them want to make it on their own, even at the expense of the other. This is perfect synthesis of a dissatisfied society where a sense of community has been displaced by a sense of opportunity.

The lack of an elite in the film is a symbol in itself. It implies that the upper classes and the government do not see the poor, which is why the poor have learned to accept this reality. The narrative, ending in an optimistic tone, sends a clear message that a reconnection between the Brazilian people is imminent, necessary and will happen despite the lack of support from the upper classes.

Although the film did not directly change society, the media's reaction to the film showed how the film acted as a trigger for a heated discussion about underdevelopment in the country and its systemic poverty.

The lower classes portrayed on film were unlikely to recognize themselves, due to Salles' romanticized realism. However, for those who did not have access to these images of poverty (the middle and upper classes) such images had great impact. The Brazilian ten per cent (the wealth in Brazil is divided 90% to 10% of its population and 10% to the other 90%) was astonished and ashamed of such images. The elites became aware of something they knew but did not acknowledge. And though the elites' absence from the film was a target of many critics, they are not being represented because they really are not participating in the issues portrayed by the film. The upper classes had no interest to debate or to assist in these issues of poverty. Therefore, the absence of an elite is linked to the articulations that led to the individualism and community detachment of the characters in the film.

The increased awareness of the misery of the country, is not consequence of the existence of *Central do Brasil*, but the film did contribute to the debate on the subject. This acknowledgment of society was crucial for the changes that took place in 2004. In 2003 Brazil elected a populist president, Luiz Inácio "Lula" da Silva. He was embraced by the people but also largely welcomed by the elites. Among all policies regarding redistribution of wealth, Lula was particularly known by the implementation of the internationally recognized *Bolsa Familia.*

Bolsa Familia is the Brazilian welfare program which successfully decreased hunger by half in Brazil by the first decade of its implementation. The pioneer initiative was originally designed during the second term of President Fernando Enrique Cardoso, from 2001 to 2004, with the intention of relieving hunger among families living below the poverty line[222]. It was however the populist President Lula that expanded the reach of the program, determining the new goal of eradicating hunger in the

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[222] Azevedo, Reinaldo, "Mas, afinal de contas, quem criou o Bolsa Família? Resposta: foi FHC! Afirmar que foi Lula é fraudar a história", *Veja*, October 15, 2014. Accessed on November 20, 2016. http://veja.abril.com.br/blog/reinaldo/geral/mas-afinal-de-contas-quem-criou-o-bolsa-familia-resposta-foi-fhc-afirmar-que-foi-lula-e-fraudar-a-historia/

country during his term, and renaming it *Fome Zero*. During the eight years of his two terms, Lula unified this and other benefits under the umbrella "*Bolsa Familia"*, which aimed at the same target group.[223] An example is the Bolsa Escola, which attempted to eradicate illiteracy and child work in the younger generations by offering a monetary compensation to poor families who had their children enrolled in school.

Ten years into this program, we can see an important change in terms of education. The concentration of wealth has traditionally been linked to the concentration of knowledge, and thought it is far from being dissolved, but the gap has decreased. The new generation of the lower classes is more academically educated and, as a consequence, more politically aware than ever. It is in this context that *Que Horas Ela Volta* emerges, addressing the sparked discussion of "redistribution of knowledge".

QUE HORAS ELA VOLTA? (The Second Mother, 2015)

Released in a different context than *Central do Brasil*, the film portrays a lower-class family who has been positively impacted by the century's social changes and who's economic situation has largely improved. Val is played by the ambassador of Brazilian popular classes on TV, Regina Casé. Casé plays a middle-aged woman who has been working as a nanny/housekeeper for the same family for many years. She appears to have a good life running the house and sending money to help with her child's education.

But the arrival of her biological daughter to São Paulo, with whom Val has never developed a relationship, shakes the structure of the delicate balance between housekeeper and houseowners. The daugther Jessica, similar to Josué in *Central do Brasil*, represents the next generation. In this case, the film depicts an educated young woman with high expectations who is not content with economic security alone. Jessica exposes the inequality of the oppressive relationship between the employee (Val) and the employer (the rich housewife). Jessica mirrors the new generation of educated lower classes in their increasing awareness that money alone does not change the hierarchical status. Having fulfilled their basic needs, the people have to demand equal treatment[224].

Disguised as a part-of-the-family treatment of the house worker , the film points out the elites' superficial discourse of a well-integrated society, as they refer to Val - their maid - as part of the family, while in reality, there is still an invisible wall that excludes from the living room those who *belong* in the kitchen. *Que Horas Ela Voltas's* biggest triumph is the subtlety and accuracy in which it depicts the informal working relations that deprive workers of their rights, making them susceptible to abuse.

Regarding feminism, the female director, Anna Muylaert, took a radical position in using a predominantly female cast, which has been repeated throughout the Brazilian *neo feminist* movement. Along with the director and the cinematographer being women, the film is led by three female characters. The men in this film are only decorative. In the film, woman do the work, dictate the rules and help other women. In short, they are self-sufficient. They continue to be strong in the face of class oppression, as they are somewhat beyond gender oppression.

Although *Que Horas Ela Volta* is a much more restricted film in terms of format due to its arthouse style, the discussion about feminism and how elites treat workers has appealed to critics and to audiences, helping the film achieve box office success beyond the expectations of a typical arthouse film. The issues generated were reverberated throughout social media, which accounts for a very

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[223] Azevedo, Reinaldo, "Mas, afinal de contas, quem criou o Bolsa Família? Resposta: foi FHC! Afirmar que foi Lula é fraudar a história", *Veja*, October 15, 2014. Accessed on November 20, 2016. http://veja.abril.com.br/blog/reinaldo/geral/mas-afinal-de-contas-quem-criou-o-bolsa-familia-resposta-foi-fhc-afirmar-que-foi-lula-e-fraudar-a-historia/

[224] Pires, Flavia F. and Walquiria G. L. Rego, "10 Years Of Bolsa Familia Program: introducing the Dossier" *Revisits de Ciencias Sociais* 38 (April 2013): 18-19, http://periodicos.ufpb.br/ojs/index.php/politicaetrabalho/article/view/15178/9375

special event. *Que Horas Ela Volta* might be the first Brazilian hit during the wave of smartphones and participant media. The message travelled fast, through multiple platforms and connected to the individual experiences of the bloggers, vloggers, or the general public through social media commentaries. The shock of the film's subject matter was so intense, that we can still see its reverberations on the current political movements in Brazil.

CONCLUSIONS: NEW SCENARIOS AND NEW POSSIBILITIES

With the current impeachment of the left-wing, female president, Dilma Rouseff, history seems to be continuing where *Que Horas Ela Volta* ended. Just as in *Central do Brasil*, Muylaert's feature also has an optimistic and somewhat romanticized outcome in which the oppressed class is finally freed from slave-like conditions. The political changes in Brazil, on the other hand, show us a different outcome.

The recent coup-like impeachment of President Rouseff was a result of corruption scandals and economic mismanagement affecting all sectors of government power, starting with the national oil-company Petrobras[225] and going all the way to the Supreme Court[226]. Neither the corruption or the crisis are new trends in Brazil, and are similar circumstances to the impeachment in the 1990s. But in a society of political awakening, conquering basic rights and fighting for the social rights of the lower classes, it is surprising to have a populist leader stealing from the population. The social expressions of the population show a very positive evolution from the detached and disillusioned society in the 90s, to politicized middle and upper classes who take to the streets to express their passions, as well as a lower class who is starting to stand up for themselves as equals. On the other hand, with the current corruption investigations of Lava Jato targeting populist leaders combined with the rise of the Conservative party, the masses are disillusioned. Unable to rely on the current government, as they are aware that the government will only take care of the elite needs, the recent scandals make it hard to believe another alternative is available.

Based on the low numbers of voter turnout (in a country where voting is mandatory) combined with the amount of null votes cast in the 2016 elections[227], is seems as if politics today is losing its appeal for a large share of the population and only the radical political groups of extreme left and right are remaining engaged. With that, the new social trends in Brazil seem to be headed to a political apartheid where groups are so radically opposed that dialogue is no longer possible. The new film productions will show if Brazilian artists will reinforce this radical trend or if they will take a step back to reassess this new context in order to find ways of using art to propose different approaches to the political revolution.

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[225] Fuentes, Esther, "Understanding the Petrobras Scandal", *COHA*, April 7, 2016. Accessed on November 20, 2016, http://www.coha.org/understanding-the-petrobras-scandal/

[226] Bergamo, Mônica, "Além de Toffoli, outros dois ministros do STF foram investigados pelo MPF", *Folha de São Paulo*, August 25, 2016. Accessed on November 20, 2016, http://www1.folha.uol.com.br/colunas/monicabergamo/2016/08/1806648-alem-de-toffoli-outros-dois-ministros-do-stf-foram-investigados-pelo-mpf.shtml

[227] Caram, Bernardo and Renan Remalho : "Abstenções, votos brancos e nulos somam 32,5% do eleitorado do país", *G1*, October 30, 2016. Accessed on November 21, 2016, http://g1.globo.com/politica/eleicoes/2016/noticia/2016/10/abstencoes-votos-brancos-e-nulos-somam-326-do-eleitorado-do-pais.html

The Making of Modern Human Rights

Brittany Stubbs

In the Western world, the first milestones toward the development of human rights are often considered the American and French Revolutions because of each revolution's propagation of individual rights. Others argue that the concept of human rights were not fully realized until the United Nations announced their existence with the Universal Declaration of Human Rights (or the Universal Declaration) in 1948, the first document listing all rights falling under the category of human rights.[228] There is a third category of scholars that argue that the concept of human rights did not gain traction until two decades after the Universal Declaration, when human rights non-governmental organizations (NGOs), such as Amnesty International, began to advocate on behalf of human rights and successfully pressured governments to protect these same rights. This is a highly contentious debate not only within the human rights community but within the larger international community as well. To say, for example, human rights were conceived during the American or French Revolutions implies that human rights were a Western creation. This brings into question the universality of human rights; can human rights created by the United States or France represent the same rights promised to individuals in China, India, or Saudi Arabia? Arguing that the concept of human rights did not develop until the Universal Declaration or later, however, bolsters the belief that human rights represent the rights of humans everywhere, regardless of geographical location, culture, or heritage.

This essay argues that while the American and French Revolutions were important to the development of universal human rights, human rights were not an inevitable outcome in the 1700s. It further argues that the Universal Declaration cannot be considered the final milestone towards the development of human rights. Because the declaration was not legally binding, human rights were largely treated as a formality until 1966, when two treaties were created to make these same rights legally binding.[229] It was with these two treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, that human rights first began to come into their own. This essay supports the argument that human rights didn't develop into modern human rights until the advent of human rights NGOs in the 1960s and 70s. It was not until this last milestone in the evolution of human rights that human rights developed an authority superseding even that of state sovereignty.

DEFINING HUMAN RIGHTS

While the origin of human rights and their importance is disputable, there is a near universally accepted definition on the concept. The United Nations states that:

> Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.[230]

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[228] United Nations, *The Universal Declaration of Human Rights* (Paris, 1948), accessed May 14, 2016, http://www.un.org/en/universal-declaration-human-rights/.

[229] Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press of Harvard University Press, 2010), Kindle location 18-26. Mark Mazower, "The Rise of Human Rights and the NGO," in *Governing the World: The History of an Idea* (New York: Penguin Press, 2012), pg. 317.

[230] "What Are Human Rights?," United Nations Human Rights: Office of the High Commissioner, accessed May 14, 2016, http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx.

Three themes are consistently included in the definition of human rights. Human rights are natural, or inalienable (human rights are inherent to human beings); equal ("the same for everyone"); and universal ("applicable everywhere").[231] Underlying these three pillars of human rights is a principle of universal authority: human rights are intended to usurp state sovereignty. While recent events, including the genocide in Rwanda and the crimes against humanity in Darfur, demonstrate that human rights lack a certain degree of enforcement, the legitimacy of modern states is measured by the extent to which those states uphold human rights.[232]

THE AMERICAN AND FRENCH REVOLUTIONS AND INDIVIDUAL RIGHTS

The first milestone in the making of human rights occurred at the end of the eighteenth century with the U.S. Declaration of Independence in 1776 and the French Revolution in 1789, but the individual rights promised by these documents differed from modern human rights in meaningful ways.

The U.S. Declaration of Independence pronounced natural, universal, and equal rights.[233] The Declaration of Independence stated that the source of rights was "the Creator" (though the Creator could be appropriately be translated as "nature" and allowed for more than one religious tradition).[234] The U.S. Declaration assumed that with nature acting as both the creator of man and the source of rights, all men were endowed with these rights.[235] In this way, rights were, for the first time, both universal and natural. The U.S. Declaration of Independence announced that rights were endowed to all men, everywhere (universal rights) by nature (natural rights). Jefferson stated in letter written in 1802,

> It is impossible not to be sensible that we are acting for all mankind; that circumstances denied to others but indulged to us have imposed on us the duty of proving what is the degree of freedom and self-government in which a society may venture to leave its individual members.[236]

The U.S. Declaration also declared that rights were equally distributed among men ("all men are created equal"), including slaves.[237] The original draft of the Declaration of Independence went so far as to accuse King George III of violating human nature and sacred rights "by carrying [a distant people] into slavery," though this clause was later removed.[238] It wasn't until 1787, however, that the United States enumerated the natural rights spoken of in the Declaration of Independence in the Bill of Rights to gain popular support for the new U.S. Constitution.[239] By this time, however, the "naturalistic framing [of rights] had faded" in the United States.[240]

In creating the French Declaration of the Rights and Man and Citizen in 1789, French diplomats moved universal, natural, individual rights in a new direction by demanding a declaration with "positive" rights.[241] French revolutionaries felt that the rights promoted by the U.S. Bill of

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[231] Jack Donnelly, *Universal Human Rights in Theory and Practice*, 3rd ed. (Ithaca: Cornell University Press, 2013), pg. 27.
Lynn Hunt, *Inventing Human Rights: A History* (New York: W. W. Norton & Company, 2007), Kindle location 167-168.
"What Are Human Rights?," United Nations Human Rights: Office of the High Commissioner, accessed May 14, 2016, http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx.
[232] Jack Donnelly, *Universal Human Rights in Theory and Practice*, 3rd ed. (Ithaca: Cornell University Press, 2013), pg. 88.
[233] Michael Zuckert, "Natural Rights in the American Revolution: The American Amalgam," in *Human Rights and Revolutions*, ed. Jeffrey N. Wasserstrom, Lynn Hunt, Marilyn Blatt. Young, and Greg Grandin (Lanham, MD: Rowman & Littlefield Publishers, 2000), pg. 66-67.
[234] Ibid.
[235] Ibid, pg. 68.
[236] Lynn Hunt, *Inventing Human Rights: A History* (New York: W. W. Norton & Company, 2007), Kindle location 783-785.
[237] United States, The Declaration of Independence (Philadelphia, 1776).
[238] Michael Zuckert, "Natural Rights in the American Revolution: The American Amalgam," in *Human Rights and Revolutions*, ed. Jeffrey N. Wasserstrom, Lynn Hunt, Marilyn Blatt. Young, and Greg Grandin (Lanham, MD: Rowman & Littlefield Publishers, 2000), pg. 69 and 82.
[239] Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press of Harvard University Press, 2010), Kindle location 286-288.
[240] Ibid, Kindle location 289-290.
[241] Ibid, Kindle location 281-283.

Rights were too aristocratic in nature.[242] The Bill of Rights stated prerogatives "negatively" rather than requiring the state to fulfill positive obligations (the U.S. Constitution states "Congress shall make no law… abridging the freedom of speech" whereas the Rights of Man and Citizen promises that "Every citizen may, accordingly, speak, write, and print with freedom," for example).[243] The rights contained within the Declarations of the Rights and Man and Citizen, like those alluded to in the U.S. Declaration of Independence, were natural, universal, and equal. The French Declaration spoke on behalf of all men, stating that the "National Assembly [believes] that the ignorance, neglect, or contempt of the rights of man are the sole cause of public calamities and of the corruption of governments." French revolutionaries believed that rights were endowed to all men (universal) and further stated that the rights of man were "natural, unalienable, and sacred." In the same way that the United States declared "all men are created equal," the French Declaration declared "[m]en are born and remain free and equal in rights."[244]

Both the U.S. Constitution and the French Declaration of the Rights and Man and Citizen insisted that the rights of man were equally distributed among the population. In practice, however, women, children, the propertyless, and slaves were excluded from exercising rights. While both states claimed that rights were equally promised to all citizens, there was an underlying assumption that to be able to exercise rights, an individual had to have "the ability to reason and the independence to decide for oneself."[245] Theoretically, rights were promised to all individuals alike. In practice, however, children were deemed unable to reason and women, children, the propertyless, and slaves lacked independence.[246] This meant, however, that children and the propertyless were able to exercise their rights once they gained reason and independence.[247] Lynn Hunt, author of *Inventing Human Rights: A History*, states that the writers of the U.S. Bill of Rights and the French Declaration did not believe that women, children, the propertyless, and slaves did not have rights; they instead believed that these groups could not practice these rights because they were not capable of "moral autonomy."[248]

Despite the fact that the American and French Revolutions declared rights to be inalienable, equal, and universal, these rights were not yet modern human rights, as defined above. First and foremost, the rights published in the U.S. Bill of Rights and the French Declaration of Man and Citizen, while declaring themselves to be universal, were, in all actuality, dependent upon an individual's relationship to the state. The revolutionary fever in the United States did subside. The rights later enumerated in the Bill of Rights were much less naturalistic, and instead, were constitutional.[249] The Bill of Rights became a contract between a state and its constituents, rather than a universal declaration of the rights of all men.[250] In France, the rights of man would be redefined with each change in government.[251] Though the Declaration of the Rights of Man and Citizen declared natural rights, the "'rights of man' were about a whole people incorporating itself in a state."[252] Furthermore, neither state provided an authority above that of the state to ensure that the

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[242] Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press of Harvard University Press, 2010), Kindle location 286-288.
[243] France, *Declaration of the Rights of Man and Citizen* (1789), Article 11.
Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press of Harvard University Press, 2010), Kindle location 281-283.
United States, *U.S. Constitution* (Philadelphia, 1787), Amendment I.
[244] France, Declaration of the Rights of Man and Citizen (1789), Article 1.
United States, The Declaration of Independence (Philadelphia, 1776).
[245] Lynn Hunt, *Inventing Human Rights: A History* (New York: W. W. Norton & Company, 2007), Kindle location 267-268.
[246] Ibid, Kindle location 261-267.
[247] Ibid, Kindle location 270-271.
[248] Ibid, Kindle location 272-274.
[249] Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press of Harvard University Press, 2010), Kindle location 289-290.
[250] Ibid, Kindle location 285-286.
[251] Ibid, Kindle location 294-296.
[252] Ibid, Kindle location 296-297.

government respected the rights of man.[253] In 1789, U.S. "judicial review of legislation in the name of fundamental mental rights was not a foregone conclusion."[254] In France, a similar judicial review process would not be established until after World War II.[255] Finally, while it is important to note that both French and U.S. revolutionaries believed rights were promised to all persons, both governments discriminated against large sections of their populations, including women, children, the propertyless, and slaves, whereas human rights prohibit such discriminations. Human rights would eventually be inspired by the individual rights promised in the U.S. Declaration of Independence, the U.S. Bill of Rights, and the French Declaration of the Rights of Man and Citizen, but human rights were not an inevitable outcome of these revolutions.[256]

THE HOLOCAUST AND THE UNITED NATIONS DECLARATION OF HUMAN RIGHTS

For a century and a half, individual rights flourished in the West but it wasn't until the United Nations Declaration of Human Rights that human rights (universal, equal, and natural individual rights) were declared to be universally protected; again, however, while the Universal Declaration was critical to the development of human rights, it failed to make these same rights legally binding.[257]

Before the 1940s, the term "human rights" was rarely used.[258] At least in part, the declaration was a response to the atrocities of the Holocaust.[259] Despite this global consensus for human rights, states (including the United States, the United Kingdom, and USSR) strongly opposed making the rights legally binding.[260] Mazower, the author of *Governing the World: the History of an Idea, 1815 to Present*, states that "[t]he British feared embarrassment over the colonies, the Americans over segregation and civil rights."[261] The Soviet Union refused to allow a world government (or a human rights regime) to supersede the authority inherent in state sovereignty.[262] In large part because of the great powers' push against the potentially transcendent power of a human rights mechanism, the momentary fervor for human rights quickly dissipated. Jeri Laber, the founder of Amnesty International, stated that even by the early 1970s,

> I did not use the words "human rights" to describe our cause; it was not a part of my everyday vocabulary and would have meant little to most people at that time… the concept of human rights was mainly in the province of legal and academic specialists.[263]

At best, it was hoped that the Universal Declaration would act as a normative statement.[264]

Despite the Universal's lack of visibility and enforcement, the document was a decisive victory for advocates of human rights. The rights in the Universal Declaration were explicitly inalienable, equal, and universal. Outside of the declaration, human rights were largely a forgotten concept but the declaration "is unquestionably the foundational document of international human

[253] Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press of Harvard University Press, 2010), Kindle location, 302-303.
[254] Ibid, Kindle location 305-306.
[255] Ibid, Kindle location 308-309.
[256] Ibid, Kindle location 62-65, 292-322.
[257] United Nations, *The Universal Declaration of Human Rights* (Paris, 1948), accessed May 14, 2016, http://www.un.org/en/universal-declaration-human-rights/.
[258] Kenneth Cmiel, "The Recent History of Human Rights," in *The Human Rights Revolution: An International History*, ed. Akira Iriye, Petra Goedde, and William I. Hitchcock (Oxford: Oxford University Press, 2012), pg. 27.
[259] G. Daniel Cohen, "The Holocaust and the 'Human Rights Revolution'" in *The Human Rights Revolution: An International History*, ed. Akira Iriye, Petra Goedde, and William I. Hitchcock (Oxford: Oxford University Press, 2012), pg. 56-59, 68.
[260] Mark Mazower, "The Rise of Human Rights and the NGO," in *Governing the World: The History of an Idea* (New York: Penguin Press, 2012), pg. 317.
[261] Ibid, pg. 318.
[262] Ibid.
[263] Jeri Laber, *The Courage of Strangers: Coming of Age with the Human Rights Movement* (New York: Public Affairs, 2002), pg. 74.
[264] Mark Philip Bradley, "Approaching the Universal Declaration of Human Rights," in *The Human Rights Revolution: An International History*, ed. Akira Iriye, Petra Goedde, and William I. Hitchcock (Oxford: Oxford University Press, 2012), pg. 330.

rights law."[265] Despite the existence of nine core international human rights treaties, the Universal Declaration forms the definition and boundaries of human rights.[266] For the first time, rights were not bound by an individual's participation in a state. Unlike the documents produced out of the American and French revolutions, the Universal Declaration prohibited discrimination "of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."[267] Not only were rights equally promised to all individuals, every individual was equally promised the ability to practice the rights enumerated in the Universal Declaration.

Even though the Universal Declaration of Human Rights ushered in the existence of universally promoted human rights, these human rights still paled in comparison to their modern descendants. The declaration was largely a symbolic measure.[268] Just as the U.S. Bill of Rights and the French Declaration of the Rights of Man and Citizen failed to provide an authority or forum above that of the state capable of protecting rights, so too did the Universal Declaration of Human Rights fail to provide a mechanism to enforce human rights (such as a committee, commission, or an agency). The UN Commission on Human Rights had been created to draft the Universal Declaration and was allowed to promote human rights and elaborate human rights treaties, but until the creation of the two human rights covenants, the commission was powerless to investigate violations of human rights.[269]

MODERN HUMAN RIGHTS AND ITS TRANSCENDENCE OVER STATE SOVEREIGNTY

It wasn't until the 1960s and 1970s that modern human rights developed, with their power to transcend state sovereignty. The first such step in the progression of human rights during this period was the creation of two human rights covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Together, these two legally binding treaties divided up and reiterated the human rights enumerated in the Universal Declaration of Human Rights.[270] In the 1970s, human rights advocacy abounded and state sovereignty was placed under the authority of human rights.

In 1966, the two covenants were adopted by the General Assembly, though they did not enter into force until 1976.[271] With the exception of the right to self-determination, the two covenants largely reiterated the rights listed in the Universal Declaration of Human Rights. In addition to these rights, however, the Human Rights Council was created under the International Covenant on Civil and Political Rights to monitor the implementation of the covenant.[272] The Economic and Social Council was given the authority to implement the contents of the International

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[265] Jack Donnelly, *Universal Human Rights in Theory and Practice*, 3rd ed. (Ithaca: Cornell University Press, 2013), pg. 88.

[266] "Core International Instruments," Core International Instruments, accessed May 14, 2016, http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx.

[267] United Nations, *The Universal Declaration of Human Rights* (Paris, 1948), Article 2, accessed May 14, 2016, http://www.un.org/en/universal-declaration-human-rights/.

[268] Mark Mazower, "The Rise of Human Rights and the NGO," in *Governing the World: The History of an Idea* (New York: Penguin Press, 2012), pg. 317-318.

[269] Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press of Harvard University Press, 2010), Kindle location 788-789, 1147-1149.

[270] Jack Donnelly, *Universal Human Rights in Theory and Practice*, 3rd ed. (Ithaca: Cornell University Press, 2013), pg. 27.

[271] "International Covenant on Civil and Political Rights," United Nations Treaty Collection, May 15, 2016, accessed May 15, 2016, http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx.
"International Covenant on Economic, Social and Cultural Rights," United Nations Treaty Collection, May 15, 2016, accessed May 15, 2016, http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx.

[272] "Human Rights Committee," United Nations Human Rights: Office of the High Commissioner, accessed May 15, 2016, http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx.

Covenant on Economic, Social and Cultural Rights.[273] For the first time, human rights were made legally binding in the international arena and forums existed to enforce these same rights.[274]

In the 1970s, non-governmental organizations (NGOs) abounded and began to pressure state governments to enforce human rights through their mass mobilization movements, such as phone call campaigns and political advocacy.[275] In 1961, Appeal for Amnesty was created (later renamed Amnesty International).[276] In 1972, the organization began an international campaign to abolish torture, based on the prohibition against torture contained in the Universal Declaration.[277] Unlike human rights groups before it, Amnesty International did not use the United Nations as its primary means of human rights advocacy.[278] Instead, the organization pursued mass mobilization movements and direct lobbying of state governments.[279] In 1977, this mobilization pushed the UN General Assembly to request the Human Rights Commission to draft a convention on torture.[280] Fellow NGOs adopted the advocacy techniques that were proven effective by Amnesty International. NGOs began to collect data on state violations of human rights and published infractions for the world to see.[281] These same organizations provided average citizens a voice and the information needed to lobby governments to respect human rights and to intervene on their behalf. During this decade, human rights advocacy and international law converged to promote natural, equal, and universal human rights.

It was during this era of mass human rights advocacy that human rights finally gained an authority able to transcend state sovereignty. The 1948 Universal Declaration of Human Rights affirmed that human rights had an authority above that of state governments. Without a legally binding treaty, however, states could neglect human rights without repercussion. The two human rights covenants legally bound states to the commitments declared under the Universal Declaration. It wasn't until the escalation of human rights activism in the 1970s, however, that states began to feel an obligation to respect human rights.

> [T]he rise of human rights in international law occurred not for reasons internal to international law as a profession, but due to the ideological changes that set the stage for a moral triumph of human rights-one that in turn gave a whole new relevance to the field's mission.[282]

Social activism, inspired in large part by NGOs like Amnesty International, provided the final piece of the puzzle. Human rights had been natural, equal, and universal since 1948 but only in the late 1960s and 1970s did human rights gain the legal legitimacy and the international public support to be able to trump even the most powerful states.

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[273] "International Covenant on Economic, Social and Cultural Rights," United Nations Treaty Collection, May 15, 2016, Part IV, accessed May 15, 2016, http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx.

[274] The one exception to this rule are rights enumerated under the International Convention on the Elimination of All Forms of Racial Discrimination which were established in 1963.

[275] Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press of Harvard University Press, 2010), Kindle location 1490-1493.

[276] Mark Mazower, "The Rise of Human Rights and the NGO," in *Governing the World: The History of an Idea* (New York: Penguin Press, 2012), pg. 324.

[277] Ibid.

United Nations, *The Universal Declaration of Human Rights* (Paris, 1948), Article 5, accessed May 14, 2016, http://www.un.org/en/universal-declaration-human-rights/.

[278] Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press of Harvard University Press, 2010), Kindle location 1490-1493.

[279] Ibid.

[280] Mark Mazower, "The Rise of Human Rights and the NGO," in *Governing the World: The History of an Idea* (New York: Penguin Press, 2012), pg. 324.

[281] Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press of Harvard University Press, 2010), Kindle location 1698-1699.

[282] Ibid, Kindle location 2420-2421.

CONCLUSION

The enforcement of human rights is in dire need of attention. While two legally binding human rights covenants now exist, approximately 14% of UN member states have yet to ratify one or both human rights covenants.[283] Genocides in the 1990s and 2000s demonstrate the need for a more powerful human rights mechanism. However, human rights have progressed since their declaration in 1948 with the Universal Declaration of Human Rights and are nearly unrecognizable from the individual rights enumerated in the U.S. Declaration of Independence, the U.S. Bill of Rights, and the French Declaration of the Rights of Man and Citizen. While the American and French revolutions inspired human rights a century and a half later, human rights were not an inescapable conclusion in 1776 or 1789. These rights, in practice, were not afforded to certain populations, including women and slaves. These rights were also dependent upon the authority of the state, which (in both France and the United States) originally lacked a judicial system capable of holding states accountable to these promises of individual rights. The tragedies of the two world wars and the Holocaust encouraged the international community to pursue the Universal Declaration of Human Rights. This document was important for human rights because it was the first of its kind to list out all rights contained within the phrase "human rights." Even after this declaration, however, human rights were not legally binding on states. It was only after two human rights covenants made human rights legally binding on state parties and the mass mobilization campaigns of human rights NGOs that human rights superseded state sovereignty. With this final milestone, human rights became modern human rights, rights that are natural, equal, and universal and transcendent over state sovereignty.

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[283] The United States has not ratified the Covenant on Economic, Social and Cultural Rights, for example.
 "International Covenant on Civil and Political Rights," United Nations Treaty Collection, May 15, 2016, accessed May 15, 2016, http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx.
"International Covenant on Economic, Social and Cultural Rights," United Nations Treaty Collection, May 15, 2016, accessed May 15, 2016, http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx.