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THE ECONOMICS OF FUNDAMENTALISM IN THE GLOBALIZATION ERA

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EDITOR'S PREFACE TO THE INAUGURAL EDITION

After nearly two years of planning and preparations, the editorial board is proud to introduce the inaugural edition of *The American Undergraduate Journal of Politics & Government*. With an eye toward the future, we hope this publication will become the premier forum for undergraduate scholarship in the field of political science.

The six papers featured in this edition were selected from a manuscript pool of nearly one hundred candidates from over two dozen universities nationwide, including Princeton, Berkeley, Chicago, Stanford, Columbia, Harvard, Virginia, Purdue, George Washington, Georgetown, Duke, Northwestern, Syracuse, and Ohio State. We are grateful for the support and encouragement of the faculties and staffs of these and other universities. We especially thank each undergraduate author whose academic time and effort culminated in the submission of a manuscript. Finally, we express our gratitude to the faculty and staff of the Department of Political Science at Purdue in recognition of their assistance, advice, and support.

We welcome any comments and suggestions.

Thank you.

Trevor Kress Truman
Editor-in-Chief

**REQUIEM FOR A RIGHTWARD SHIFT IN POLITICS: A COMPARISON OF THE
AUSTRIAN FREEDOM PARTY WITH THE AMERICAN REPUBLICAN PARTY***

MEGAN GREENE
Princeton University

The formation of Austria's coalition government on 4 February 2000 evoked widespread concern from the international community. At the heart of the controversy the rise of the Austrian Freedom Party (FPÖ), one of the coalition's two members, has prompted fears of the rise of a neo-fascist, extreme right-wing movement in the heart of Europe. Influential right-wing political movements are not, of course, exclusive to Western Europe, as the Republican Party (GOP) in the United States, for example, also falls to the right of the political spectrum. This study analyzes these two right-wing parties, assessing their respective ideologies and policy perspectives. By divorcing the remembrance of fascist complicity in Austria before and during World War II with the actual ideology and strategy of the party, one unveils numerous similarities between the FPÖ and GOP, particularly with respect to welfare, immigration, and employment policies. In the final analysis, though members of the international community have accused the Freedom Party of neo-fascism and extremist, right-wing radicalism, the FPÖ is primarily conservative in nature. The American Republican Party, on the other hand, displays certain libertarian characteristics. Indeed with respect to certain policy perspectives it is the GOP, and not the FPÖ, that most closely resembles an extremist, right-wing movement.

INTRODUCTION

For centuries, Austria has been internationally recognized as a center for classical music, art, literature, and other forms of cultural expression. The home of musicians such as Wolfgang A. Mozart, Johann Strauss, Gustav Mahler, and Arnold Schönberg, Austria has long been proud of its grand music festivals and balls. Recently, however, Austrian musical events have assumed a more somber tone, as international musicians, directors, and dignitaries have declined, in protest, to attend prominent events from the Salzburg music festival to the Viennese Opera ball.

* Megan Greene, "Requiem for a Rightward Shift in Politics: A Comparison of the Austrian Freedom Party with the American Republican Party," was originally published in *Austria, The European Union, and the United State: A Debate and Documentation*, ed. Wolfgang Danspeckgruber, (Princeton: Princeton University, 2001).

This sudden change in opinion toward Austrian cultural events resulted from the formation of Austria's coalition government on 4 February 2000. The government coalition consists of two parties, the Austrian People's Party (ÖVP) and the Austrian Freedom Party (FPÖ), the latter of which has stirred recent controversy. In short, the Freedom Party's proposals, when coupled with the remembrance of Austria's collaboration with Nazi Germany, have prompted fears of the rise of a neo-fascist, extreme right-wing movement in the heart of Europe. Prominent members of the Freedom Party have aggravated these fears with controversial statements implying FPÖ sympathy for the policies and strategies of Nazi Germany. In 1991 and 1995, for example, former Freedom Party leader Dr. Jörg Haider declared that the Third Reich had an "orderly employment policy" and that the *Waffen SS* "deserves all the honor and respect of the army in public life."¹

The rise of the Freedom Party in Austrian politics and the international and domestic reactions to it are significant because of the increasing popularity of right-wing movements throughout Western Europe. Italy's Lombardy League (LL), France's National Front (FN), and Belgium's Flemish Bloc (VB), to name a few right-wing parties, have all gained increasing support in their respective countries. The Freedom Party's consolidation of political power and the international community's response to it may set a precedent for right-wing movements throughout the continent.

Western Europe, however, is not the only region in the world with influential right-wing political movements; the Republican Party (GOP) in the United States also falls to the right of the political spectrum. The forthcoming analysis offers a comparison between these two right-wing political parties, assessing their respective ideologies and policies. In order to make such a comparison, it is necessary to divorce the actual beliefs and programs of the parties from the personalities and management styles of their leaders. After comparing the GOP's "Contract with America" with the FPÖ's "Contract with Austria," one unveils numerous similarities between the two right-wing parties, particularly with respect to their perspectives on welfare, immigration, and employment policies. In the final analysis, though members of the international community have accused the Freedom Party of neo-fascism and extremist, right-wing radicalism, the FPÖ is primarily conservative in nature. The American Republican Party, on

¹ The British Broadcasting Company, "Profile: Controversy and Jörg Haider," *BBC Online*; available from <http://news.bbc.co.uk>; Internet; accessed 3 March 2000.

the other hand, displays certain libertarian characteristics. Indeed with respect to certain policy perspectives it is the GOP, and not the FPÖ, that most closely resembles an extremist, right-wing movement.

THE DIFFERENT SHADES OF THE POLITICAL RIGHT

As British Conservative politician Ian Gilmour asserted, the political right “cannot be exactly defined [but] it is, like the elephant, easily recognized when it is seen.” Indeed the right wing of the political spectrum is difficult to accurately depict using a single definition. Rather, there are several divisions within the political right, ranging from extreme to moderate movements. Numerous journalists and authors have deemed the Freedom Party in Austria to be an extremist, right-wing, neo-fascist movement. The strategies and ideological goals of the FPÖ, however, lack certain fundamental characteristics that identify right-wing radicalism. For example, extreme right ideology is obsessed with establishing an ethnocentric social hegemony, achieved often through extra-constitutional procedures.² Furthermore, extremists generally feel no obligation to justify their actions to the public, even when these actions include physical violence.³ The FPÖ has not resorted to such measures.

The libertarian movement represents a slightly more moderate strain of the right wing. Libertarian policies stem from a central ideology: it is the fundamental right of every individual to exercise sole authority over his life. The state, according to libertarians, should “provide stable legal institutions to enable people to make their own plans and conduct their own lives.”⁴ Highly anti-state, libertarians oppose pervasive governmental socio-economic intervention.⁵ Similarly wary of social engineering, libertarians argue against the governmental promotion of certain values. Finally, they advocate free markets and denounce corporatist alliances between the state and economy.

Conservatives lie closer to the center of the political spectrum than libertarians, often agreeing with the libertarian notion that freedom is essential to

² Peter Pulzer, “Handbuch des Österreichischen Rechtsextremismus, Stiftung Dokumentationsarchiv des österreichischen Widerstandes,” in *Austro-Corporatism: Past, Present, Future*, ed. Günter Bischof and Anton Pelinka (New Brunswick: Transaction Publishers, 1996), 372.

³ Michi Ebata, “Right-Wing Extremism: In Search of a Definition,” in *The Extreme Right*, ed. Aurel Brown and Stephen Scheinberg (Boulder, Colorado: Westview, 1997), 16.

⁴ Paul Starobin, “Right Fight,” *The National Journal* (9 November 1995): 3025.

⁵ Roger Eatwell, “Right or Rights? The Rise of the ‘New Right,’” in *The Nature of the Right*, ed. Roger Eatwell and Noël O’Sullivan (London: Pinter, 1989), 8.

human dignity, but recognizing that libertarianism takes the idea to an extreme. As Robert George asserts, libertarians “take an important truth and stretch it to a falsehood...[Freedom] has degenerated into license and no longer serves human dignity.”⁶ Conservatives do not view freedom as an end in itself, but rather a condition necessary for the flourishing of traditional values such as self-reliance and personal responsibility.⁷ While they generally oppose large government, conservatives believe that a small but strong state is required for freedom. Above all, a limited government promotes and protects the family, which, according to conservatives, is society’s most critical institution.⁸ Furthermore, conservatives also strongly believe that rewards ought to be granted according to effort and achievement.⁹

A POLITICAL REVOLUTION: THE “CONTRACT WITH AMERICA”

The Republican Party in the United States, founded in 1854, was initially comprised of former members of the Whig, Democratic and Free-Soil parties. The early members of the GOP adopted the name for their party from the Jeffersonian idea of republicanism and were more concerned with the nation’s interests than with those of individual states. The initial Republicans, like many members of the GOP today, advocated reduced governmental interference in the economy and lower taxes. This new party gained immediate support in the northern portion of the United States in the 1800s, and it quickly replaced the Whigs as the leading political rival of the Democratic Party. Throughout American history, the Republican Party fell into and out of political power. In the late 1800s and early 1900s, the GOP dominated the political scene in the United States, while from 1932 to 1952 the Democratic Party commanded the nation.

The Democratic Party’s control of the House of Representatives continued for most of the latter half of the twentieth century. Decades of Democratic congressional domination fostered the development of a pervasive and centralized federal bureaucracy, one that greatly influenced American social and economic life. By the 1990s, Republicans complained, “Big Brother is alive and well through myriad government programs usurping personal responsibility from

⁶ Starobin, 3023.

⁷ David Frum, *Dead Right* (New York: Basic Books, 1994), 202.

⁸ Starobin, 3026.

⁹ Frum, 71.

families and individuals.”¹⁰ By the mid-1990s, public trust and confidence in Congress and other state institutions had reached a nadir, their lowest point in twenty years.¹¹ In 1995, Newt Gingrich, the Republican Speaker of the House of Representatives, declared, “...they (Americans) are fed up with Washington, they are fed up with its games, they are fed up with petty partisanship.”¹²

The American people expressed their frustration with the centralized government in the 1994 congressional elections. For the first time in forty years, the Republican Party gained control of both the Senate and the House of Representatives. The GOP claimed that its 1994 electoral victory marked the beginning of a “third wave of history,”¹³ as Gingrich announced that the new Republican congressional leaders were dedicated to a complete revolution.¹⁴

The success of the GOP was partially due to the popular appeal of the Republican Party’s ideology. The GOP envisioned a decentralized government that shifted responsibility away from the state and toward the individual citizen, holding that individual responsibility should be valued over bureaucracy.¹⁵ While freedom required that individuals accept responsibility for themselves and, when possible, for others, it also granted citizens basic human rights. As Phil Gramm, a key Republican Senator, declared, “Government doesn’t empower you. Freedom empowers you!”¹⁶

The GOP’s specific plans for political revolution are embodied in the “Contract with America.” Drafted in the spring of 1994, the GOP document promised, if granted control of Congress, to bring ten initiatives to a vote within a hundred days. On 27 September 1994, in an elaborate ceremony with over 300 Republican congressional candidates convened on the West Front of the Capitol, the GOP unveiled its manifesto, the “Contract with America,” the principal proposals of which advocated significant welfare, immigration, and employment policy reforms.¹⁷

¹⁰ Ed Gillespie and Bob Schellhas, ed., *Contract with America* (New York: Times Books, 1994), 14.

¹¹ *Ibid.*, 5.

¹² *Ibid.*, 195-196.

¹³ Starobin, 3031.

¹⁴ Newt Gingrich, *To Renew America* (New York: Harper Collins Publishers, 1995), 115.

¹⁵ *Ibid.*, 38.

¹⁶ Howard Fineman, “Revenge of the Right,” *Newsweek*, 21 November 1994, 39.

¹⁷ Gillespie and Schellhas, 6.

Welfare Reform

By the mid-1990s, the American public had become increasingly dissatisfied with the nation’s generous welfare system. Some believed that welfare fostered dependency and contributed to the decay of society. According to a poll conducted just after the release of the “Contract with America,” 96% of Americans believed that the welfare state was a failure. In response to public sentiment, Newt Gingrich claimed, “We must replace the welfare state with an opportunity society. Too many people are bound in bureaucracies and anti-human regulations by which families are destroyed and the work ethic undermined.”¹⁸

Most of the welfare reforms delineated in the “Contract with America” pertained to the Aid to Families with Dependent Children (AFDC) program, targeted because conservatives argued that an alarming number of families in the United States were started by young, single women. In the mid-1990s, according to conservative figures, approximately twenty-eight percent of all families on welfare were started by an unmarried, teenage mother.¹⁹ Although half of the young mothers who received AFDC benefits left the program within two years, most of them eventually returned.²⁰ For many families, welfare was an attractive alternative to working, causing thousands of recipients to become dependent upon public assistance.

The first provision for reforming AFDC benefits involved attaching conditions to aid granted to single, teenage mothers. The GOP insisted that mothers under eighteen years old with illegitimate children should be provided with AFDC aid only if they lived at home, identified the biological father, or married someone who accepted legal responsibility for the child.²¹ These reforms were proposed in order to discourage out-of-wedlock births. Such social engineering suggested that the Republican Party believed young girls viewed welfare as an attractive alternative to marriage. According to studies comparing states with different welfare benefit levels, however, this assumption was

¹⁸ Melanie A. Sully, *The Haider Phenomenon* (New York: Columbia University, 1997), 38.

¹⁹ Philip Harvey, Theodore R. Marmor, and Jerry L. Mashaw, “Gingrich’s Time Bomb: The Consequences of the Contract,” *The American Prospect* (Spring 1995): 46.

²⁰ Gillespie and Schellhas, 68.

²¹ *Ibid.*, 70.

incorrect; there is little correlation between welfare benefits and out-of-wedlock births.²²

Another reform of the “Contract with America” required labor from welfare beneficiaries who had received public support for at least two years. Work programs either provided employment training to recipients or required that they work for an average of thirty-five hours per week. In addition to decreasing the amount of time families could depend on welfare, the labor requirements aimed to help the beneficiaries develop pride and self-sufficiency.²³ Most importantly, however, they forced welfare recipients to take personal responsibility for their decisions. The GOP, for instance, insisted upon the imposition of a five-year term limit for the receipt of AFDC benefits.²⁴ Unfortunately, it should be noted that the provision did not consider external factors for the five-year term limit; the government made no exceptions, for example, for business cycle fluctuations or sudden debilitating illnesses.²⁵ Moreover, the GOP also sought to cap government spending on welfare projects: state support for welfare programs was to be determined by the previous year’s spending on the programs, the level of inflation, and the percentage of the population living in poverty.²⁶

The third primary welfare reform of the “Contract with America” aimed to increase the role of states in public support decisions in order to manage welfare programs more efficiently. The GOP, for example, suggested that states be empowered to determine labor requirements. While generally advocating individual effort in favor of unconditional welfare support, the GOP recognized that some states would find work programs less economical than weekly checks. By authorizing states to structure their own welfare programs as necessary, the GOP could more effectively streamline welfare programs.

All three of the GOP’s welfare reforms are conservative proposals. By depriving single, teenage mothers of public support, the government sought to induce traditional behavior and to reverse the decay of American society. Libertarians, who vehemently believe that the government should not promote specific values, would have opposed this intention. By requiring that welfare recipients participate in work programs, the GOP embodied conservative ideals, insisting that individuals should be rewarded according to their efforts and that

²² Harvey, 45.

²³ Gillespie and Schellhas, 66.

²⁴ Ibid.

²⁵ Harvey, 4.

²⁶ Gillespie and Schellhas, 72.

citizens should accept personal responsibility. Finally, the Republican Party’s initiative to increase state participation in public support decisions ultimately sought to cut welfare benefits and spending. In short, the ideas embody the conservative ideology, aiming to create a smaller but still active government.

Immigration Reform

A year before the GOP finalized its “Contract with America,” Mexico plunged into an economic crisis. In response to the Mexican government’s massive devaluation of the peso, thousands of illegal aliens sought economic opportunity across the border in the United States. While the issue of immigration was only briefly mentioned in the “Contract with America,” members of the Republican Party generally agreed to deny welfare benefits to illegal aliens.²⁷ Relatively divided over other aspects of the issue, however, the GOP did not offer more elaborate plans for immigration reform. Some conservatives, such as Senator Spencer Abraham of Michigan, rallied to increase immigration to the United States in order to fill high-tech positions, arguing that American employees lacked proper training, and, therefore, only foreigners could adequately fill these positions until American training improved.

The majority of the GOP, however, including those generally considered mainstream Republicans, sought to restrict immigration. These Republicans, such as Newt Gingrich, believed that foreigners in the United States contributed to the decay of society. According to Gingrich, the traditional values that schools once promoted by teaching American heritage had been replaced by a wave of multiculturalism. This multiculturalism emphasized the celebration of individual ethnicity and, by implication, of individual egos.²⁸ To combat illegal immigration, Gingrich proposed that all foreigners be required to carry sophisticated (difficult to counterfeit) employee identification cards.²⁹ He also insisted that the United States develop a quick and efficient method for deporting illegal immigrants. With respect to legal immigrants, Gingrich proposed improved integration methods. In order to assimilate into American culture, according to Gingrich, foreigners needed to make a distinct break with their past and immerse themselves in their new society: “One task to renew America is to

²⁷ Ibid., 74.

²⁸ Gingrich, 31.

²⁹ Ibid., 156.

teach immigrants how to become Americans.”³⁰ Pursuant to this charge, Gingrich proposed, for example, improving language instruction for foreign students and offering classes only in English to help to facilitate this process.

More extreme Republicans, such as Governor Pete Wilson of California, also sought to limit immigration. Wilson launched the “Save our State” initiative, Proposition 187, to reduce the number of illegal immigrants entering California from Mexico and Central America. The primary motivation for Proposition 187 was economic: in 1993 and 1994, California spent \$1.7 billion on services for illegal aliens.³¹ Proposition 187 sought to limit such massive expenditures, requiring health-care workers, teachers, and police to immediately report any “apparent illegal immigrants.”³² Furthermore, though illegal immigrants were, in fact, paying taxes, they were to be denied all basic government services except for emergency medical care.

Former Republican Patrick Buchanan also supported radical restrictions to immigration. His motivations, however, were more ideological than those of Governor Wilson. Buchanan maintained that immigration needed to be reduced in order to defend America’s sovereignty: “A country that cannot control its borders isn’t fully sovereign.”³³ In the mid-1990s, Buchanan actively sought to decrease legal and illegal immigration by reducing the number of new entry visas issued annually by the United States government, by reinforcing border fences, and by cracking down on businesses that employed illegal aliens. He claimed that “we must take an immigration time-out to mend the melting pot.”³⁴

In short, though some Republicans were in favor of expanding immigration, the majority of the GOP sought its restriction. Some of the ideology that Republicans used to justify limited immigration was conservative, while, alternatively, some was libertarian in nature. Newt Gingrich and his followers, for example, believed that immigration and multiculturalism were overwhelming traditional values and therefore needed to be reduced, a very conservative notion. Patrick Buchanan, on the other hand, expressed a more libertarian view,

believing that government needed to limit immigration in order to defend American national sovereignty.

Employment Reform

The “Contract with America” provided two primary solutions for employment policy reform: tax cuts and social security reform. In order to create more jobs and to attract foreign investment, the GOP advocated government tax reductions. Municipal tax cuts, for instance, would encourage people to start small businesses.³⁵ Additionally, the Republicans believed that a significant capital gains tax cut would stimulate investment and savings.³⁶ The second employment policy reform described in the “Contract with America” involved pensions. Previously, working citizens between the ages of 65 and 69 lost one dollar in social security benefits for every three dollars that they earned in excess of \$11,160. Senior citizens were, therefore, effectively punished if they chose to work beyond the age of 64. In response to this perceived problem, the GOP sought to increase the threshold to \$30,000.³⁷

The Republican Party’s suggested employment reforms embody some conservative characteristics. Tax cuts reduced the intrusion of the government in the private sector and encouraged increased investment and job creation. The proposed pension reforms also decreased the involvement of the state in America’s economy by granting citizens more freedom to remain employed beyond the age of 64. Both of these changes sought to create a smaller yet still strong government in the United States, and, therefore, represent essentially conservative sentiments.

THE SECOND REPUBLIC OF AUSTRIA

The Austrian political scene following World War II resembled that of the United States in that it was consistently dominated by the same political forces: the Social Democratic Party (SPÖ) and the Austrian People’s Party (ÖVP) either ruled the nation as a coalition or assumed alternating responsibility for Austria. A coalition between the SPÖ (the Reds) and the ÖVP (the Blacks) controlled the

³⁰ Ibid., 7.

³¹ Frum, 178.

³² “Immigration,” *California Journal Weekly*, 30 May 1994: 2.

³³ Patrick Buchanan, “To Reunite a Nation,” available from <http://www.buchananreform.com>; Internet; accessed 24 March 2000.

³⁴ Patrick Buchanan, “Protecting America’s Borders—Immigration Reform,” available from <http://www.buchananreform.com>; Internet; accessed 24 March 2000.

³⁵ Gingrich, 81.

³⁶ Gillespie and Schellhas, 126.

³⁷ Ibid., 118.

Second Republic of Austria consistently from 1987 to February 2000. The influence of this “grand” coalition extended far beyond the realm of government, greatly influencing the socio-economic fabric of Austrian society. Through a system called *Proporz*, the SPÖ and ÖVP divided employment opportunities in the government, bureaucracy, public sector, and semi-public sector according to the parties’ representation in parliament.³⁸ State-subsidized benefits such as housing were also allocated according to the outcome of the most recent parliamentary elections.

As political scientist Anton Pelinka asserts, the easiest vehicle for upward social and economic mobility under the *Proporz* system was the party book: “Whoever wants anything in the Second Republic must go for it through the SPÖ or the ÖVP.”³⁹ Because bureaucrats were guaranteed employment by affiliation with either the Reds or the Blacks, many were more concerned with self-interest than governmental duty. This, of course, resulted in widespread corruption and inefficiency as bureaucrats squandered public funds and left essential social services with substantial financial deficits. In *The Freedom I Mean*, Dr. Jörg Haider recalls, “It has often been said in Austria that there are three people to do any one job—a red, a black, and someone who does the work.”⁴⁰

In addition to perpetuating corruption, the *Proporz* system stifled freedom in the Second Republic by creating a large gap between the “pin-stripe socialists with regular spa holidays in the gardens of Tuscany” and the everyday people of Austria.⁴¹ Alienated by government, Austrian people regarded the first Article of the Austrian constitution, which states, “[Austria’s] law emanates from the people,” as effectively invalid.⁴² Austria had, according to Haider, deteriorated into a “society in which no one thinks any more about what they could do for others or society.”⁴³

³⁸ Max Riedlsperger, “The FPÖ and the Right,” in *Austro-Corporatism: Past, Present, Future*, ed. Günter Bischof and Anton Pelinka (New Brunswick: Transaction Publishers, 1996), 353.

³⁹ Sully, 21.

⁴⁰ Jörg Haider, *The Freedom I Mean*, trans. Hans Janitschek (Pine Plains, NY: Swan Books, 1995), 46.

⁴¹ “The State of the Republic and the Situation of the FPÖ,” available from <http://www.fpo.at/englisch/images/republic.pdf>; Internet; accessed 1 March 2000.

⁴² Sully, 17.

⁴³ Haider, 4.

A POLITICAL REVOLUTION: “THE CONTRACT WITH AUSTRIA”

The Freedom Party has its roots in the League of Independents (VdU), a party that fought for the rehabilitation of former National Socialists after World War II. Initially banned from participation in parliament by the Allied forces, the VdU was comprised primarily of former Nazis, anti-clericalists, and anti-Semites.⁴⁴ By 1956, the VdU was weakened by internal disputes, prompting Anton Reinthaller, a prominent Nazi during World War II, to form the Freedom Party. The FPÖ was initially a markedly nationalist political movement, and as such, it enjoyed little support in its first parliamentary elections in 1956.

With the rise of Friedrich Peter as the FPÖ party leader two years later, however, the Freedom Party adopted a new ideology: instead of defending former Nazis, it would concentrate on toppling the “grand” coalition. In 1970, the FPÖ gained more representation in the National Assembly in exchange for its support of the minority SPÖ government. Moreover, the Freedom Party became more respectable as a result of its bargaining with the SPÖ, and, therefore, was able to exert influence on the Austrian political system for the first time. When the SPÖ won a decisive victory in the parliamentary elections the following year, however, it no longer relied on the support of the Freedom Party. As a result, the influence and popularity of the FPÖ dwindled. Support for the Freedom Party diminished further during the unpopular rule of the SPÖ-FPÖ coalition that governed Austria from 1983 until 1986.

The SPÖ-FPÖ coalition government fell on 13 September 1986 when Dr. Jörg Haider was elected as the new head of the FPÖ in Innsbruck. Under Haider, the Freedom Party went from facing near-extinction to receiving the support of 1.2 million voters in the Austrian general election on October 3, 1999.⁴⁵ From political obscurity, the FPÖ rebounded to capture 26.9% of the vote, tying it with the ÖVP as the second largest political force in the nation.⁴⁶ With the SPÖ garnering only 33.2% of the vote, there were, for the first time in the Second Republic, three dominant political parties of almost equal size in government. Indeed the FPÖ’s success was a considerable achievement, one many political

⁴⁴ Sully, 2.

⁴⁵ “The State of the Republic and the Situation of the FPÖ.”

⁴⁶ “Austria: Politics,” *Hilfe Country Report*, 7 March 2000, 7.

theorists attribute to the Austrian people's widespread dissatisfaction with the stifling conditions under the SPÖ-ÖVP coalition.⁴⁷

The Freedom Party's ideology concentrated on liberating Austrian citizens from corrupt political parties. As the FPÖ stated in its 1994 electoral platform, "Austria should no longer be a republic of the Reds and the Blacks but the home of Austrians."⁴⁸ Fundamentally, the Freedom Party believed that liberty could only flourish when basic rights were granted to its citizens, protected against all intrusions. Moreover, though freedom referred to personal rights, it also involved duties as a citizen: liberty also involved responsibility to society.⁴⁹ Quoting the Czech leader Vaclav Havel, Jörg Haider outlines his party's concept of freedom: "National independence...means freedom of the nation, based however not on the feeling of its supremacy but on the feeling of belonging together with others. The expression of human freedom is democracy."⁵⁰

The FPÖ believed true freedom could only be achieved through a social revolution that would establish a Third Republic in Austria, transforming Austria "from party state to a citizen's democracy."⁵¹ The Freedom Party's program to bring Austria into the Third Republic is embodied in the "Contract with Austria." The sudden and unexpected 1995 parliamentary elections, however, caught Haider and the FPÖ off guard: as the "Contract with Austria" was scheduled to be unveiled in 1996, it was still somewhat undeveloped.⁵² Nevertheless, the FPÖ hastily finalized and presented the "Contract with Austria" in June 1995. Remarkably similar to the Republican Party's "Contract with America," the "Contract with Austria," advocated, among other things, welfare, immigration, and employment policy reforms.

Welfare Reform

Part of the FPÖ's conception of freedom involved the notion of solidarity: each citizen has a duty to help those in the community who are weak. In this respect, the Freedom Party supported an active welfare system. It also believed,

⁴⁷ Volkmar Lauber, "Conclusion and Outlook," in *Contemporary Austrian Politics*, ed. Volkmar Lauber (Boulder, Colorado: Westview Press, 1996), 259.

⁴⁸ Sully, 50.

⁴⁹ "Program of the Austrian Freedom Party," ch. 1, art. 3; available from <http://www.fpoe.at/englisch/Program.htm>; Internet; accessed 1 March 2000.

⁵⁰ Haider, 24.

⁵¹ Sully, 31.

⁵² *Ibid.*, 113.

however, that there was such a thing as too much welfare: if too many benefits are offered, a citizen's responsibility and rights might be usurped by the government. As Jörg Haider stated, "in a complete welfare state, the freedom and independence of people are forfeited to the 'nanny state.'"⁵³ Faithful that most citizens were hard-working, decent and law-abiding, Haider believed that those genuinely in need of welfare benefits should receive them. The FPÖ did not believe, however, that the wealthy and those who abused governmental aid should enjoy state-funded social benefits. As the Freedom Party's program in 1985 stated, "Social welfare institutions must ensure that anyone in need is guaranteed at least a minimum level of care. On the other hand, abuse of the welfare institutions must be prevented."⁵⁴

The "Contract with Austria" sought to reform the Austrian welfare state by reducing the role of government, pledging to "make savings by reducing bureaucracy" and reducing "the size of the government."⁵⁵ The Freedom Party also sought to discourage the dependence of beneficiaries on the state and to encourage self-help. According to Haider, those who were industrious and willing to work deserved more benefits than those who merely wanted to live off of government handouts. As the leader of the Freedom Party declared, "Hard work must pay off. But the collectivist welfare state rewards all, irrespective of performance, in the same measure...We must have the courage to remunerate those willing to work and to contribute."⁵⁶

The motivations for welfare reform in the "Contract with Austria" were similar to those proposed by the Republican Party in the "Contract with America." Moreover, while both were conservative in nature, the FPÖ's strategies for implementing its welfare reforms were, in fact, less extreme than those advocated in the United States. Both the "Contract with Austria" and the "Contract with America" sought to encourage responsible behavior, but the Republican Party in the United States also specifically targeted single, teenage mothers. The GOP and the Freedom Party agreed that rewards should be based on personal achievement, but only the "Contract with America" delineated specific work programs and term limits. Furthermore, the GOP developed methods to cap government spending on public assistance, whereas the "Contract with Austria" merely promoted the idea of reducing the role of the government.

⁵³ Haider, 51.

⁵⁴ Sully, 47.

⁵⁵ Starobin, 2.

⁵⁶ Sully, 58.

Immigration Reform

The “Contract with Austria” also sought to reform Austrian immigration policies. An historic melting pot, non-German speakers accounted for roughly half of the population of the Austro-Hungarian Empire in 1900.⁵⁷ Throughout the Cold War, Austria accepted large numbers of refugees from Hungary, Czechoslovakia, and Poland. When the Iron Curtain fell in Eastern Europe, legal and illegal immigrants flocked to Austria: an estimated 240,000 legal and 100,000 illegal aliens entered Austria between 1989 and 1991.⁵⁸ Moreover, throughout the 1990s Austria accepted more immigrants from the former Yugoslavia than any other country in Europe.⁵⁹ Problematically, however, most Austrians linked this immigration with the proliferation of slums, crime, unemployment, and social conflict. As 1968 rebel Daniel Cohn Bendit declared, “There is no doubt that the more intensely a society is moulded by different nationalities, ethnic groups, cultures, and customs, the more tension there will be.”⁶⁰ Indeed, immigration policy has become an extremely explosive issue in Austrian politics.

When the Freedom Party presented the “Contract with Austria” in 1995, foreigners comprised eight percent of Austria’s total population.⁶¹ Legal immigrants alone comprised ten percent of the national work force. The FPÖ sought to restrict the number of immigrants in Austria for both economic and ideological reasons. Unrestricted immigration distorted the labor market by creating an excess supply of workers, placing downward pressure on the country’s real wages and prompting increased unemployment rates. Moreover, the influx of immigrants created housing shortages and overcrowded conditions in schools. Finally, as many foreigners were willing to work illegally, immigration also contributed to the budget deficit by depriving the government of tax revenues.

The FPÖ’s ideological motivations for reforming Austria’s immigration policies stemmed from the party’s concept of *Heimat*, or cultural identity.

⁵⁷ Jan Repa, “Analysis: Austria’s Troubled History,” *BBC Online* (3 February 2000); available from <http://news.bbc.co.uk>; Internet; accessed 4 March 2000.

⁵⁸ Riedlsperger, 361.

⁵⁹ Haider, 33.

⁶⁰ *Ibid.*, 30.

⁶¹ Richard H. Feen, “Reform Gets New Voice,” *Insight on the News*, 11 December 1995, 14.

According to Haider, state order requires a general consensus about basic rights and values. When immigrants entered Austria, they brought with them their own rights and values, beliefs that sometimes conflicted with those already established in the country. With unlimited immigration, it became impossible to assimilate all of the foreigners, and, as a result, the Austrian cultural identity was overwhelmed by these foreign values. Furthermore, some foreigners not only refused to integrate, but insisted on the expansion of their own culture. In some Austrian schools, for example, Islamic parents requested that the crucifix be removed from classroom walls.⁶² Rather than being xenophobic or racist, as they had been frequently labeled, Haider claimed that members of the FPÖ were merely pro-Austrian: “My friends and I are not obsessed with power. We have something that matters to us, and that is Austria!”⁶³

According to Point 17 of the “Contract with Austria,” the Freedom Party should not “let Austria become a country of immigration.”⁶⁴ The document outlines three primary methods to fulfill this pledge. First, potential immigrants were required to prove employment and housing before becoming candidates for citizenship. Secondly, foreigners were to carry identification with them in order to minimize the employment of illegal aliens. Finally, the state needed to allow a ten-year waiting period before granting citizenship to foreigners.

Beyond the “Contract with Austria,” the FPÖ’s 1993 initiative, “Austria First,” outlined further policy changes for immigration reform. Rather drastically, it demanded a moratorium on immigration until a “solution to the problem of illegal foreigners has been found, and until the accommodation shortage has been resolved and unemployment is down below 5%.”⁶⁵ The “Austria First” initiative also called for increased border controls, the immediate deportation of foreigners who committed crimes, and no franchise for foreigners in the Austrian general elections. Additionally, the Freedom Party sought to limit the percentage of foreign pupils in elementary and vocational schools to thirty percent. Moreover, in order to facilitate integration, the FPÖ also suggested that the government increase language instruction in schools.

Many of the immigration policy reforms proposed in the “Contract with Austria” were fundamentally conservative in character. Driven by the notion of

⁶² Haider, 31.

⁶³ “The State of the Republic and the Situation of the FPÖ.”

⁶⁴ “20 Points for the ‘Contract with Austria,’” available from <http://www.fpoe.at/englisch/images/20punkte.pdf>; Internet; accessed 1 March 2000.

⁶⁵ Sully, 87.

Heimat, the Freedom Party sought to protect the cultural values and identity of the Austrian people through its immigration policies. The notion that government should protect certain ideals is conservative; it would be rejected by libertarians who believe that governments should not promote or defend specific values. Moreover, the ideology behind the Freedom Party's rally for limited immigration was very similar to that of Republicans such as Newt Gingrich: both parties wanted to reduce immigration in order to protect their traditions and cultural identities. When compared to the ideology of Patrick Buchanan, the FPÖ was far less extreme. Indeed, Buchanan, in declaring that immigration undermines American sovereignty, takes concerns over America's cultural identity to an extreme.

The strategies to curb immigration delineated in the "Contract with Austria" and the "Austria First" initiative were very similar to some of those proposed by factions of the Republican Party. Both the FPÖ and the GOP, for example, wanted to increase border controls, deport illegal immigrants, issue identification cards to all foreigners, and increase language instruction in schools. The Freedom Party was more extreme than any factions of the Republican Party, however, when it called for a temporary moratorium on immigration until Austria's economy reached certain targeted levels. On the other hand, the American Proposition 187 was more extreme than the "Contract with Austria" and the "Austria First" initiative, insisting that illegal immigrants be deprived of all state services except for emergency medical care.

Employment Reform

In 1995, Austria's unemployment rate was at its highest level in forty years.⁶⁶ Moreover, workers were increasingly disgruntled with the high level of governmental influence in the economy. The professional lives of at least one-third of the population, for example, were controlled by the *Proporz* system.⁶⁷ As Jörg Haider claimed, "the small farmers, their wives, the pensioners, the women workers, and those who can't find work over 50 are the Cinderellas of our Socialist society."⁶⁸ Politicians enjoyed high levels of income, severance payments, and pensions for work that they completed inefficiently or

⁶⁶ Haider, 56.

⁶⁷ Ibid., 67.

⁶⁸ Ibid., 61.

ineffectively. The squandering of public funds in state-run industries cost Austria thousands of jobs annually. In order to loosen the grip of the state on Austria's economy, the FPÖ aimed to minimize the special privileges of governmental workers.

With the opening of borders in Eastern Europe in 1991, Austria went from being at the edge of the European economy to being in the center of it. As a result, it was vital for Austrian economic growth that the country attract foreign investment. The "Contract with Austria" proposed three primary methods to attract potential investors to Austria. The first of these employment reforms involved skilled worker training. The FPÖ suggested that pupils be educated about the benefits of apprenticeships. Furthermore, the FPÖ advocated financial incentives for companies participating in skilled worker training programs.

The FPÖ also proposed several measures for pension reform in Austria. Since 1970, the average retirement age in Austria has decreased from 62 to 58 years of age.⁶⁹ Furthermore, Austrian students sometimes spend up to eight years studying in the nation's free universities. Combined, the problems of late entry into and early exit out of the work force have gradually crippled the Austrian economy.⁷⁰ In the "Contract with Austria," the FPÖ called for a three-pillar pension system that involved not only a state pension but company and private pensions as well. This three-tiered system would protect older employees from being laid-off prematurely and would decrease the rate of early retirement in Austria. After the "Contract with Austria" was released, the FPÖ also proposed that the time Austrians spent raising children or nursing family members be counted as coverage periods under their pension schemes.⁷¹

The Freedom Party advocated additional employment policy changes aimed at promoting strong family ties in Austria. According to Haider, the government of the Second Republic considered the work of a housewife to be less respectable than that of a businesswoman: "The work of a housewife is a full-time occupation, but it is not valued as such."⁷² In order to provide for their families, many women had to enter the labor force. Attempting to reverse this trend, the

⁶⁹ Ibid., 52.

⁷⁰ Sully, 110.

⁷¹ *Der Haider-Prinzhorn Plan*, "Someone Who Works for Austria;" available from www.fpoe-wahl.at/fpoezentrale; Internet; accessed 20 March 2000.

⁷² Haider, 62.

FPÖ called for a reduction of the tax burden for families, arguing the vital importance of active parenthood.⁷³

In short, the motivations for the employment reforms in the “Contract with Austria” were primarily conservative. The FPÖ’s desire to streamline government and minimize unwarranted benefits for government officials conforms to the conservative idea that individuals should have to work for what they receive. The proposals to promote apprenticeships and full-time child rearing involve governmental social engineering, also conservative, and particularly anathema to the libertarian philosophy. The pension reforms suggested in the “Contract with Austria” were also largely conservative in nature, although they had some libertarian undertones: libertarians tend to favor the complete privatization of pension schemes, whereas conservatives tolerate a slightly more active government. Within the limits of conservatism, the Freedom Party’s pension reform proposals called for partial privatization of the pension system, advocating a smaller but still strong state. Moreover, just as the ideologies underlying employment reforms in the “Contract with Austria” and the “Contract with America” were similar, so were the strategies advocated by the FPÖ and the GOP: both parties sought to attract investment and to create jobs primarily by cutting taxes and by improving the pension systems in their respective countries.

THE WAKE OF A POLITICAL REVOLUTION?

When the Republican Party initially presented its “Contract with America,” it faced vehement opposition Democratic opponents. Republicans claimed that sixty percent of the American public, on the other hand, endorsed the suggestions presented in the document, raising the price of resistance for both the Democratic Party and President Clinton. In short, rejecting the Republican proposals wholesale would have proven politically untenable.⁷⁴ As a result, when the initiatives in the document were brought to a vote in the Congress, all of the welfare, immigration and employment policies passed.

The landslide victory of the GOP in the 1994 congressional elections was declared to be a revolution, and in many ways it was indeed. Although the “Contract with America” initially met vehement opposition from the Democratic

⁷³ Ibid.

⁷⁴ Robert George, interview by author, 5 April 2000.

Party, almost all of its provisions were passed through Congress and adopted as policy. Further, the Democratic Party has come to accept many of these reforms, or at least have not sought to overturn them in any significant numbers. Moreover, Americans have come to expect one of the cornerstones of the conservative revolution: smaller government. While for years American bureaucrats believed that the government should play a key role in ameliorating the country’s social and economic woes, even President Clinton declared, “The era of big government is over.”⁷⁵ Additional evidence of the rightward shift in American politics since the introduction of the “Contract with America” can be found in the increasing acceptance of libertarian ideas among young Republicans. Indeed, the Republican Party, though traditionally conservative, may, in the future, become the best vehicle for the libertarian message. According to libertarian Eric Rittberg, “We’ve become fully accepted within the Young Republicans. They’re very supportive of our ideals.”⁷⁶

Just as the introduction of the “Contract with America” resulted in a rightward shift of the American political spectrum, the “Contract with Austria” has enjoyed similar results. Several of the programs that the Freedom Party suggested in the Contract and in other party documents initially faced vehement opposition from the established government. Part of the reason for this was the unpopularity of the former leader of the FPÖ, Dr. Jörg Haider. Haider’s personality and several of his apparently national-socialist comments drove his political opponents to adopt a policy to “Stop Haider.”⁷⁷ Although initially the FPÖ’s proposals were rejected, several of them were later adopted by the leading parties and despite the FPÖ’s opposition role until 1999, the Austrian government increasingly assumed the Freedom Party’s tenor. As Haider often claimed, the FPÖ was the only opposition party that was “in government if not in office.”⁷⁸ The Freedom Party’s “Austria First” initiative, for example, while immediately defeated by the SPÖ-ÖVP coalition, was followed shortly by remarkably similar legislation.⁷⁹ In fact, six months after the “Austria First” initiative was defeated, the “grand” coalition demanded that all foreigners carry identification cards.⁸⁰

⁷⁵ Tom Bethel, “The Age of Consent: A Conservative, or a Libertarian Revolution?” *The American Spectator* (October 1999): 2.

⁷⁶ Michael Rust, “Libertarians in the Big Tent,” *Insight on the News*, 24 July 1995, 1.

⁷⁷ Sully, 200.

⁷⁸ Ibid., 202.

⁷⁹ Ibid., 79.

⁸⁰ Haider, 37.

In effect, the government ultimately instituted several of the FPÖ's initiative proposals. Once in place, these proposals were widely accepted by politicians and the Austrian public alike. The government also adopted FPÖ ideals in 1995 when it curbed some of the abuses of the welfare state.⁸¹ Although the "grand" coalition did not institute actual Freedom Party proposals, it, in essence, endorsed the ideology of the FPÖ's welfare programs. Fundamentally, through its influence on government policies, the Freedom Party succeeded in shifting the Austrian political scene towards the right.

CONCLUSION

When the Freedom Party became the second largest party represented in the Austrian Parliament on October 3, 1999, the international community immediately sounded the alarm, warning that Austrian politics were shifting ominously toward right-wing extremism. Austrians and foreigners alike protested in response to Prime Minister Schüssel's announcement of the formation of an ÖVP-FPÖ coalition to govern the country. Fourteen of the European Union's fifteen member states, for example, immediately agreed to impose diplomatic sanctions on Austria. By divorcing the personality of the former FPÖ leader with the ideology and strategies of his party, however, one unveils certain similarities between the Freedom Party in Austria and the Republican Party in the United States. These similarities are particularly prominent in the welfare, immigration, and employment policies delineated in the "Contract with Austria" and the "Contract with America." Although members of the international community have accused the Freedom Party of neo-fascism and extreme-right radicalism, the FPÖ is primarily conservative in nature. The Republican Party in the United States, on the other hand, has some libertarian characteristics.

Even if the diplomatic sanctions imposed on Austria were justified, they were unlikely to succeed in reversing the influence of the Freedom Party on Austria's political scene. Just as the Republican Party engendered a rightward shift in American politics with its "Contract with America," the FPÖ nudged Austrian politics to the right with its "Contract with Austria." While many in the international community think that the formation of the ÖVP-FPÖ coalition marked the beginning of a political revolution in Austria, they are mistaken: the

⁸¹ Sully, 39.

political revolution began when the Freedom Party expressed its ideas in documents such as the "Contract with Austria." If the European Union truly wanted to halt the Freedom Party, it needed to take action before these documents were released and were allowed to influence the Austrian political scene.

Although many of the Austrian Freedom Party's motivations and policies are similar to those of the Republican Party in the United States, the two cannot be compared in exactly the same light. This, of course, is primarily due to the shadow of Austrian collaboration with Nazi Germany during World War II. Yet a European parliamentary report published earlier this year determined that Austria has a better human rights record than most other nations in Europe.⁸² Dr. Wolfgang Schüssel, the Federal Chancellor, reinforced this idea, "no one should doubt that we (the new government) have a credible commitment to tolerance, openness, and respect of human rights."⁸³ Haider has repeatedly asserted that he is unsympathetic toward the kind of xenophobia and racism of which he has been accused: "there is not one iota of sympathy on my part for undemocratic, racist, or totalitarian goals and ideas."⁸⁴ Despite these reassurances on the part of Austria that the nation is not adopting neo-fascist tendencies, the international community is not convinced. For our generation and generations to come, the social conscience of Austria will remain stained by history. While the policies of the Freedom Party are not neo-fascist in nature, it is difficult for the international community to examine them without being intensely aware of the phenomenon that history tends to repeat itself.

⁸² "European Parliament Report on Human Rights," *BBC Online* (9 March 2000); available from <http://news.bbc.co.uk>; Internet; accessed 11 March 2000.

⁸³ Dr. Wolfgang Schüssel and Jörg Haider, "Responsibility for Austria—A Future in the Heart of Europe;" available from <http://www.austria.gv.at/e/>; Internet; accessed 11 March 2000.

⁸⁴ "The State of the Republic and the Situation of the FPÖ."

**DEFINING THE DEMOCRATIC:
IMPERIAL GERMANY AND THE DEMOCRATIC PEACE THEORY**

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Inspired by the writings of Immanuel Kant, modern proponents of the democratic peace theory hypothesize that “democratic” states rarely, if ever, go to war with one another. Democratic peace theorists argue that empirical evidence, especially the historical record of the twentieth century, substantiates their claims. Some historical examples, however, are problematic, particularly the aggression of pre-World War I Imperial Germany. Internationally recognized as a democratic state prior to the onset of the First World War, once in conflict Germany’s opponents recoded the state as an autocratic regime. The forthcoming analysis, however, finds that Imperial Germany was indeed a democracy, if adjudged by the standards of the era. Moreover, if adjudged by the democratic qualifications outlined by contemporary democratic peace theorists, Germany also qualifies as “democratic.” The democratic peace theory must, therefore, refine its definition of “democracy” in order to substantiate its theoretical relevance in the face of presently contradictory empirical evidence.

INTRODUCTION

Its theoretical origins in the writings of Immanuel Kant, the democratic peace theory hypothesizes that democracies rarely, if ever, go to war with one another.¹ According to Jack Snyder, “the absence of war between democracies comes as close as anything we have to an empirical law in international relations.”² Proponents of the democratic peace theory, such as Michael Doyle, argue that the theory is overwhelmingly supported by empirical evidence, especially the historical record of the twentieth century. As the theory gains increasing recognition, it is important for critics and supporters alike to thoughtfully evaluate its fundamental claim: universal democracy will eliminate warfare between states. Furthermore, if valid, the democratic peace theory may prove useful in the prediction of future events and in the formulation of policy. The

¹ Immanuel Kant, “Perpetual Peace,” in *The Philosophy of Kant*, ed. Carl J. Friedrich (New York: Modern Library, 1949), 453.

² Jack S. Levy, “Domestic Politics and War,” in *The Origin and Prevention of Modern Wars*, ed. Robert I. Rotberg and Theodore K. Rabb (Cambridge, U.K.: Cambridge University, 1989), 88.

analysis of “democratic peace” may, therefore, have profound implications for the future of world politics.

Democratic peace theory developed, in part, as a response to realist theory. Offering an alternative view of international relations, democratic peace theory encourages the re-evaluation of accepted realist principles. Proposing the idea of a second-image study, democratic peace theorists find credence in the hypothesis that regime-type can influence a state’s diplomatic and military actions. This study evaluates this claim.

While empirical evidence generally appears to support the democratic peace theory, some historical conflicts are problematic. Finland’s declaration of war against the Allied Powers during World War II, for example, is often a matter of contention.³ Similarly, the American Civil War has been cited as contradictory evidence.⁴ Particularly problematic, pre-World War I Imperial Germany poses a distinct challenge to the democratic peace theory. Internationally “coded”⁵ a democracy prior to World War I, once in conflict Germany’s opponents recoded the state as an autocratic regime. If Imperial Germany was indeed “democratic,” its aggression in the First World War presents problematic ramifications for the democratic peace theory.

The forthcoming analysis finds that Imperial Germany was indeed a democracy, if adjudged by the standards of the era. Moreover, if adjudged by the democratic requirements outlined by contemporary democratic peace theorists, Germany also qualifies as “democratic.” The democratic peace theory must, therefore, refine its definition of democracy in order to substantiate its theoretical relevance in the face of presently contradictory empirical evidence.

DEFINING DEMOCRACY

As with many terms, the precise definition of “democracy” is elusive and varies among prominent scholars. Indeed democratic peace theorists propose an array of differing standards. Thus, one weakness of democratic peace theory is the inability of its proponents to authoritatively define the requirements of “democracy.”

³ James L. Ray, “Wars Between Democracies: Rare, or Nonexistent?” in *International Interactions*, 18:3 (1993), 271.

⁴ *Ibid.*, 251-76.

⁵ Restated, international contemporaries considered Imperial Germany democratic prior to World War I.

Michael Doyle's "Kant, Liberal Legacies, and Foreign Affairs," a seminal work on the democratic peace theory, utilizes the term "liberalism" in lieu of "democracy." Basing his scholarship on the writing of Kant, Doyle defines liberalism as a "distinct ideology and set of institutions" that is associated with an essential principle, namely "the freedom of the individual."⁶ This liberalism is founded upon three sets of rights. The first is "freedom from arbitrary authority," which includes freedom of speech, freedom of conscience, and the right to own and exchange private property.⁷ Second, liberalism involves social and economic rights, such as the right to equal opportunity in education, health care, and employment. Finally, liberalism requires democratic participation and representation.

Bruce Russett, on the other hand, presents a more narrow definition of democracy:

For modern states, democracy is usually identified with a voting franchise for a substantial fraction of citizens, a government brought to power in contested elections, and an executive either popularly elected or responsible to an elected legislature, often also with requirements for civil liberties such as free speech.⁸

It should be noted that Russett's definition explicitly applies to *modern states*. Conceptions of democracy in earlier eras, of course, differ substantially from modern notions, and, therefore, the relevance of Russett's definition must be critically evaluated.

John M. Owen devises a slightly different definition, opting to utilize the term "liberal democracy." A liberal democracy, according to Owen, is "a state that instantiates liberal ideas, one where liberalism is the dominant ideology and citizens have leverage over war decisions."⁹ Pursuant to this definition, Owen emphasizes the necessity of civil liberties. Moreover, he insists that liberal democracies hold "regular competitive elections of the officials empowered to

⁶ Michael W. Doyle, "Kant, Liberal Legacies, and Foreign Affairs," in *Debating the Democratic Peace*, ed. Michael E. Brown, Sean M. Lynn-Jones and Steven Miller (Cambridge, MA: MIT Press, 1997), 4.

⁷ Ibid.

⁸ Bruce Russett, "The Fact of Democratic Peace," in *Debating the Democratic Peace*, ed. Michael E. Brown, Sean M. Lynn-Jones and Steven Miller (Cambridge, MA: MIT Press, 1997), 72.

⁹ John M. Owen, "How Liberalism Produces Democratic Peace," in *Debating the Democratic Peace*, ed. Michael E. Brown, Sean M. Lynn-Jones and Steven Miller (Cambridge, MA: MIT Press, 1997), 118.

declare war."¹⁰ It should be noted that Owen's deliberate link between liberalism and foreign policy control is of particular importance to this analysis.

The three alternative definitions of democracy provided by Doyle, Russett, and Owen are all valid. Doyle and Russett provide the most substantive definitions, while Owen's is rather vague. Owen's work is relevant to this analysis, however, as it includes an important and unique qualification, foreign policy control, and any evaluation of the democratic peace theory of international relations would be remiss if it did not address this issue. Imperial Germany, therefore, will be evaluated according to these three alternative definitions of democracy.

EMPIRICAL ANALYSIS

Doyle's "Liberalism"

According to the definition outlined by Michael Doyle, Imperial Germany was a liberal democracy, fulfilling each of the three outlined standards: freedom from arbitrary authority, guarantee of social and economic rights, and democratic representation. First, German citizens were provided ample protection from arbitrary authority. Second, Chancellor Bismarck's social welfare state served as a model for other liberal regimes of the era. Finally, the Imperial German government included an elected legislature, selected through universal male suffrage.

With respect to Doyle's first qualification, freedom from "arbitrary authority," the Imperial German state, pursuant to the constitution of the second German Reich, respected the rule of law and recognized the civil equality and civil rights of German citizens.¹¹ Doyle's second qualification calls for social and economic rights. During the late 19th century, Imperial Germany implemented a number of poor-relief and social insurance programs. After federalizing poor-relief, the German state implemented a national poor law on 16 April 1871, under which local boards were legally bound to provide an "adequate level" of relief to any indigents within the community.¹² Between 1883 and 1889, the government instituted programs providing sickness insurance, industrial accident insurance,

¹⁰ Ibid.

¹¹ H.W. Koch, *A Constitutional History of Germany in the Nineteenth and Twentieth centuries* (New York: Longman, 1984), 122.

¹² George Steinmetz, *Regulating the Social. The Welfare State and Local Politics in Imperial Germany* (Princeton, NJ: Princeton University, 1993), 114.

old age and disability pensions, and job creation through state works.¹³ Indeed, Germany's advanced social welfare programs were a model for other liberal states of the era.

The final aspect of Doyle's "liberalism" calls for democratic participation and representation, a qualification also fulfilled by Imperial Germany. The Reichstag, the lower house of the legislature, was elected by universal male suffrage.¹⁴ Property played no role; the franchise was equal for all males over the age of twenty-five. Moreover, individuals deemed subversive were also guaranteed full participation, and although anti-socialist laws were passed between 1878 and 1890, socialists were still allowed to vote and socialist deputies were allowed to take their seats in the Reichstag.¹⁵ Unfortunately, Germany did not grant women suffrage until after World War I. Such discrimination, however, was consistent with other European liberal states of the era. Indeed, female suffrage was not achieved in the United States until 1920, and, of course, many argue that electoral discrimination on the basis of race continues to this day. The democratic processes of Imperial Germany, of course, were imperfect. For example, the failure to reapportion voting districts between 1871 and 1914 led to severe discrimination against heavily industrialized areas in favor of stagnant or declining small towns.¹⁶ Yet compared to the democratic processes of its contemporaries, Imperial Germany was tolerably fair and equitable.

According to Doyle's definition, therefore, Imperial Germany was a liberal state. The rule of law provided ample protection from arbitrary authority. Chancellor Bismarck's social welfare state was a model for other liberal regimes of the era. Finally, the German government included an elected legislature, the Reichstag, selected through universal male suffrage. In short, pre-World War I Imperial Germany satisfies the qualifications set forth within this definition.

Russett's "Democracy"

Imperial Germany also satisfies the three general requirements outlined by Bruce Russett: extensive franchise, contested elections, and an executive who is either popularly elected or responsible to an elected legislature. First, a

¹³ Koch, 154.

¹⁴ Agatha Ramm, *Germany 1789-1919: A Political History* (New York: Methuen, 1981), 305.

¹⁵ Koch, 128.

¹⁶ Robert J. Goldstein, *Political Repression in 19th Century Europe* (Totowa, NJ: Barnes & Noble Books 1983), 19.

significant percentage of the total population was enfranchised, especially when compared to other states of the era. Second, the Reichstag's elections were indeed contested, always featuring the participation of two or more political parties. Finally, though the executive was not popularly elected, the Emperor was, to a limited extent, influenced by the elected legislature. Though perhaps strained with respect to the third qualification, Imperial Germany generally fulfills Russett's democratic requirements.

First, a significant percentage of German citizens were enfranchised. In 1875, nineteen percent of Germans could vote in elections for the Reichstag, the lower legislative chamber. By 1915, the number had risen to twenty-two percent.¹⁷ Comparatively, roughly twenty-nine percent of the French population could vote in 1915, while only eighteen percent of Britons voted in British general elections prior to World War I.¹⁸ Thus, when adjudged against other contemporary regimes coded as "democracies," Imperial Germany satisfies this qualification.

Russett's second qualification calls for contested elections between two or more legally recognized parties. While the German constitution made no specific provision for political parties, Article 17 of the Reich Election Law of 1869 declared that citizens eligible to vote could form associations and hold unarmed public assemblies for democratic purposes.¹⁹ Subsequently, a variety of political parties emerged in Imperial Germany at the fin de siècle, representing a wide spectrum of political philosophies and values, including the Conservative, Catholic Center, Free Conservative, Left Liberal, National Liberal, and Social Democratic parties.²⁰ Through numerous sessions of the Reichstag during the Imperial era, political dominance fluctuated among several political parties.²¹ In short, as Imperial Germany held contested elections involving two or more political parties, Russett's second requirement is satisfied.

Russett's third qualification requires an executive either popularly elected or responsible to an elected legislature. While the executive arm of the Imperial German government was not popularly elected, the Kaiser was, at least in part, responsible to the Reichstag. Though the Kaiser was an irremovable and relatively unrestricted crowned head of state and government, the Kaiser's

¹⁷ Ibid., 4.

¹⁸ Ibid., 5.

¹⁹ Koch, 128.

²⁰ James J. Sheehan, *German Liberalism in the Nineteenth Century* (Chicago: University of Chicago, 1978), 146-50.

²¹ Koch, 129.

Chancellor, a vital member of the executive, was held responsible to the legislature through a variety of means. Most notably, the Reichstag, in accord with the German constitution, introduced legislation and controlled the budget. Furthermore, the Chancellor was required to account for the use of allocated funds. Thus, the Chancellor, and in effect the Kaiser, was, at least in some respect, responsible to an elected legislature.²²

In sum, the Imperial German regime satisfies each of Russet's democratic requirements. First, the percentage of the population eligible to vote was comparable to other liberal states of the era. Second, Reichstag elections were contested between two or more parties. Finally, although some complications arise concerning the influence of the elected legislature upon the powers of the executive, the Kaiser was not an entirely unfettered executive, vulnerable to the Reichstag's power of the purse and other political considerations.

Owen's "Liberal Democracy"

In a final test, Imperial Germany also conforms with John Owen's conception of "liberal democracy." A liberal democracy, according to Owen, represents liberal ideas, embraces liberalism as the state's dominant ideology, and grants citizens leverage over foreign policy determinations, especially the decision to wage war. Our previous analysis of Imperial Germany reveals that the state broadly satisfies each of the first two qualifications. The third qualification, however, proves problematic, as the prerogative to wage war was largely reserved for the Kaiser and his un-elected ministers. This issue, therefore, lies at the heart of the debate concerning the coding of Imperial Germany.

Addressing the issue of foreign policy, Christopher Layne suggests that Imperial Germany was as democratic as France or Great Britain prior to World War I. In all three states, foreign office posts and diplomatic service positions were limited to men of higher status and independent wealth. Moreover, according to Layne, "In all three countries, foreign policy was insulated from parliamentary control and criticism because of the prevailing view that external affairs were above politics."²³ In short, Layne, through analysis of common

²² Ibid., 124.

²³ Christopher Layne, "Kant or Cant: The Myth of the Democratic Peace," in *Debating the Democratic Peace*, ed., Michael E. Brown, Sean M. Lynn-Jones and Steven Miller (Cambridge, MA: MIT Press, 1997), 194-95.

European diplomatic practices, suggests that popular control of foreign policy was not necessarily an aspect of any democracy of the era.

Furthermore, while the Kaiser commanded the military, military matters were not completely beyond parliamentary, and thus popular, influence. Most obviously the Reichstag could exercise its budgetary powers to scrutinize military expenditures. Moreover, the elected legislature generally held substantial influence over the Chancellor, generally also serving as the Prussian Minister of War, under whom the administration of military and foreign policy matters was executed.²⁴ In short, the Kaiser, while officially charged with unilateral military control, could not completely ignore popular opinion.

Undeniably, popular influence over diplomatic and military matters was minimal in Imperial Germany. Through budgetary and other constraints, however, the Reichstag could assert some influence. Further, public opinion often collaterally influenced the administration of foreign policy.²⁵ Most notably, Imperial German foreign policymaking was not unlike that of other liberal states, such as France and Great Britain, around the turn of the century. In summary, though the German people may not have directly controlled the course of Imperial German diplomacy, the elected legislature could indeed exert some influence over the administration of foreign policy, and, moreover, minimal popular influence was the norm amongst liberal states of the era. As such, Imperial Germany, again, fulfills the delineated democratic requirements.

CONCLUSION: IMPLICATIONS OF ANALYSIS

It is entirely inaccurate to label pre-World War I Imperial Germany "undemocratic." Through universal male suffrage, German citizens elected a legislature, the Reichstag, in contested elections between multiple parties. German civil rights, protected under the constitution, were consistently observed. Finally, while the issue of foreign policy control is slightly problematic, minimal popular influence was common practice among other "liberal" states of the era. In short, Imperial Germany was indeed "democratic."

Current definitions of democracy, therefore, pose a distinct challenge to the democratic peace theory. If Imperial Germany was indeed democratic, as this analysis suggests, the German aggression at the dawn of the First World War

²⁴ George Craig, *The Politics of the Prussian Army* (New York: Oxford University, 1955), 219-23.

²⁵ Paul Gordon Lauren, *Diplomats and Bureaucrats* (Stanford, CA: Hoover Institution, 1976), 119-22.

seems to invalidate the theory. Democratic peace theorists must, therefore, reevaluate their definitional stance, explaining this apparent inconsistency. Present definitions have proven inadequate and only a universally applicable definition of “democracy” can wholly substantiate the causal logic of the democratic peace theory.

THE SECOND AMENDMENT: GUN CONTROL, THE NRA, AND THE SILENT SUPREME COURT

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Controversy over the Second Amendment has sparked virtually endless debate over the past half-century. Yet throughout this debate the Supreme Court has remained conspicuously silent. This paper examines the problems associated with modern Second Amendment interpretation, recognizing that an authoritative resolution of the Second Amendment controversy will require Supreme Court action. Ultimately, the solution must not circumvent the freedoms outlined in the Bill of Rights, but reconcile the challenges of modern society with the preservation of individual liberty through a textually and historically accurate interpretation of the Second Amendment.

INTRODUCTION

The Second Amendment to the Constitution of the United States reads, “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” This single sentence has sparked virtually endless debate over the appropriate judicial interpretation of the Second Amendment, the intentions of the Framers of the Constitution, and the applicability of the Amendment to contemporary American life. Throughout this debate, however, the Supreme Court has remained conspicuously silent. As Anthony Gallia notes, “No other provision in the US Constitution has so conspicuously evaded the Court’s review while fostering such heated public dispute, thorough scholarly debate, and incongruous court decisions, as the Second Amendment.”¹

This paper examines the problems associated with modern Second Amendment interpretation. Ultimately, any resolution of the present controversies must reconcile the preservation of individual liberty with the common desire to thwart critical societal problems, namely the epidemic of violent crime in the United States. The solution, however, must not circumvent the freedoms outlined in the Bill of Rights, but preserve individual liberty through a textually and historically accurate interpretation of the Second

¹ Anthony Gallia, “‘Your Weapons, You Will Not Need Them’: Comment on the Supreme Court’s Sixty-Year Silence on the Right to Keep and Bear Arms,” *Akron Law Review* 131 (1999): 2.

Amendment. Only the Supreme Court can succeed in this charge and authoritatively resolve the ambiguities of modern Second Amendment jurisprudence.

THE SECOND AMENDMENT: A BRIEF HISTORY

As with much of the constitutional and judicial tradition of the United States, the American right to bear arms is rooted in English history. The right of English citizens to bear arms began as a duty: monarchs and nobles lacked the resources to maintain standing armies, and, therefore, required military service from English citizens. Henry II enumerated the military obligations of Englishmen in the Assize of Arms of 1181, describing the types of weapons knights were required to maintain and the conditions of their service.² As citizen soldiers who regarded military service as a civic duty, these men were the medieval precursors to more modern militias.

Niccolo Machiavelli, the sixteenth-century author of *The Prince*, was the first political theorist to formally develop the idea of the militia as a weapon against tyranny, himself leading a group of armed citizens.³ In England, the oppressive reigns of Charles II and his successor James II, whose standing armies suppressed popular will with armed coercion, highlighted the importance of a regulated militia. After the abdication of James II in the Glorious Revolution of 1688, Parliament laid the groundwork for the establishment of a constitutional monarchy and took steps to prevent the tyrannical abrogation of fundamental rights, drafting the English Bill of Rights in 1689 to detail the “true, ancient, and indubitable rights” of every Englishman.⁴ Among these inalienable liberties was the right to bear arms, “not limited to maintaining militias or other armed forces, but provided for an individual right to carry arms. Thus, the right of the English citizen, both individually as well as collectively, to bear arms for self-defense and revolution against an oppressive government, became part of the English common law guarantee.”⁵

For over a hundred years, until the British instituted a program of arms confiscation after the Boston Massacre in 1770, American colonists enjoyed the

right to bear arms as proffered in the English Bill of Rights.⁶ This infringement—one the colonists viewed as an abrogation of their inalienable rights as Englishmen—counts among the several causes of the American Revolution.⁷ After the American triumph in the Revolution and the subsequent failure of the Articles of Confederation, the Framers assembled at Philadelphia to create an entirely new constitution. In the subsequent ratification battle, the Anti-Federalists, fearful of strong central government, insisted on the inclusion of a bill of rights. George Mason and James Madison obliged, drafting what became the American Bill of Rights.⁸ As Jeff Snyder notes:

The Bill of Rights does not grant rights to the people, such that its repeal would legitimately confer upon government the powers otherwise proscribed. The Bill of Rights is the list of the fundamental, inalienable rights, endowed in man by his Creator, that define what it means to be a free and independent people, the rights which must exist to ensure that government governs only with the consent of the people.⁹

Wary of governmental oppression and tyranny, the Framers viewed the right to bear arms not only as one of the fundamental rights enjoyed by man, but as the ultimate guarantor of all other constitutionally recognized rights. “As the Founding Fathers knew well,” according to Jeff Snyder, “a government that does not trust its honest, law-abiding, taxpaying citizens with the means of self-defense is not itself worthy of trust. Laws disarming honest citizens proclaim that the government is the master, not the servant of the people.”¹⁰ The right to bear arms is, therefore, the embodiment of the social contract ideal that proclaims that government must be the instrument, not the subjugator, of the people.

The text of the Second Amendment guaranteeing the right to bear arms reads, “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” As Robert Shalhope explains:

² Cliff Stearns, “The Heritage of Our Right to Bear Arms,” *Saint Louis University Law Review* 18 (1999): 14.

³ Clayton E. Cramer, *For the Defense of Themselves and the State* (Westport, CT: Praeger, 1994), 19.

⁴ Stearns, 16.

⁵ Gallia, 7.

⁶ Wayne LaPierre, *Guns, Crime and Freedom*. (Washington, DC: Regnery, 1994), 5.

⁷ Stearns, 19.

⁸ Wilbur Edel, *Gun Control: Threat to Liberty or Defense Against Anarchy?* (Westport, CT: Praeger, 1995), 22.

⁹ Jeff Snyder; quoted in LaPierre, 21.

¹⁰ Jeff Snyder; quoted in LaPierre, 21.

When James Madison and his colleagues drafted the Bill of Rights they...firmly believed in two distinct principles: (1) Individuals had the right to possess arms to defend themselves and their property; and (2) states retained the right to maintain militias composed of these individually armed citizens.¹¹

These two principles were linked in the minds of the Founders and are thus merged in the single sentence that is the Second Amendment. The concept of the militia was inextricably linked with the idea of an individual right to bear arms, as the militia was comprised of the populace, which armed itself.

THE SECOND AMENDMENT 2001: THE CURRENT STATE OF THE RIGHT TO BEAR ARMS

Problematically, the Supreme Court has never settled on a definitive interpretation of the Second Amendment. The Court's only significant opinion directly addressing the right to bear arms, *United States v. Miller* (1939), was decided more than a half-century ago, and the current Court admits that it "has not had recent occasion to consider the nature of the substantive right safeguarded by the Second Amendment."¹² Mounting public and political controversy over gun control compounds the need for a clear and definitive interpretation of the Second Amendment. Yet the Supreme Court has shown no willingness to voice its opinion, denying certiorari in *Love v. Peppersack* (1995), and thereby declining to consider the question of whether the Second Amendment imposes any meaningful limits on governmental authority to regulate firearms or whether the Second Amendment applies to the states through the due process clause of the Fourteenth Amendment.¹³

Rather than issuing a definitive opinion, the Supreme Court has left Congress and the lower courts, both eminently less qualified to decide questions of constitutionality, to interpret the Second Amendment. Hopelessly entrenched in a pitched battle of rhetoric over the right to bear arms, gun control advocates and citizens' rights activists battle on without definitive juridical guidance. In short,

¹¹ Robert Shalhope, "The Ideological Origins of the Second Amendment," *Journal of American History* 69 (1982): 599-642.

¹² *Printz v. United States*, 521 U.S. 98 (1997).

¹³ Thomas B. McAfee and Michael J. Quinlan, "Bringing Forward the Right to Keep and Bear Arms: Do Text, History, or Precedent Stand in the Way?" *North Carolina Law Review* 781 (1997): 75.

contemporary Second Amendment jurisprudence, muddled by the lower courts and untended by the Supreme Court, lends little toward the reconciliation of the dispute between these two virulently polarized groups. In the face of a nation that demands a definitive, historically and textually accurate interpretation of the right to bear arms, the Supreme Court must act.

INTERPRETING THE SECOND AMENDMENT

For more than a century after its inclusion in the Constitution, debate over the interpretation of the Second Amendment was practically nonexistent. Until the 1920s, the Second Amendment remained uncontroversial, interpreted nearly unanimously as the annunciation of the citizen's individual right to bear arms.¹⁴ Second Amendment interpretation has become an issue of debate and controversy only since the late 1920s and early 1930s, evidenced by the fact that the Supreme Court did not hear a case directly pertaining to the Second Amendment until 1939. Over the past half-century, however, the Second Amendment has become one of the most contentious of all Constitutional issues.

Such a dramatic shift in public opinion and emphasis toward the Second Amendment can only be explained by the trend away from republicanism and toward civil libertarianism. This shift is embodied in the popularity of the collective and states' rights interpretations of the Second Amendment, which "seem to have flowered in the 1960s or 1970s as prop[s] in national political debates about gun control laws."¹⁵ Whereas once the scholarly interpretation of an individual right to bear arms was uncontested, the environment is now such that:

When scholars conclude that the Framers intended a personal right to keep and bear arms, this finding is viewed as "embarrassing" by civil libertarian advocates of extensive gun control legislation, and when it is found that the Amendment was designed to facilitate the right of the people to resist tyrannous government, it is seen as terrifying."¹⁶

¹⁴ David Harmer, "Securing a Free State: Why the Second Amendment Matters," *Brigham Young University Law Review* 55 (1998): 44.

¹⁵ David Polsby; quoted in David B. Kopel, "The Supreme Court's Thirty-five Other Gun Cases: What the Supreme Court Has Said About the Second Amendment," *Saint Louis University Public Law Review* 99 (1999): 10.

¹⁶ McAfee and Quinlan, 8.

Restated, a “collective right” or “state’s right” to bear arms has replaced the traditional emphasis on individual liberty in Second Amendment interpretation. The Second Amendment controversies of the last half-century have transpired largely within the context of the individual versus the collective right debate. It is within the context of this debate over the individual versus collective right to bear arms, in which interpretation of the Second Amendment has been framed. In order to analyze this controversy, we must examine the text of the Second Amendment, its historical foundations, and the way in which it has been interpreted for over two hundred years.

Textual Analysis

Textual analysis of the Second Amendment ought to be simple: the Amendment consists of twenty-seven words arranged in a single sentence comprised of two main clauses. Yet the men and women of the Supreme Court and other Constitutional scholars have failed to reach a consensus, and textual debate over the Second Amendment remains. As noted, one of the principal problems concerns the Amendment’s scope: it is intended either to address one subject, the collective right to bear arms in the form of a regulated militia, or two, both a collective and an individual right to bear arms.

Proponents of the collective rights theory insist that the Amendment attempts to address only one topic, in the words of Laurence Tribe, “to allow the states to keep their militias and to protect them against the possibility that the new national government [would] use its power to establish a powerful standing army and eliminate the state militias.”¹⁷ Such a reading of the Second Amendment might allow the national government to regulate the private ownership of guns to the point of prohibition, since it is of no consequence to the maintenance of a militia. There are, however, two problems with this conclusion. First, the language of the Second Amendment seems unnecessarily complex if its purpose is so simple and unitary. Sanford Levinson, for instance, suggests that the Framers might have declared, “Congress shall have no power to prohibit state-organized and directed militias.”¹⁸ Second, even if the Second Amendment is

¹⁷ Laurence Tribe; quoted in Sanford Levinson, “The *Embarassing Second Amendment*” *Yale Law Journal* 99 (1989): 637.

¹⁸ *Ibid.*

intended solely to address the maintenance of militias, historically militias were comprised of individuals, individuals expected to arm themselves. It would be impossible, therefore, to extricate a state’s right to maintain a militia from the individual’s right to bear arms.¹⁹

The maintenance of the Second Amendment as a guarantor of solely collective or states’ rights seems, on its face, inconsistent with the text of the Amendment. Historian Joyce Malcolm propounds a more plausible interpretation:

The Second Amendment was meant to accomplish two distinct goals...First, it was meant to guarantee the individual’s right to have arms for self-defense and self-preservation...These privately owned arms were meant to serve a larger purpose [militia service] as well...and it is the coupling of these two objectives that has caused the most confusion.²⁰

Further evidence in support of this argument comes from an examination of the Second Amendment in its larger context, as a section of the Bill of Rights. The Second Amendment guarantees to “the people the right to keep and bear arms.” Although some argue that the phrase “the people” confers only upon a collective body the right to bear arms, this interpretation founders with parallel application to the First, Fourth, Ninth, and Tenth Amendments, where the phrase “the people” is also used.²¹ As Askil Amar writes:

When the Constitution means “states” it says so...The ultimate right to keep and bear arms belongs to “the people,” not the “states.”...Thus the “people” at the core of the Second Amendment [a]re [the] Citizens – the same “We the People” who “ordain and establish” the Constitution and whose right to assemble...[is] at the core of the First Amendment...²²

The interpretation of an individual right to bear arms in the Second Amendment is also consistent with the larger purpose and structure of the Bill of

¹⁹ Shalhope, 14.

²⁰ Joyce Malcolm, *To Keep and Bear Arms: The Origins of an Anglo-American Right* (Cambridge, MA: Harvard, 1994), 127.

²¹ Levinson, 11.

²² Alshil Amar, “The Bill of Rights As a Constitution,” *Yale Law Journal* 100 (1991): 1166.

Rights. Constructed to ensure the protection of the people's rights from the machinations of a strong federal government, the Bill of Rights was largely concerned with individual rights rather than collective or states' rights. The collective interpretation of the Second Amendment, when placed within its broader context as a part of the Bill of Rights, is inconsistent with both the goals and content of the document as a whole.²³ What remains, therefore, after a thorough textual analysis of the Second Amendment is the conclusion that only an individual interpretation of the right to bear arms is consistent with both the specific linguistic and grammatical components of the Amendment, as well as the design and emphasis of the Bill of Rights as a whole.

Historical Analysis

It is difficult to make a case for the collective or states' rights theories with some knowledge of the Framers' intentions and attitudes toward the Second Amendment at the time of its inclusion in the Bill of Rights. As David Kopel writes "If anyone entertained this notion in the period during which the Constitution and Bill of Rights were debated and ratified, it remains one of the most closely guarded secrets of the eighteenth century, for no known writing surviving from the period between 1787 and 1791 states such a thesis."²⁴ The English Bill of Rights, which, as previously noted, forms a precedent for the Second Amendment, clearly confers the right to bear arms upon individual citizens. Consistent with this tradition, the Framers, although they disagreed over the inclusion of a bill of rights in the Constitution, were of one mind in their support of an individual right to bear arms.²⁵ As McAfee and Quinlan explain:

The drafting history of the Amendment confirms that the Framers sought to secure a personal right to keep and bear arms, both to facilitate the natural rights of self-defense and to assure an armed citizenry from which to draw a citizen militia to protect the community from foreign invasion or tyrannical leaders.²⁶

²³ McAfee and Quinlan, 37.

²⁴ Kopel, 10.

²⁵ McAfee and Quinlan, 42.

²⁶ Ibid., 21.

Perhaps most convincing, the Framers rejected a proposed revision of the Second Amendment, which would have conferred upon citizens the "right to bear arms *for the common defense*."²⁷ Unwilling to limit the right to bear arms to national defense purposes, the Framers instead chose to leave open the use of arms for self-defense, self-preservation, and defense against tyranny. As Richard Henry Lee, a leading Virginian, explained, "A militia when properly formed are in fact the people themselves...and include all men capable of bearing arms...To preserve liberty it is essential that the whole body of people always possess arms..."²⁸ In the mind of Lee, as in the text of the Second Amendment, the individual's right to bear arms and the necessity of a well-regulated militia are intertwined. As George Mason proclaimed, a militia is merely comprised of individuals joined together in the exercise of their right to bear arms:

Who are the militia? Are they not ourselves? Their swords and every other terrible implement of the soldier are the birthright of an American...The unlimited power of the sword is not in the hands of either the federal or state government, but, where I trust in God it will ever remain, in the hands of the people.²⁹

Thus, historical analysis of the Second Amendment unequivocally supports the notion of an individual right to bear arms as the intent and correct interpretation of the Second Amendment. In the words of Don Kates, "Historical research shows that our Founding Fathers out-NRAed the NRA."³⁰

Analysis of Legal Precedent

The case law pertaining to the Second Amendment is an anomaly in the study of Constitutional law, representing one of the few instances in which the courts have consistently stood in opposition to the bulk of Constitutional scholarship. As David Harmer notes, "With respect to no other constitutional provision has

²⁷ Stearns, 5.

²⁸ Richard Henry Lee; quoted in National Rifle Association Institute for Legislative Action, "Fact Sheet: America's Founding Fathers on the Individual Right to Keep and Bear Arms," available from <http://www.nraila.org/research/19990729-BillofRightsCivilRights-005.html>; Internet; accessed 24 May 2000.

²⁹ George Mason; quoted in Ibid.

³⁰ Don Kates; quoted in LaPierre, 21.

the community of legal scholars come so close to a consensus about original intent that is so utterly ignored by those positioned to adjudicate the provision's effect."³¹ Over the past two decades, scholars have overwhelmingly supported an individual right to bear arms, while lower courts have consistently ruled in favor of collective rights. As a result of this anomaly, coupled with the silence of the Supreme Court, we have no clear precedent for either a collective or individual right to bear arms.

In roughly two centuries, the Supreme Court has decided thirty-five cases pertaining to the Second Amendment, the majority of which made reference to the Amendment only in a footnote or as part of a list of rights enumerated in the Bill of Rights. Only one case, *United States v. Miller* (1939), dealt with the Second Amendment as a substantive issue. *Miller*, however, provides no clear interpretation. Two important Second Amendment questions, therefore, beg to be decided: the first involves the recognition of an individual or collective right to bear arms, and the second concerns the Amendment's application to the states through incorporation within the due process clause of the Fourteenth Amendment.

Toward a New Interpretation

While our analysis of the Second Amendment—textually, historically, and jurisprudentially—has failed to uncover an interpretive approach agreed upon by activists, scholars and the courts, our textual and historical research make a strong case for an individual right to bear arms. The courts, of course, have not recognized such an interpretation. In the face of Supreme Court silence, lower courts with little expertise in the decision of constitutional issues, have created inconsistent, and perhaps misinterpreted, Second Amendment jurisprudence.

Stalwart members of the National Rifle Association (NRA) and Handgun Control, Inc. (HCI) alike, sworn enemies in the battle over the Second Amendment, agree that violent crime is a problem of epidemic proportions in the United States. Their battle, however, concerns not the evil of violent crime, but the means necessary to control it: while the NRA proposes the proliferation of personal arms, HCI advocates a ban on precisely those weapons. Each attempting to popularize its respective ideology, HCI publicizes the fact that “ten children die every day from handguns” and cites low rates of violent crime in

³¹ Harmer, 5.

European countries with stringent gun control legislation,³² while the NRA cites statistics claiming that “2.45 million crimes are thwarted each year in the United States by average citizens using firearms” and points to low violent crime rates in Israel and Switzerland where the state encourages its citizens to arm themselves.³³ It is unclear which solution—proliferating or banning personal arms—would lower rates of violent crime in the United States. What is clear is that while the Supreme Court allows activists to fight the battle over gun control and the Second Amendment, the rights conferred upon American citizens in the Bill of Rights are being eroded by the willingness of all parties to ignore the Constitution and settle for victories in Congress or public opinion. The Supreme Court must, therefore, adjudicate.

CONCLUSION

A preponderance of constitutional scholars agree upon an interpretation of the Second Amendment in light of textual, historical, and case law analysis. This analysis can be summarized in five principal points. First, the Second Amendment recognizes an individual right to bear arms, not a collective right or a right of the states. Second, the right applies generally; it is not contingent upon service in the armed forces or militia. Third, the right applies to arms one can keep in one's home and bear on one's person; it does not apply to large crew-operated or machine-carried weapons. Fourth, among the purposes of the Fourteenth Amendment was to apply the Second Amendment to the states. Fifth and finally, opponents of the right to bear arms may properly seek to circumscribe or repeal the Second Amendment only through a new constitutional amendment; judicial or statutory shortcuts to that end are insufficient.³⁴ Yet these scholars do not speak with the weight of Constitutional authority. The Supreme Court must end its Second Amendment silence, ruling in a manner that will preserve the sanctity of liberty. As David Harmer proclaims:

This particular right is threatened with misinterpretation to the point of meaninglessness. Granted, this is a far easier method of elimination than amendment, being much quicker and not requiring the same rigid

³² Harmer, 42.

³³ LaPierre, 23.

³⁴ Kopel, 14.

consensus or forthright discussion of constitutional relevancy. But it is also the way of danger. For, to ignore all evidence of the meaning and intent of one of those rights included in the Bill of Rights is to create the most dangerous sort of precedent, one whose consequences could flow far beyond this one issue and endanger the fabric of liberty. We are not forced into lockstep with our forefathers. But we owe them our considered attention before we disregard a right they felt it imperative to bestow upon us.³⁵

³⁵ Malcolm, 89.

**ACCOUNTABILITY AT HOME: DOMESTIC DEMOCRATIC CONTROLS OF EU
POLICY IN GREAT BRITAIN**

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As the policy-making sovereignty of the European Union expands, its democratic accountability becomes an increasingly salient issue. Historically, European Union (EU) politics have garnered little popular attention. Yet as EU policies grow progressively more influential, democratic concerns have become more prominent. This study examines British domestic political processes—national elections, European parliamentary elections, referenda, and Parliamentary scrutiny—to gauge their effectiveness in maintaining democratic accountability to the citizenry of one of Europe’s “major players.” This analysis concludes, however, that these domestic democratic processes provide only weak and largely ineffective checks upon European politics.

INTRODUCTION

The “democratic deficit” between the institutions of the European Union (EU) and the people of Europe largely reflects the evolution of the organization: the EU emerged as an international treaty organization whose policymaking processes involved only the political elites of its member states. Individual citizens have historically played little role, nor shown much interest, in the operation and politics of the European Union. As the policy-making sovereignty of the EU eclipses that of member states, however, democratic accountability in the European Union has become an increasingly salient issue. This study explores the European democratic accountability offered by the United Kingdom’s domestic political processes, namely, national elections, referenda, parliamentary oversight, and elections to the European Parliament. The following analysis concludes that while these domestic controls only weakly enhance democratic accountability, as British popular interest in European issues increases—particularly in response to upcoming European policy decisions and their role in the upcoming British general election—the democratic deficit may narrow as Britons vote in accordance with greater degrees of interest and understanding of their stake in European issues, rather than more general emotional predispositions toward Europe.

The European Union's unique evolution ensures that its eventual democratization will be a "bottom-up" affair. Initially, European political leaders constructed the Union's governing structures to operate without the impetus of popular opinion: the EU's business was to be conducted between sovereign states whose domestic political leaders represented their interests in the decision-making process. The success of the EU in maintaining peace and promoting economic prosperity, however, has fostered increasing levels of integration, which inherently implies the surrender of member-state sovereignty. Europe's evolution into an increasingly sovereign supranational body demands, in turn, greater democratic accountability to the European polity. Decision-making at the European level, however, has remained rather occult, dominated by national executives, most of whom were elected on the basis of their domestic, rather than European, political views.¹

As Michael Greven notes, one of the fundamental requirements for a democratically accountable political system is the interest and involvement of individual citizens. In short, an active and involved polity is a necessary prerequisite for democracy, and until the citizens of Europe become as interested in European-level politics as they are in national politics, this polity will not exist.² While the relative impotence of Britain's domestic checks upon EU power reflect this lack of polity, the tangibility of imminent EU policies may engender a shift in British popular interests in Europe during the next general election, thus fostering greater democratic accountability.

Britain's fundamental problem of democratic accountability rests in a two-fold dilemma: first, domestic leaders serve as the only effective British policymaking representation in the EU, and, second, most Britons are disinterested in the politics of Europe. First, the Prime Minister and his or her cabinet provide the only voice of the British people in the Council of Ministers, the only effective policymaking body of the EU. These ministers, however, came to power with manifesto commitments to national political issues, including, for example, the National Health Service, education, and so forth. However, in Britain's next election, European issues, particularly the Single

Currency, promise to figure more prominently.³ The second part of the democratic accountability problem lies with the British public's disinterest in European affairs, primarily due to the fact EU policies have historically had little tangible impact on British daily lives. Again, if and when Britain adopts the Single Currency, this condition will change. This study will discuss the effectiveness of national elections, referenda, European parliamentary elections, and parliamentary oversight in generating increased democratic accountability for British citizens. The following analysis reveals that, though these institutions remain weak, as popular awareness of political power at the European level grows, democratic accountability may naturally emerge.

EUROPEAN ISSUES IN NATIONAL ELECTIONS

European issues in British general elections, and generally in Parliament, are often portrayed within the obtuse context of "for-or-against" Europe.⁴ Most ministerial candidates face one fundamental dilemma: further integration proves necessary for the health of Britain's economic interests, while the surrender of national sovereignty constitutes an easy target for political rivals. Neither Conservative nor Labour camps, therefore, have historically assumed an entirely "Pro-Europe" or "Euro-skeptic" stance.⁵

In recent years, both parties have used European issues to influence voter behavior in general elections. Conservatives generally decry any "unnecessary" surrender of British sovereignty. The Labour Party, on the other hand, generally emphasizes the necessity of integration for British economic interests. It should be noted, however, that these political positions merely represent broad generalities, and indeed the "for-or-against" Europe argument remains an item of debate within parties as well as between them. Further, over the past half-century, most Governments, regardless of political party, have found it necessary to adopt pro-European stances to justify their actions vis-à-vis Europe, while the Opposition, regardless of party, has attempted to appeal to popular opinion with Euro-phobic attacks on Government actions.

¹ John McCormick, *The European Union: Politics and Policies* (Boulder, CO: Westview, 1999), 124.

² Michael Greven, "Can the European Union Finally Become a Democracy?" in *Democracy Beyond the State?: The European Dilemma and the Emerging Global Order*, ed. Michael Greven and Louis W. Pauly (Lanham, MD: Rowman and Littlefield, 2000), 41.

³ Nicholas Watt and Kevin Maguire, "Unions Demand Labour Election Pledge on Euro," *The Guardian*, 23 May 2000.

⁴ Michael White and Larry Elliot, "Why the Single Currency will be a Hard Sell for the PM," *The Guardian*, 13 June 2000.

⁵ Andy McSmith, "How the Top Politicians Rode on the Euro Seesaw," *The Daily Telegraph*, 6 June 2000.

The fundamental problem regarding European issues for the British polity is that British voters have no clear-cut choices. As noted, the issue of Europe cuts through parties as well as between them. Within each party, there exists a fundamental division between pro-marketeers, who favor increased integration with Europe for economic reasons, and Euro-skeptics, who fear the potential consequences of surrendering sovereignty and tying Britain's fate to historical antagonists.⁶ While individual politicians endorse specific stances on European issues, British voters, choosing not between individual politicians but entire political parties, face no comprehensible and unambiguous electoral choice.

Under Harold Wilson's Labour Governments of the 1960s and 1970s, Britain applied for membership to the European Communities. Wilson, in an effort to satisfy members of his own cabinet, argued that Britain's "spheres of influence" priorities had changed. Rather than its traditional focuses on the Commonwealth and NATO, Britain's most viable opportunity to maintain an influential and effectively sovereign voice in the world, Wilson contended, was within a united Europe.⁷ Yet despite the economic benefits of membership, Wilson could not proceed without addressing the political issue of sovereignty. Likewise, the Conservative Government of Margaret Thatcher was forced into a similar compromise: Thatcher opposed participation in the Economic Monetary System as a loss of vital British sovereignty, but acquiesced to pro-marketeer pressures from within the Conservative Party and ultimately acceded to the treaty.⁸

Historically, Governments of both parties have grudgingly moved ahead with European integration. Similarly, both major parties have been reluctant to integrate further, as surrendering sovereignty to Europe and changing the political landscape of Britain would have weakened each party's power. The economic benefits have, however, motivated incumbent Governments of both parties, and, therefore, allowed British pro-marketeers to triumph. Restated, each political party has attempted to use the "Europe Question" to their political advantage, often waffling depending upon their position in Opposition or Government. Problematically, this model of predictability reduces the decision-making power of the British voter to a reaction to economic conditions, rather than an informed exercise of political power.

⁶ John W. Young, *Britain and European Unity, 1945-1992* (New York: St. Martin's, 1993), 125-28.

⁷ *Ibid.*, 153.

⁸ *Ibid.*

Moreover, European issues have always taken a backseat to more salient domestic issues, such as health care and education, over which member states maintain sovereignty in accordance with the EU's tradition of subsidiarity. Naturally, voters' (and the media's) concerns reside with issues that palpably affect daily life, rather than complex economic treaties. The average Briton's disinterest in EU politics, therefore, is understandable. The emergence of the Single Currency issue, however, harbors the possibility of a future general election in which voters act according to each party's stance on Europe.

While the Single Currency could have proven extraordinarily significant in the 1997 British general election, both parties skirted the issue. The Conservative stance favored abstention until the success of the Single Currency was proven. On the other hand, the Labour Party supported British membership in the Single Currency in principle, but not until the Euro fulfilled a number of vague economic conditions. Both parties promised that Britain would not abandon the pound sterling until after the *next* general election, and only then with direct popular approval through a referendum.⁹ In 1997, therefore, both major parties avoided a commitment to further integration, but left the door open for the Single Currency at a future time when adoption would prove economically profitable enough for political acquiescence.¹⁰

It should be noted that democratic accountability includes not only an interested, but also an *informed*, populace. In 1998, Euro-barometer information indicates that British citizens considered themselves ill-informed about the Single Currency issue: only 35% of Britons considered themselves well-informed.¹¹ Furthermore, the MORI report examining public opinion data from 1993 to 1997 finds that "Europe" ranked about tenth among priorities for voters in Britain.¹² During the next general election, however, the Single Currency issue promises to force Europe to the forefront of British politics.

⁹ Justin Fisher, "Developments in the British Party System Since the General Election in 1997," *Europa-Propagandist*; available from http://www.europaprogrammet.no/sider/4_publicasjoner/4_bokerhefter/hefter/98_5/fisher.html; Internet; accessed 25 December 2000.

¹⁰ British Broadcasting Company, "Election 97: Issues," *BBC Online*; available from <http://www.bbc.co.uk/c/s.dll/election97/issues.pl>; Internet; accessed 25 December 2000.

¹¹ Daphne Ahrendt, "European Public Opinion on the Single Currency," *Europinion* (January 1999).

¹² Robert Worcester, "Europe: The State of Public Opinion," *European Business Journal* (5 October 1997); available from <http://www.mori.com/pubinfo/epinion.html>; Internet; accessed 5 December 2000.

While the major parties avoided decisive positions on the Single Currency in 1997, that option will probably not present itself in the next general election. General consensus exists among political observers that Prime Minister Tony Blair will call the next election by June of 2001.¹³ Though Blair has already begun attempts to deflate the Euro's significance as a campaign issue by emphasizing Labour's commitment to put the adoption of the Euro to a referendum vote, the Opposition has begun a nationalistic campaign to play on skeptical public opinion towards Europe. Conservative leader William Hague's "Save the Pound" movement has been raising funds and recruiting public luminaries, such as Margaret Thatcher, for a propaganda blitz that appeals to nationalistic sentiment towards the traditional British Currency.¹⁴

Though the actual surrender of economic policy-making as a result of adopting the Euro may prove largely symbolic (a House of Commons library research paper argues that the EU already decides much of Britain's monetary policy), the introduction of the Euro will bring European influence into the consciousness of every Briton's daily life. Many politicians and journalists, therefore, speculate that the Single Currency will become one of the most important issues, if not the most important issue, to voters in the next election, finally bringing a European issue to the fore of British politics. Perhaps more significantly, any subsequent referendum and the potential adoption of the Single Currency under an upcoming Government will further heighten British popular awareness about the heretofore-unnoticed intricacies of European citizenship.

REFERENDA

The referendum represents a seldom-used democratic mechanism whose primary function serves not to democratically empower citizens through direct democratic participation, but rather as a device used to diffuse political liability. Only one modern Prime Minister, Harold Wilson, has resorted to the use of a referendum on Europe. Yet, though no constitutional requirement demands a referendum, both the Conservative and Labour parties have assured their constituents of a direct vote on the Euro. As noted, however, referenda in Britain

¹³ Nick Assinder, "Blair Ready to Hail EU Victory," *BBC News* (5 December 2000); available from http://news.bbc.co.uk/1/hi/English/uk_poli.king_politics/newsid1056000/1056026.html; Internet; accessed 9 December 2000.

¹⁴ Rachel Sylvester and Robert Shrimpsley, "Secret Army is Raised to Save Pound," *The Daily Telegraph*, 13 February 1998.

reflect attempts by incumbent prime ministers to avoid splits within their own parties and diffuse the risk of public backlash. Thus, though referenda certainly come close to a direct democratic process, their utilization as a domestic political tool renders them ineffective as checks on the institutions of Europe.

On January 1, 1973, Britain became a member of the European Economic Community (EEC) as Parliament narrowly approved the nation's membership. Britain's accession became one of Conservative Prime Minister Edward Heath's most enduring accomplishments. Harold Wilson's Labour victory in 1974, however, resulted in the renegotiation of British participation in Europe due to internal divisions within the new cabinet. Wilson called a referendum in 1975 in order to put the question of whether or not to join the European Common Market to British citizens in order to, hopefully, unite his cabinet in the face of popular opinion to avoid political pitfalls.¹⁵ The majority of voters favored joining the Common Market, granting Wilson a popular mandate and thus maintaining the whip within his cabinet. The implications of this referendum for democratic accountability, however, are relatively insignificant. Rather than actually allowing citizens to vote on an issue of considerable constitutional import, the referendum simply functioned as a political device to achieve party strength, a goal quite different than the adoption of policy by direct participation. A similar agenda seems to reside with Tony Blair's probable use of a referendum.

As has been established, the Single Currency will present an unprecedented development in the tangibility of European policy for most Britons. There have, of course, been several extraordinarily significant developments affecting British policy and life throughout the history of European integration. During the recent Nice summit, for instance, Prime Minister Blair signed a treaty that surrendered Britain's veto powers in the Council of Ministers, acceding to Qualified Majority Voting (QMV) on all but six issues of traditional national sovereignty.¹⁶ Furthermore, Britain already participates in the European Monetary Union (EMU), and the next step of the Single Currency probably constitutes a less significant surrender of economic policy-making sovereignty than the adoption of EMU.¹⁷ Yet neither of these initiatives gave rise to a referendum.

The Single Currency question, however, will garner unprecedented attention, a fact that has provoked significant anxiety within the Blair Government and

¹⁵ Young, 153.

¹⁶ Andrew Osborne, "QMV or Veto?: How Red Lines Shifted," *The Guardian*, 12 December 2000.

¹⁷ Richard Ware, "EMU: The Constitutional Implications," *House of Commons Library Research Paper 98/97* (London: House of Commons Library, 1998), 11.

encouraged the use of a referendum. In order to ward off the potential for political disaster if the economic benefits fail to materialize—indeed if the British and European economies falter—after the Euro’s adoption, the Blair inner circle is determined to put the Single Currency to a direct popular vote. Historically, both Conservative and Labour Governments alike have never hesitated to make European policy *without* direct popular approval. Thus, political expediency, not democratic idealism, is the impetus of the referendum pledge. In short, the use of referenda to influence European policy represents less an instrument for EU democratic accountability and more a tool for domestic political convenience.

PARLIAMENTARY OVERSIGHT

The committee system in Westminster provides a method by which Parliament scrutinizes the actions of the European Union. The parliamentary scrutiny of European legislation, however, often proves highly ineffective. The sheer volume of EU documents coupled with a lack of genuine legislative power renders parliamentary oversight an ineffective democratic check upon EU policymaking. Restated, the scrutiny of elected British parliamentarians in committee does little to affect the mass and charge of most EU policies, and, therefore, does not provide a significant opportunity for the establishment of democratic accountability.

The committee system in Westminster has evolved into a useful information-gathering tool, but little more. Standing committees—ad hoc committees that consider individual pieces of legislation in a procedure that mirrors debate in the House of Commons—and select committees—appointed committees that are assigned to scrutinize particular areas of Government—constitute the Westminster system. While committees have assumed some ability to influence legislation, they possess no formal law-making powers. Furthermore, committees generally lack the resources to effectively scrutinize all but the most important European legislation. Thus, the Select Committee on European Scrutiny, hampered by this system, does not constitute an effective check upon European legislative powers.

The process followed by the Select Committee on European Scrutiny treats European documents logically, but proves ineffective at managing their volume. In general, the committee first considers pieces of legislation or issues and,

subsequently, produces reports and recommendations for consideration during Parliamentary debates.¹⁸ Once an EU document is received by the UK government, it is deposited in each house of Parliament within ten working days accompanied by a note from the minister to whose portfolio the document relates regarding the document’s implications for Britain. These documents range in type from actual regulations passed by the Council of Ministers to other non-binding opinions.¹⁹ Next, the committee reports its opinion on the legal and political importance of each document.²⁰ The committee may make recommendations that documents be debated on the floor of the House of Commons or in a Standing Committee. Despite the fact that the Select Committee on European Scrutiny can usually successfully lobby for a floor debate before the whole House on any issue it deems appropriate, most of the issues on which the committee reports never see further action.²¹

Between 1997 and 1998, the Select Committee on European Scrutiny considered 1,257 documents, thirty-seven of which were recommended to a standing committee or sent to the floor of the Commons for debate.²² Thus, the vast majority of EU documents receive little or no meaningful attention, though the Committee officially must consider each. The weakness of the scrutiny powers of the Select Committee on European Scrutiny reflects the deliberate constitutional weakness of the committee system in Parliament. The committee system has evolved to serve the purpose of specialization and efficiency, ideally resulting in better-informed decision-makers, rather than functioning as an initial obstacle for legislation as in, for example, the United States Congress.

Finally, it should be noted that Parliament cannot, under European Union treaty law, render European legislation void. Opposition day debates in the House of Commons do afford the opportunity to hold Government ministers to account—to the “court” of public opinion—for any actions taken by the Council of Ministers. Even assuming that Parliament could act effectively, however, statistics indicate that the powers and resources of the committee system have proven ineffective at creating greater European accountability to the British

¹⁸ Mathew W. Cremin, “The Setting-up of the Departmental Select Committees after the 1992 Election,” *Parliamentary Affairs* 46, no. 3 (July 1993): 397.

¹⁹ Philip Norton, *National Parliaments and the European Union* (London: Frank Cass, 1996), 96.

²⁰ *Ibid.*

²¹ *Ibid.*, 97.

²² House of Commons Sessional Returns, 1997-98 Session; available from <http://www.publications.parliament.uk/pa/cm199899/csession/14215.html>; Internet; accessed 5 December 2000.

electorate. In this context, the Committee on European Scrutiny accomplishes what it was created to do—bring significant EU legislation to the attention of Parliament—but does not create greater European democratic accountability for the citizens of Britain.

EUROPEAN PARLIAMENTARY ELECTIONS

Elections of Members of the European Parliament (MEPs) possess two weaknesses that render them poor democratic controls. First, the European Parliament (EP) possesses very little formal legislative power. Nearly all real political power in the EU resides with the Council of Ministers. Second, European elections suffer from poor turnout, as British citizens generally focus on domestic, rather than European, issues. European Parliamentary elections, therefore, do little to breach the democratic deficit between British citizens and the European decision-making process.

In Britain, European elections do not garner nearly the attention of national elections, and they often turn on domestic, rather than European, issues. Turnout for British general elections normally garner upwards of seventy percent of the British electorate. Yet only 23 percent of Britons turned out for the June 1999 European parliamentary elections, demonstrating the extreme British disinterest in European politics.²³ Moreover, interestingly enough, the election's most attentive followers were concerned not with the outcome, but rather its indication as a precursor to the 2001 British general election. The British press hailed the Conservative victory as an indication of the public's disapproval of the Labour Government's performance, rather than support for Conservative policy on Europe. In short, the meager British interest in the European election was primarily motivated by attempts to project the outcome of the upcoming domestic elections, rather than to promote the exercise of European citizens' political power.

The election of MEPs, therefore, presents little democratic control over European politics. First, the European Parliament possesses little real political power. Second, British votes in European elections (the few there are) generally reflect approval or disapproval of the Government's domestic policies. As a result, European elections fail to create EU democratic accountability.

²³ Bryan Morgan and Richard Cracknell, "Elections to the European Parliament-June 1999," *House of Commons Library Research Paper 99/64* (London: House of Commons Library, 1999).

CONCLUSION

The resolution of the democratic deficit will require fundamental changes in the behavior of European citizens and political elites alike. Though domestic institutions seem to render EU institutions democratically accountable, this analysis suggests that the four primary domestic processes—national elections, referenda, parliamentary scrutiny, and EP elections—offer only weak checks upon EU policymaking. In the short term, the saliency of the Single Currency issue may engender shifts that lead toward great democratic accountability. In the future, the increasing informal powers of the European Parliament coupled with increasing popular demands for directly elected officials with real power over European legislation may foster a fundamental change in the European legislative process. For the present, however, domestic controls offer little European democratic accountability to the British citizenry.

THE GULF OF TONKIN INCIDENT:
THE PRESENTATION OF FOREIGN POLICY TO THE AMERICAN PUBLIC

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The Gulf of Tonkin Resolution, which authorized the escalation of American military action in Vietnam, effectively insulated President Lyndon B. Johnson from a potential political and popular backlash in the aftermath of American retaliation. There are, however, significant discrepancies between the Gulf of Tonkin incident as told to the American public in 1964 and that revealed by recently declassified government documents. This paper attempts to explain some of these discrepancies and further to examine them in the context of US foreign policymaking processes. This analysis concludes that the fundamental motivations behind the US response to the Gulf of Tonkin incident and its presentation to the American public resulted from the Johnson Administration's desire to pursue strategic and geopolitical objectives while insulating against a potential popular backlash in the Presidential election of 1964.

INTRODUCTION

On August 2, 1964, North Vietnamese patrol boats attacked the *U.S.S. Maddox*, an American destroyer on patrol in the Gulf of Tonkin off of the coast of North Vietnam. In response, President Johnson created, and Congress approved, the Gulf of Tonkin Resolution, granting congressional consent to all military actions against North Vietnam for seven years, from 1964 to 1971. There are, however, many discrepancies between the Gulf of Tonkin incident as told to the American public and that revealed by recently declassified government documents. This paper attempts to explain some of these discrepancies and further to examine them in the context of US foreign policymaking processes. This analysis concludes that the fundamental motivations behind the US response to the Gulf of Tonkin incident and its presentation to the American public resulted from the Johnson Administration's desire to fulfill American strategic and geopolitical objectives while insulating against a potential popular backlash, especially against the backdrop of the ensuing Presidential election of 1964.

BACKGROUND

On August 2, 1964, the *U.S.S. Maddox*, a US Navy destroyer, was on patrol in the Gulf of Tonkin, approximately 30 miles from the coast of North Vietnam. Early in the morning, three North Vietnamese patrol craft attacked the *Maddox*, which then returned fire. In the ensuing conflict, the *Maddox* and aircraft from the *U.S.S. Ticonderoga* damaged two of the North Vietnamese patrol boats and left one boat dead in the water. The *Maddox* suffered no material or personnel damages.

At a press conference on August 3, President Lyndon B. Johnson announced that the *Maddox* had been attacked. Simultaneously, he ordered the Navy to continue patrolling the Gulf of Tonkin and to "double the force by adding an additional destroyer [the *U.S.S. Turner Joy*] to the one already on patrol." Finally, Johnson authorized US forces to "attack any force which attacks them in international waters" with the objective of destroying such forces.¹ "Pursuit into hostile waters or air space," however, "[was] not authorized."²

On August 4, at 7:40 a.m. Washington time, the *Maddox*, again on patrol in the Gulf of Tonkin, reported, "an attack from unidentified vessels appeared imminent."³ An hour later, the *Maddox* reported establishing radar contact with two unidentified vessels and three unidentified aircraft. In response to the looming threat, US fighter aircraft were launched from the *Ticonderoga* to provide the *Maddox* and the *Turner Joy* with air cover. Shortly after 9:00 a.m., the enemy aircraft disappeared, but the hostile vessels remained.

Around 9:30 a.m., Secretary of Defense Robert McNamara met with top officials at the Pentagon, as "reports of the attack on the destroyers [came] in."⁴ The group discussed retaliatory actions, even though the *Maddox* had not yet reported an actual attack. Secretary McNamara decided a retaliatory attack could occur at first light the following day and then informed the President of the recent

¹ U.S. Department of State, *Bulletin* (24 August 1964), 259.

² Foreign Relations of the United States (hereafter FRUS) 1964-68, Vol. I, Vietnam, 1964 (VIII), Article 261 *Telegram from the Chairman of the Joint Chiefs of Staff (Wheeler) to the Commander in Chief, Pacific (Sharp), Washington, August 2, 1964, 6:49 P.M.*; available from http://www.state.gov/www/about_state/history/vol_i/255_308.html; Internet; accessed on 12 December 2000.

³ FRUS 1964-68, Vol. I, Vietnam, 1964 (VIII), Article 272 *Editorial Note on Vietnam Working Group Files: Lot 72D219D, DeSoto Patrols August.*

⁴ FRUS 1964-68, Vol. I, Vietnam, 1964 (VIII), Article 273 *Editorial Note on the Top Secret chronology of the events of August 4-5 submitted to the President by McGeorge Bundy on September 4.*

developments. At approximately 11 a.m., Ulysses Sharp, Commander in Chief of the Pacific, reported that the destroyers were under torpedo attack. As a result, on the afternoon of August 4, President Johnson approved retaliatory action against North Vietnam. The specific targets were patrol boats, supporting facilities, and an important oil complex. Johnson limited retaliation, however, to “the offending boats and supporting facilities in order to avoid forcing escalation.”⁵

On August 5, President Johnson addressed Congress and the American public, asking for approval of the Gulf of Tonkin Resolution. The incidents were, according to Johnson, “unprovoked armed attacks in international waters” and, “part of a continuous, deliberate and systematic campaign of aggression and subversion carried on against free nations, and particularly the peoples of Southeast Asia.”⁶ Granting full congressional consent to military retaliation, the Gulf of Tonkin Resolution expressed “the unity and determination of the United States in supporting freedom and in protecting the peace in Southeast Asia.”⁷

Neither the *Maddox* nor the *Turner Joy*, however, sustained any physical damages during the second attack. Throughout the afternoon of August 5, Secretary McNamara received reports stating the attack on the *Maddox* appeared doubtful, and, in actuality, the attack probably never occurred. Yet in spite of these reports and hesitations from top governmental officials, Johnson decided to order retaliation.

Maybe No Second Attack?

Although, in reports to the American public, the US government steadfastly insisted that two attacks on the *Maddox* had taken place, there is little evidence to support this theory. As early as August 3, the United States considered commencing air strikes against North Vietnam to avenge the first *Maddox* attack, but wary that American public opinion might not support the action, issued a stern warning instead,⁸ cautioning North Vietnam to be “under no

⁵ FRUS 1964-68, Vol. I, Vietnam, 1964 (VIII), Article 279 *Telegram from the Department of State to the Embassy in Vietnam*.

⁶ FRUS 1964-68, Vol. I, Vietnam, 1964 (VIII), Article 278 *Summary Notes of the 538th Meeting of the National Security Council, Washington, August 4, 1964, 6:15-6:40 p.m.*

⁷ FRUS 1964-68, Vol. I, Vietnam, 1964 (VIII), Article 292 *Editorial Note*.

⁸ FRUS 1964-68, Vol. I, Vietnam, 1964 (VIII), Article 266 *Memorandum from the Chairman of the Vietnam Coordinating Committee (Forrestal) to the Secretary of State, Washington, August 3, 1964*.

misapprehensions as to the grave consequences which would inevitably result from any further unprovoked offensive military action against the United States.”⁹ Unfortunately, this statement of protest probably did not reach Hanoi until after the second attack.

The timing of the reprisals sheds significant doubt about the likelihood of the existence of a second attack. The speed with which Washington responded to the second attack was remarkable (and suspect), especially since the reprisals against North Vietnam were “the first occasion, with the exception of the Korean War, on which the United States struck directly on the soil of a Communist country.”¹⁰ As the *New York Times* reported, “Slightly less than 12 hours elapsed between the moment when Washington learned of the second torpedo-boat attack on a United States destroyer in the Gulf of Tonkin and the moment when American planes took off from carriers in the area to strike back.”¹¹ Not only were American forces in the region, but they were prepared to strike within only a few hours.

While McNamara and Johnson denied charges that the second attack had never occurred and disregarded reports contradicting their official position, both were cognizant of significant popular and official doubts. On August 4, for example, United States Information Agency Director Carl T. Rowan asked Secretary McNamara, President Johnson, and Secretary Rusk if they were absolutely certain that the second provocation took place, stating, “we must be prepared to be accused of fabricating the incident.”¹² The Johnson Administration brushed aside Director Rowan’s concerns and continued to discuss reprisals and the need for additional reinforcements.

In fact, McNamara and the Joint Chiefs of Staff actually met to “marshal the evidence to overcome [a] lack of clear and convincing [evidence] showing that an attack on the destroyers had in fact occurred.”¹³ Even though there was no physical evidence of the attack and the ships’ crews reported that no attack had occurred, McNamara insisted an attack had taken place. By midday on August 4, the *Maddox* reported:

⁹ FRUS 1964-68, Vol. I, Vietnam, 1964 (VIII), Article 270 *Telegram from the Department of State to the Embassy in Vietnam, Washington, August 3, 1964, 7:48 P.M.*

¹⁰ *Ibid.*

¹¹ *New York Times*, 9 August 1964, p. 35.

¹² FRUS 1964-68, Vol. I, Vietnam, 1964 (VIII), Article 276 *Editorial Note on August 28 chronology*.

¹³ *Ibid.*

A review of the action makes many reported contacts and torpedoes fired ‘appear doubtful’. ‘Freak weather effects’ on radar, and ‘over-eager’ sonarmen may have accounted for many reports. ‘No visual sightings’ have been reported by the *Maddox*, and the Commander suggests that a ‘complete evaluation’ be undertaken before any further action [commences].¹⁴

The American public, however, did not learn of this lack of evidence until the publication of *The Pentagon Papers* in 1971. Actually, the American public was lead to believe, as Adlai Stevenson, the US Ambassador to the United Nations, testified before the United Nations Security Council, that:

There no longer could be any shadow of doubt that this was planned deliberate military aggression against vessels lawfully present in international waters. One could only conclude that this was the work of authorities dedicated to the use of force to achieve their objectives regardless of the consequences.¹⁵

In addition to this, the *New York Times* reported that the second attack was “much fiercer than the first one” and that the “second battle was understood to have lasted about three hours in rough seas.”¹⁶ Secretary McNamara publicly emphasized that the reprisals were “appropriate action in view of the unprovoked attack in international waters.”¹⁷

McNamara and other officials in the Johnson Administration emphatically stressed the existence of the second attack, fearing popular disapproval of the American reprisals. The Administration stressed that the North Vietnamese “deliberately and repeatedly attacked” US ships.¹⁸ Furthermore, the US government also repeatedly emphasized that the *Maddox* was in international waters and that the attacks created a serious threat to international peace and security.

¹⁴ Ibid.

¹⁵ *New York Times*, 6 August 1964, p. 9.

¹⁶ *New York Times*, 5 August 1964, p. 1.

¹⁷ Ibid., 4.

¹⁸ *New York Times*, 6 August 1964, p. 8.

Unprovoked?

Even if the second attack did occur, however, it is questionable whether the attacks were unprovoked. According to the North Vietnamese government, “United States planes...had attacked a North Vietnamese village” and “American warships had shelled two North Vietnamese islands, Hon Me and Non Ngu, in the Gulf of Tonkin,” on 3 August.¹⁹ The US government, however, publicly maintained that the attacks against the *Maddox* were entirely unprovoked.

Privately, John A. McCone, Director of the Central Intelligence Agency, said, “the North Vietnamese [were] reacting defensively to our attacks on their off-shore islands. They [were] responding out of pride and on the basis of defense considerations.”²⁰ In a memorandum to Secretary Rusk, Special Assistant Forrestal admitted, “the action against the *Maddox* took place within the same 60-hour period as an OPLAN 34A harassing action by [South Vietnamese] forces.”²¹ Forrestal conceded that it “seemed likely” that the North Vietnamese had assumed that the *Maddox* was part of this covert operation, and that Hanoi might have ordered the attack in response to harassment of the region.²² Forrestal concluded that future harassment operations and area patrols should be coordinated to avoid confusing Hanoi about American maneuvers. Secretary Rusk added that he thought the “*Maddox* incident [was] directly related to” the covert US activities in the region but that the United States had “no intention” of lessening pressure on Hanoi.²³ Moreover, according to the *New York Times*, “the [US] destroyers on patrol have sometimes collaborated with South Vietnamese hit-and-run raids on North Vietnamese port cities though the destroyers themselves stay in international waters.”²⁴ These raids resulted in the destruction of Vietnamese homes and property.²⁵

¹⁹ *New York Times*, 9 August 1964, p. 2.

²⁰ FRUS 1964-68, Vol. I, Vietnam, 1964 (VIII), Article 276 *Editorial Note on August 28 chronology*.

²¹ FRUS 1964-68, Vol. I, Vietnam, 1964 (VIII), Article 266 *Memorandum from the Chairman of the Vietnam Coordinating Committee (Forrestal) to the Secretary of State, Washington, August 3, 1964*.

²² Ibid.

²³ FRUS 1964-68, Vol. I, Vietnam, 1964 (VIII), Article 271 *Telegram from the Department of State to the Embassy in Vietnam, Washington, August 3, 1964, 8:49 P.M.*

²⁴ Ibid.

²⁵ *New York Times*, 3 August 1964, p. 1.

International versus Territorial Waters

Before it can be decided if the *Maddox* was in territorial or international waters, we must define the term “high seas.” The *Maddox* was approximately 11 nautical miles from the North Vietnamese shore on the night it was first attacked, a distance the United States considered just beyond the reach of territorial waters. Most communist countries at the time, however, considered 12 miles off of the shore the territorial boundary. Therefore, while the *Maddox* was in international waters by American standards, the North Vietnamese considered it in territorial waters. Yet it should be noted that the United States was aware that many communist countries perceived 12 miles as the extent of territorial waters, and, therefore, if an American ship was between the 11th and 12th mile, the US should have anticipated the ambiguity of their geographic position.

In the weeks prior to the first attack, however, the *Maddox* was authorized (by the US government) to approach within eight nautical miles of the North Vietnamese coast and within four nautical miles of certain North Vietnamese islands.²⁶ During this time, the ship was often well within territorial waters, regardless the differing definitions of “high seas.” Furthermore, Secretary Rusk wrote, “just prior to [the] incident [the] *Maddox* may have approached to about 11 NM [nautical miles] off coast,” which might have legitimately provoked the North Vietnamese.²⁷ The US was, therefore, undeniably breaching North Vietnamese territorial waters, rendering the attacks justifiable retaliation. Moreover, US participation with the South Vietnamese in attacks against the North and attempted espionage missions in the Gulf may have also provoked justifiable reprisals.

²⁶ FRUS 1964-68, Vol. I, Vietnam, 1964 (VIII), Article 260 *Telegram from the Department of State to the Embassy in Vietnam, Washington, August 2, 1964, 1:41 P.M.*

²⁷ *Ibid.*

ANALYSIS

The Creation of Foreign Policy at Top Levels

In general, the Gulf of Tonkin incident demonstrates that foreign policy is made at top levels by considering at least three objectives: the self-interest of the policy-makers, the geopolitical image of the country, and the overall welfare of the country. President Johnson’s self-interest involved implications concerning the upcoming presidential election of 1964. With regard to the image of the United States, Johnson was concerned about being perceived as “soft on communism.” To this end, the US reprisals served both as an assurance to North Vietnam of retaliation if it attacked and as a general message to communists worldwide that the United States was not a “paper tiger.” Finally, US foreign policy was concerned with legitimate national interests: retaliation could have meant substantial escalation of the conflict, while passivity could have cost the United States international prestige and also might have made a future war more deadly.

The Presidential Election of 1964

Johnson’s retaliation against the North Vietnamese proved beneficial for his electoral chances in 1964. Before the Gulf of Tonkin incident, Republican presidential nominee Barry Goldwater criticized Johnson’s policies on Vietnam, deriding the President as “soft on Communism,” and proposing an expanded war in North Vietnam if necessary. Goldwater called Johnson’s foreign policy “a ‘no win’ policy lacking militancy.”²⁸ As Republican vice-presidential nominee William E. Miller conceded, however, “President Johnson’s action in the Vietnamese crisis had eliminated Southeast Asia as a campaign issue.”²⁹ Indeed, Johnson noted Goldwater’s support in his televised address to the nation: “...just a few minutes ago I was able to reach Senator Goldwater and I am glad to say that he has expressed his support of the statement that I am making to you tonight.”³⁰ In short, Johnson’s order largely removed Goldwater’s “Vietnam Card.”

²⁸ *New York Times*, 6 August 1964, p. 7.

²⁹ *Ibid.*, 8.

³⁰ *New York Times*, 5 August 1964, p. 1.

United States Prestige

American prestige was another objective considered during high-level foreign policy meetings. Johnson, initially deciding against retaliatory measures in response to the Tonkin incident, intended to send a diplomatic protest to Hanoi. Ambassador Taylor, however, argued that this simple protest, without further measures, “will make it appear that we are prepared to accept regular Swatow harassment in international waters as normal concomitant to our normal naval patrolling activities.”³¹ Taylor continued, “such an attitude would be construed in Saigon as [an] indication that [the] US flinches from direct confrontation with [the] North Vietnamese.”³²

Furthermore, it should be noted that American policymakers were primarily concerned with the larger geopolitical picture: the United States worried about losing international prestige. There can be little doubt that Johnson’s pursuit of the Tonkin incident was intended to send a general message to communists worldwide. In his address to Congress, Johnson declared, “We must make clear to all that the United States is united in its determination to bring about the end of Communist subversion and aggression in the area.”³³ Similarly, Secretary Rusk remarked, “The purpose of United States foreign policy must be to win a ‘worldwide victory for peace and for freedom’ but ‘without a great war if possible.’”³⁴ The Gulf of Tonkin, therefore, granted the United States an opportunity to prove its willingness to fight for peace, but hopefully without committing itself to a major military conflict.

The Overall Welfare of the United States

Finally, the Johnson Administration’s foreign policy decision-making considered the overall welfare of the country. In short, the “overall welfare” determination involved weighing the risks of escalated war against the possible consequences of American passivity. Possible escalation into all-out war would have, of course, involved the massive expenditure of American money and blood.

³¹ FRUS 1964-68, Vol. I, Vietnam, 1964 (VIII), Article 262 *Telegram from the Embassy in Vietnam to the Department of State, Saigon, August 3, 1964, 11 A.M.*

³² *Ibid.*

³³ *New York Times*, 6 August 1964, p. 8.

³⁴ *New York Times*, 3 August 1964, p. 8.

Conversely, American passivity in the face of communist aggression may have involved greater long-term risks, ultimately leading to a more costly, bloody, and devastating conflict. The Administration, therefore, had to decide whether it was better for the country as a whole to endure the potential losses of war or to allow communist attacks on US ships and potentially encourage further communist aggression throughout the world.

The Presentation of Foreign Policy to the Public

The fundamental problem of the full public disclosure of the facts underlying foreign policy decisions is that the revelation of complete and accurate information may ultimately undermine American foreign policy objectives. In other words, foreign policy is presented to the general public only after a consideration of the public’s response and only in a manner innocuous to ultimate American objectives. For instance, had the public known that the second *Maddox* attack had never occurred, Americans might not have fervently supported retaliation. Further, full disclosure of national security issues may have given rise to security risks, rendering the US incapable of effectively waging war.

Needing congressional sanction to avoid a potential political backlash, President Johnson asked Congress to pass the Gulf of Tonkin Resolution. The Resolution assured Johnson of full congressional support for “all necessary action” in Southeast Asia. Moreover, “the resolution gave prior sanction for any necessary steps, including the use of armed force, to assist nations covered by the Southeast Asia Treaty Organization that requested help in defense of their freedom.”³⁵ President Johnson was not, of course, constitutionally required to seek congressional approval to retaliate against North Vietnam or indeed to escalate military operations in Southeast Asia. Public congressional consent, however, insulated the President from prospective political quagmires, incidents especially problematic in an election year. The Tonkin incident, therefore, perfectly suited the Administration’s political objectives, and, as McGeorge Bundy noted, the Johnson White House “welcomed the [incident] as justification for a resolution the Administration had wanted for some time.”³⁶

³⁵ *New York Times*, 6 August 1964, p. 1.

³⁶ *Ibid.*

CONCLUSION

Undoubtedly, the complete divulgence of foreign policy and military information can create national security concerns. There are, therefore, always discrepancies between “official positions” and “fact.” Whether or not there was a second attack upon the *Maddox* is still debated, as is the extent to which the United States provoked North Vietnamese hostility. Yet the Johnson Administration publicly admitted no doubt, though privately many within the inner circle recognized the dubious, at best, character of the incident.

The Gulf of Tonkin incident demonstrates the archetypal management of foreign policy disclosure. Foreign policymakers, undoubtedly, consider both the international image and general welfare of the country. Policymakers, however, also act in self-interest. Yet each of these motivations is generally obfuscated in the presentation of foreign policy to the American public, as policymakers attempt both to politically insulate themselves and to protect the nation’s geopolitical and military objectives. Far from abnormal, therefore, the discrepancies of the Gulf of Tonkin incident reflect standard American foreign policymaking processes.

THE ECONOMICS OF FUNDAMENTALISM IN THE GLOBALIZATION ERA

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Though globalization has established itself as a dominant trend of the twentieth century, the last hundred years also witnessed another phenomenon, the rise of religious fundamentalism. Among the most important implications of each of these trends are economic developments: both globalization and fundamentalism promote definitive economic philosophies, often manifestly in opposition to one another. This paper will focus primarily on the economic ramifications of fundamentalism and attempt to determine the extent to which globalization aids or impedes fundamentalist economic policies. As a secondary objective, this paper assesses the impact of economic globalization on fundamentalist ideologies and regimes. The forthcoming analysis concludes that while fundamentalist economic policies have significantly influenced specific regions—namely the states in which they have been instituted—they have had little impact on the global economy. Furthermore, recent trends in many fundamentalist states lean toward liberalization.

INTRODUCTION

While religion has long been a cornerstone of society, the twentieth century witnessed the rise of a new phenomenon, religious fundamentalism. While influencing many aspects of social and political life, one of the most prominent implications of the fundamentalist phenomenon is its economic policy. This paper focuses primarily on the economic ramifications of fundamentalism and attempts to determine the extent to which globalization aids or impedes fundamentalist economic policies. A secondary objective will be to assess how economic globalization will affect fundamentalist ideologies and regimes. The forthcoming analysis concludes that while fundamentalist economic policies have significantly affected specific regions—namely the states in which they have been instituted—they have had little impact on the global economy. Furthermore, recent trends in many fundamentalist states lean toward liberalization.

DEFINING FUNDAMENTALISM

It is difficult to precisely define “fundamentalism,” as the exact boundaries of the term vary widely among notable scholars. For the purposes of this analysis, we shall adopt the definition of Samuel Heilbron and Menachem Friedman: fundamentalists fight militantly against perceived threats to their traditional identity, fight for a certain worldview, fight with selective resources that support their cause, fight against others, such as the infidel or the secular, and fight under God.¹ Islamic fundamentalism, for instance, represents the paradigm example of a fundamentalist movement: its adherents consider Western values to be inimical to their traditions, want to spread their ideology to fellow Muslims, quote only from the parts of the *Koran* that support their agenda, oppose secularism and regard themselves as the agents of God on earth.²

Many theorists consider religious fundamentalism an essentially anti-Western, anti-American phenomenon. Accepting this assumption, it becomes readily apparent how ideologies of this sort directly conflict with the predominant economic and social trends of the globalization era. Globalization moves the world in an inherently Western direction, as it embodies many of the values that have made Western civilization thrive, including, for instance, capitalism, consumerism, and freedom. The forces underlying globalization are, therefore, intrinsically anathema to most fundamentalist movements. Further, as economic liberalization lies at the vanguard of globalization, “new age” economics—embracing wholeheartedly free trade and an internationally-oriented economic perspective—will inevitably confront fundamentalist challenges.

THE ROOTS OF RELIGIOUS FUNDAMENTALISM

Several theories attempt to explain the underlying causes of contemporary religious fundamentalism. Fredric Jameson argues that fundamentalism is an attempt to produce an alternative to “American consumerism.”³ With the

¹ Martin E. Marty and R. Scott Appelby, ed., *Fundamentalisms Comprehended* (Chicago: University of Chicago, 1993), 9.

² Timur Kuran, “Fundamentalisms and the Economy,” in *Fundamentalisms and the State*, ed. Martin E. Marty and R. Scott Appelby (Chicago: University of Chicago, 1993), 290-91.

³ *Ibid.*, 64.

collapse of communism, according to Jameson, there exists no other force capable of resisting the ever-growing tide of Americanization throughout the world. Before the globalization era, there was always a struggle in the Third World between the impulse to Westernize and the predilection toward tradition. Now, however, many perceive the struggle to preserve tradition against the ever-augmenting Western pressure to be so great that only fundamentalist religion may stem the tide.⁴

Similarly, Roland Robertson views fundamentalism as opposition to the homogenization of the world, an otherwise inevitable result of the globalization process.⁵ Gilles Kepel traces the root to the economic turmoil of the West during the 1970s: high inflation, oil shortages and the hostage crisis all proved the bankruptcy of modernism. Religions that had previously felt a need to adjust themselves to modern conditions now experienced a revival in response to the discrediting of modernity.⁶

Unlike the aforementioned scholars, who accept anti-Western motives as an elemental premise of the fundamentalist movement, Ali A. Mazrui maintains that fundamentalism is actually an attempt to reconcile the modern world with pre-modern values.⁷ A more benign perspective, Mazrui’s analysis observes nothing inherently anti-Western in fundamentalism, regarding it instead as a simple extension of the desire to remain traditional in the modern age. Such a viewpoint, however, fails to explain the often violent, and inherently non-traditional, lengths to which fundamentalists resort in order to further their cause. After all, if fundamentalism is driven by an internal desire to preserve traditional values and religious principles, criminal outbursts of terrorism and murder represent an abomination to the very ethics and morality they intend to protect. Irrespective of the root causes of fundamentalism, however, its consequences for

⁴ *Ibid.*, 67-68. Jameson refers to fundamentalism as a postmodern invention, which fits well in the framework of his theory. For a countervailing example, see Eli Berman, “Sect, Subsidy and Sacrifice: An Economist’s View of Ultra-Orthodox Jews,” Discussion Paper No. 98.08 of The Maurice Falk Institute for Economic Research in Israel, 5-6. Berman views the *Haredi* form of Jewish fundamentalism as beginning with Jewish exposure to modernity in the 18th and 19th centuries. Even this variation, however, agrees that fundamentalism is anti-Western in content and origination.

⁵ Roland Robertson, “Social Theory, Cultural Relativity and the Problem of Globality,” in *Culture, Globalization and the World-System*, ed. Anthony D. King (Minneapolis: University of Minnesota, 1997), 77.

⁶ Gilles Kepel, *The Revenge of God*, trans. Alan Braley (University Park, Pennsylvania: Pennsylvania State University, 1994), 3.

⁷ Ali A. Mazrui, “Globalization and Cross-cultural Values: The Politics of Identity and Judgement,” *Arab Studies Quarterly* 21.3 (1999): 106.

several aspects of human life, among the foremost of which is economics, may be profound.

THE ECONOMIC CONSEQUENCES OF FUNDAMENTALISM

Islamic Fundamentalism

Among the most drastic consequences of fundamentalist governance are international economic and political isolation, pertinent examples of which include Iran and Pakistan. Far from economically motivated, such isolation is triggered by the desire to create cultural self-sufficiency.⁸ The economic impact, however, can be profound. In Iran, for instance, following the 1979 Islamic Revolution and the taking of American hostages, international contact effectively ceased, as trade and investment flows into and out of the country came to an abrupt halt. Furthermore, the Islamic Revolution influenced other countries as well. Israel, for instance, could no longer import Iranian oil and was forced to import more oil from ever more distant sources, raising costs to consumers and discouraging the use of individualized transportation in favor of mass transit.⁹

More interesting are the internal dislocations caused by fundamentalist economic policies. Timur Kuran identifies a new form of economic analysis, “fundamentalist economics,” in which purely economic calculations are subordinated to social concerns.¹⁰ Some fundamentalists, for example, view capitalism as inherently unjust because it does not altruistically provide supplies to all those in need. All uniformly agree that the rapid transformation of society engendered by globalization economics is harmful to tradition and morality.

Fundamentalists intend, therefore, to supplant secular economic thought with policies more acceptable to their social values. Islam’s version, “Islamic economics,” is based upon various scriptural references in the *Koran* to economic issues.¹¹ Much of its thought, for instance, is focused upon the ban on interest payments: Islamic beliefs permit money to be lent on interest only if the creditor

⁸ Timur Kuran, “Islamic Economics and the Islamic Subeconomy,” *The Journal of Economic Perspectives* 9:4 (1995): 169-70.

⁹ Wolf Blitzer, *Between Washington and Jerusalem: A Reporter’s Notebook* (New York: Oxford University Press, 1985), 87.

¹⁰ Kuran, “Fundamentalisms and the Economy,” 289.

¹¹ Timur Kuran, “The Economic Impact of Fundamentalism,” in *Fundamentalisms and the State*, ed. Martin E. Marty and R. Scott Appelby (Chicago: University of Chicago, 1993), 318.

shares in the risks of the venture that he is helping to finance, such that he, too, stands to lose.¹² Taxation is another issue of principal concern to Islamic economists, as the *Koran* prescribes that *zakat*, a tax ranging between 2.5 and 20 percent on wealth and income in the agricultural, livestock, mining and precious minerals sectors, must be used to correct distributional inequities in society.¹³

Despite a fairly substantial body of work on these and other issues, however, Islamic economics neglects broader initiatives and macroeconomic policy goals. As Kuran says, “Islamic economics does not offer a comprehensive framework for a modern economy... it presents a package of loosely connected policies rather than a complete blueprint for reform.”¹⁴ Nonetheless, this weakness has not prevented the adoption of *Koran*-based policies in several countries. Pakistan instituted the *zakat* and a total interest ban in 1979, and Iran has adopted similar policies in the years since the revolution.¹⁵ Iran, in fact, has taken the emphasis on agriculture, livestock and mining found in the *zakat* to the extreme, requiring that foreign direct investment (FDI) occur only in one of those sectors, or in certain forms of industry.¹⁶

The impact of such programs is hard to determine with any precision, but a few clear facts surface. Investment limitations in Iran, for instance, have prevented the beneficial growth of FDI; the IMF estimates that in 1996-97, total FDI was only US\$14 million.¹⁷ While indirect investment has slowly accelerated in spite of significant barriers, its impact is not nearly as effective at creating jobs and achieving economic growth as is FDI, one of the principal agents behind the astounding growth of many developing countries over the past decade. In short, without FDI Iran may be stuck in permanent stagnation.

Another factor contributing to low growth rates in the Islamic world is the ban on interest. Murat Cizakca, a Turkish economist, says that without the credit opportunities usually created by interest-charging banks, Islamic countries will never be able to develop entrepreneurship of the sort that has made Western

¹² John R. Presley and John G. Sessions, “Islamic Economics: The Emergence of a New Paradigm,” *The Economic Journal* 104:424 (1994): 586.

¹³ Kuran, “The Economic Impact of Fundamentalism,” 318. Kuran notes that these specific sectors are taxed because of their overwhelming importance in the economy of seventh-century Arabia.

¹⁴ Kuran, “Islamic Economics and the Islamic Subeconomy,” 170.

¹⁵ Kuran, “The Economic Impact of Fundamentalism,” 302.

¹⁶ International Monetary Fund, “Islamic Republic of Iran: Recent Economic Developments,” *International Monetary Fund Staff Country Report No. 98/27* (April 1998): 19.

¹⁷ *Ibid.*

economies enormously prosperous.¹⁸ In response, Cizakca recommends taking advantage of the exemption for risk-taking ventures allowed under the Islamic interest law to create a class of venture capitalists. Venture capitalists “participate in the risks of the firms they finance,” as Muslim law requires, while at the same time providing businessmen with the opportunity to create jobs and spur economic growth.¹⁹

Interestingly, in non-fundamentalist Islamic countries, where interest-free banking is merely one option for consumers, conventional multinational banks, like Citicorp in Egypt, have responded to the creation of Islamic banks by offering interest-free banking for their Muslim constituency.²⁰ Customers give the bank their money and do not ask for any interest in return, undeniably a fantastic opportunity for Western banks. Unfortunately for the host country, Westerners profit while their domestic economy remains stagnant due to a lack of capital. The potentially destructive impact of fundamentalist policies is clear.

Kuran further notes that the *zakat* is unlikely to prove a useful tool for the redistribution of income, as the maximum rate of taxation, twenty percent, falls well below that of most modern tax schedules. Furthermore, taxing agriculture and livestock may have made sense in the seventh century, but most contemporary income is generated in other economic sectors.²¹ In addition, the overarching communitarian design of Islamic economics may prove ineffective compared to globalization and Western capitalism. Proponents envision a collectivist spirit oriented toward the achievement of common goals, with heavy emphasis on the guiding direction of national or religious purpose.²² Unfortunately, Adam Smith proved that individuals, not communities, spur economic growth several centuries ago. Selfish people pursuing self-interest come together to create an efficient marketplace. In Smith’s example, the baker makes bread not that others may be fed, but rather to make a profit. Yet that profit benefits others, who, through the baker’s selfish pursuit, can consume bread. Thus all come out ahead: the producer earns a profit and the consumer enjoys the product. The current state of the Iranian and Pakistani economies testifies to the validity of Smith today: Islamic economics have produced low growth, high unemployment and stagnation for the foreseeable future.

¹⁸ Kuran, “Islamic Economics and the Islamic Subeconomy,” 171.

¹⁹ Ibid.

²⁰ Kuran, “The Economic Impact of Fundamentalism,” 317.

²¹ Ibid., 318.

²² Ibid., 326-28.

In defense of Islamic economics, it should be noted that certain of its institutional arrangements might actually prove economically beneficial. Studying the effect of interest-prohibited lending relationships in Islam, Presley and Sessions conclude that permissible risk-sharing agreements enhance decision-making efficiency between investor and project manager, overcoming the otherwise problematic economic dilemmas of asymmetric information and prompting more efficient market conditions.²³ Furthermore, participants in the “Islamic sub-economy” can receive benefits otherwise unavailable in secular marketplaces.²⁴ Nonetheless, the detrimental effects of Islamic policies far outweigh these limited gains.

Other Fundamentalist Movements: Jewish, Christian, and Hindu Fundamentalism

Some members of the Orthodox Jewish community, such as Rabbi Dr. Aaron Levine, have endorsed the creation of “Jewish economics,” essentially attempting to reconcile Hebraic Law and modern economics.²⁵ Unlike Islamic economics, however, no contemporaneous political force is considering the systematic institution of such policies. Hence, the ideas presented in such studies represent more of a Talmudic exercise, trying to apply Hebraic legal principles to modern economic life.

Despite their limited influence in overall economic policy-making, however, Jewish fundamentalists have significantly affected the Israeli economy. *Haredi* families, for instance, have successfully sought governmental subsidies for their characteristically large numbers of children. Shas, the party of Sephardic Jews, relies on government funding to operate its school system. Settlers in the West Bank, often considered to be fundamentalists of the land, have received extensive subsidies to help build their communities. In short, all of these religiously-specific programs have required significant government funding, increasing the already troublesome Israeli budget deficits. These deficits, in turn, tend to “crowd-out” private investment, as people put their money into safe government bonds in lieu of other private sector investments, a phenomenon that inhibits economic growth.

²³ Presley and Sessions, 586.

²⁴ Kuran, “Islamic Economics and the Islamic Subeconomy,” 169.

²⁵ Aaron Levine, *Economic Public Policy and Jewish Law* (Hoboken: Ktav Publishing, 1993).

Beyond these macroeconomic problems, Jewish fundamentalism creates serious microeconomic difficulties. For instance, *Haredim* enjoy exemption from military service, but only while they study in *yeshiva*. The moment they begin to work, they are subject to the draft. This creates a very strong disincentive to work, as *Haredim* are unalterably opposed to military service. Refusal to work, however, creates extreme poverty in many communities. Further, after surpassing the draft age, their limited skills, minimal secular education, and lack of experience severely restricts their earning capacity.

Closer to home, Christian fundamentalism has proven a significant political force in contemporary America. Their impact on economic policy, however, has been negligible. Furthermore, any impact more prominently reflects their political association, not religious belief. Yet both left and right-wing Christian fundamentalists have expressed economic perspectives. Most generally, the right wing supports a more conservative, free-market approach to economics, while the left wing favors initiatives to secure social justice and welfare for the poor.²⁶

Hindu fundamentalism, as articulated by Gandhi, conveys a definite economic perspective. Hostile to modern industry and urbanization, Gandhi advocated self-sufficient, rural life, relying on no external production. The sum effect of Gandhi's autarkic view would clearly require isolation from the global economy. Presently, the nationalistic Bharatiya Janata Party (BJP) in India supports this type of program. They have indeed restricted foreign trade and investment in the past, though recently favored a trend toward liberalization, particularly encouraging investment in the high-tech sector.²⁷

CONCLUSION: THE ECONOMICS OF FUNDAMENTALISM AND THE EFFECTS OF GLOBALIZATION

The preceding analysis explores the likely effects of globalization on fundamentalist regimes and economic philosophies in the coming years. We have concluded that the economic impact of fundamentalism, while certainly noticeable in certain specific circumstances, has not seriously affected the global

economy. If anything, globalizing forces are already beginning to weaken the impact of destructive fundamentalist economic policies, not the reverse.

We have explored the numerous detrimental effects of fundamentalist economic policies. In fundamentalist Islamic states, the *zakat* has proven ineffective for the needs of a modern economy, and similarly the statutory ban on interest has proven untenable. Similarly, Hindu India has already begun to drift away from autarky, allowing FDI in high-tech sectors and signaling the potential of opening other sectors to trade and investment in the near future.

On a broader level, fundamentalist regimes are beginning to suffer under the weight of globalization. Iran, in particular, faces constant internal challenges from those lobbying for a freer and more democratic society. Recent elections in Iran, where reformers who support more contact with the rest of the world won large majorities, are just part of the overall trend. Many Iranians look to the outside world and see a better life, and have, therefore, begun to demand the conditions, such as freedom and capitalism, necessary to produce that kind of life. Clearly, such an outcome would not have been possible at any previous time in history. Globalization has made it possible: communications and technology have brought us closer together, making us more cognizant of how others live.

In time, the pressures of globalization may sound the death knell of the Islamic republics like Iran. An alternative, more frightening scenario, however, may also develop. In response to their weakening authority, fundamentalist leaders might assume a more radical stance. In short, globalization could potentially foster the disintegration of various fundamentalist economic systems, while at the same time encouraging extremist backlashes within others. The end result will be, of course, an empirical question, but the predominant trends of recent years seem to point toward further liberalization in fundamentalist states. Moreover, the effects of fundamentalist economics upon the global economy have been negligible, in spite of their marked impact in fundamentalist states.

²⁶ Laurence R. Iannaccone, "Heirs to the Protestant Ethic?: the Economics of American Fundamentalists," in *Fundamentalisms and the State*, ed. Martin E. Marty and R. Scott Appelby (Chicago: University of Chicago, 1993), 347-50.

²⁷ Deepak Lal, "The Economic Impact of Hindu Revivalism," in *Fundamentalisms and the State*, ed. Martin E. Marty and R. Scott Appelby (Chicago: University of Chicago, 1993), 350.