18th Edition.

The Journal of Political Studies has been produced in its entirety on the traditional, ancestral, and unceded territories of the Coast Salish peoples. In particular, we recognize the Musqueam (xʷməθkʷəy̓əm), Squamish (sḵwx̱wú7mesh) and Tsleil-Waututh First Nations.

Specifically, UBC's Vancouver campus exists on xʷməθkʷəy̓əm territory. As guests who work, study, and live on these lands, the UBC community has a responsibility to use the skills and knowledge we develop here to give back to our hosts.
To learn more, please visit indigenousfoundations.arts.ubc.ca.

The Journal of Political Studies 2016 is Certified Carbon-Neutral.

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Foreword

One of my happiest duties as Department Head is every year to write a brief introduction to the UBC Journal of Political Studies. The Journal is an annual manifestation of the continuing creativity, rigour and excellence of undergraduate students in UBC's Department of Political Science.

The UBC Journal of Political Studies is a student undertaking from start to finish. Student editors solicit manuscripts widely and then evaluate them. Papers are assessed through a carefully structured system of "blind" peer review. UBC faculty are the reviewers but the student editors make editorial judgments. The result is an annual journal of great interest and high quality.

The 2015-2016 Journal is an excellent one with seven stimulating, well-written articles. The articles speak to such issues as body cameras for police officers, the role of fundamentalist Islam in Gaza and recent public policy in California. Other essays examine the role of environmental certification in "North-South" relations, term limits in autocratic regimes and Amsterdam's economic and social transformation. A final stimulating article examines the distorting impact of common assumptions about the economy on democratization theory. The 2015-2016 Journal is characterized by considerable diversity in subject matter, methodology and approach.

Many people contribute to the Journal's continuing success. The Editor-in-Chief, Parmida Esmaelpour, and her editorial colleagues merit special recognition. Many faculty members happily contributed advice and assessed manuscripts. Special thanks go to Professor Cesi Cruz for his service as Faculty Advisor.

Dr. Allan Tupper
Professor and Head
Department of Political Science
University of British Columbia

Letter from the Editor-in-Chief

The undergraduate academic experience can be demoralizing. At large universities like ours, the experience can be outright alienating, as students struggle to make their mark among many. This is especially true for aspiring social scientists, who are taught that the right answer doesn't (objectively) exist, and are graded accordingly.

Fortunately, big universities also come with big personalities. The political science faculty at UBC has an unparalleled ability to galvanize students into creating interesting, original work. This edition of the UBC Journal of Political Studies, like the seventeen editions that precede it, showcases the best of said undergraduate scholarship.

This year's collection of papers uphold the journal's reputation for eclectic content, and continues to affront traditional understandings of the "political." The collection is geographically, temporally and methodologically diverse, drawing on detailed case studies, historical analysis, and the comparative method. The editorial board   comprised of precocious undergraduate students   is solely responsible for soliciting, peer-reviewing and selecting these exceptional submissions.

The papers that follow are a testament to the creativity, intelligence, and determination of our undergraduate students. It is thus my distinct pleasure to present to readers our latest edition of the JPS, which is the result of copious amounts of caffeine, Sarah King's discerning eye, Tiago De Souza Jensen's vision, and Alex Mierke-Zatwarnicki's unwavering support. On behalf of my talented team of editors and authors, I would like to extend my gratitude to our faculty reviewers, to our faculty advisor, Professor Cesi Cruz, and to our Department Head and Professor Allan Tupper. And finally, my exceptional team of editors: I thank you for your patience, your insightful contributions, and your unabating banter.

Parmida Esmaeilpour
Editor-in-Chief

Editorial Staff

Parmida Esmaeilpour
Editor-in-Chief
This is Parmida's second year with the Journal of Political Studies, third year in university, and final year as undergraduate in the Political Science Honours program. She endeavours to receive a doctorate in Political Science, with interests in International Relations (securitization, terrorism, authoritarianism) and Formal Theory. She is grateful for what she has learned and who she has met through the Journal. She enjoys warm beverages, and dead Russian novelists.

Sarah King
Managing Editor
Sarah is completing her double major in First Nations and Indigenous Studies (FNIS) and Political Science. Through FNIS, she has developed interests in Indigenous law and queer theory, which she will continue to explore in graduate school and her relationships beyond. Sarah was named runner-up for the 2015 RAVEN Trust Young Scholars Essay Prize for her paper "Aesthetic Alibis for Conquest" on the history of contention around Pacific Spirit Regional Park. She is excited to continue imagining and working to build alternative political realities and relationships alongside the communities she has been a part of at UBC, including FNIS, The Talon, and the Pride Collective.

Tiago de Souza Jensen
Publication Director
Designer
Editor
Tiago is a third year International Relations and Urban Studies student at UBC. His academic interests concentrate on sustainable urban development, environmental policy, and critical theory. Tiago recently wrapped up Western Canada's inaugural University Model Parliament with fellow editor Geena Lee. In his free time, Tiago studies languages (currently French, Portuguese, Spanish, German, and Japanese), and loves an espresso as dark as his favourite dystopian novels.

Editorial Board

Mitchel Bosley
Senior Editor

Mitchell Bosley is in his final year of his Honours Political Science undergraduate degree at UBC. He is interested in political parties, modelling, as well as political theory. After graduating, Mitchell hopes to pursue Master's degree in Political Science. This is Mitchell's third year on the Editorial Board of the Journal of Political Studies.

Eric Coates
Senior Editor

Erik Christopher Coates is in his final year of his undergraduate degree, majoring in Honours Political Science with International Relations and minoring in French. Next year he will take a year away from school to work in the field of political science and international relations before returning to university to pursue a Masters degree in Global Affairs.

Robert Gorwa
Senior Editor

Robert Gorwa is an International Relations student in his 4th and final year at UBC. His academic interests are broad, and include (but are not limited to): intrastate conflict, international political economy, critical approaches to security, arms agreements and weapons nonproliferation, public policy, and norm emergence. He is fascinated by jazz, funk, soul, r&b, and hip-hop music, Russian literature, brewing history, and films by Akira Kurosawa, Stanley Kubrick, and Ingmar Bergman.

Shin-Won Jun
Senior Editor

Shin-Won Jun is in her fourth and final year of the Political Science program. She is primarily interested in security and development studies, specifically regarding intrastate conflict involving ethnic groups in Sub-Saharan Africa and Southeast

Asia. She is returning as a Senior Editor after contributing in the Journal's 2014/2015 edition. Having an acute curiosity for Political Science topics outside of her specific interests, it was natural for her return to the Journal for one more year of her undergrad. After graduation, Shin-Won is looking forward to some time off before pursuing graduate studies in Political Science.

Emma Saddy
Senior Editor
Emma Saddy is in her fourth year pursuing a degree in Political Science with a minor in Economics. Her interests include predominantly international political economy and securitization, as well as the occasional foray into critical theory. Outside of academia, Emma is also a musician and slam poet, and involved in two or three too many clubs on campus. She has yet to pick a plan for post-graduation, but assures her family that it will be exciting.

Ana Merino Espíniola
Editor
Ana is currently in her third year of an International Relations major with a minor in Political Science. This is Ana's first year with the JPS, and she has enjoyed every second of it. She is interested in Latin American politics, especially regarding issues of security, development and women's rights. In the future, Ana hopes to pursue a master's degree in Political Science. In her spare time, she enjoys travelling, reading and dancing.

Amy Gill
Editor
Amy Gill is in her fourth year at UBC and is completing a Double Honours in Political Science and English. After completing her undergraduate degree, she hopes to enter law school and study constitutional law. Her interests in Political Science primarily centre on human rights and civil liberties within the Canadian context as well as some attention on South Asian politics. Specifically, she is

currently focused on the potential impacts of Bill C-24 on citizenship and what it now means to be a dual citizen in Canada. As an English student, she is interested in post-colonial and transnational literature.

Shereen Kotb
Editor

Shereen Kotb is a Political Science student in her final year of the undergraduate program at UBC. Her research interests include anything and everything that has to do with Middle Eastern politics. She also enjoys learning about Canadian and American politics, primarily in order to take a break from the Middle East and preserve her sanity. In her free time, Shereen likes to read dystopian novels, play squash, and do yoga. Her post-graduate plans include pursuing a graduate degree in International Affairs, hopefully in Paris. Ultimately, she hopes to pursue a career in the Middle East, and shape public or foreign policy in the region.

Geena Lee
Editor

Geena is a fourth year Political Science student. Her research interests broadly include political theory, Canadian politics, and international relations, particularly in the Asia-Pacific region. Outside of the JPS, Geena is Co-President of the UBC Pre-Law Society and Co-Founder of the inaugural UBC Model Parliament. After graduation, Geena will be continuing her studies and pursuing her J.D. at the UBC Peter A. Allard School of Law in September 2016.

Behbod Negahban
Editor

Behbod Negahban is a second-year student pursuing a degree in Political Science. He is interested primarily in the dynamics of the Middle-East and international relations theory, and hopes one day to pursue a graduate degree in the field. Outside academia, Behbod is a firm proponent of cooking, reading and sleeping.

Harmillan Oberoi
Editor

Harmillan Oberoi is in his third year and is majoring in interdisciplinary studies with a focus in political science. This is his first year with the JPS and he is excited to improve his editing skills and read many stimulating papers. Harmillan is interested in the democratic development of India and has analyzed party structures, electoral practices and political movements in the country. Outside of political science he has taken a number of courses focusing on South Asia in order to improve his knowledge of the region. In his spare time he enjoys reading, listening to music and playing tennis.

Vukasin Potic
Editor

Vukasin Potic is a third year UBC student doing the Honours Program in Political Science with International Relations. He is a part of the Dual BA program between SciencesPo and UBC. His research interests include alternative paths to democracy and variation thereof, critical theory, as well as social movement theory and authoritarianism. In his spare time, he enjoys reading non-fiction, mainly works on history, political science and philosophy, but he also greatly appreciates Middle Eastern and African poetry.

Morgan Slessor
Editor

Morgan is a third year student majoring in Political Science; he is also planning to minor in Economics. Although he is interested in many aspects of political science, throughout his undergraduate studies to date, he has focused mainly in the field of political theory, US politics, international relations, comparative politics, and international political economy. Morgan' is also interested in the philosophy of law and the intersection of law and political science. After completing his undergraduate degree, he plans to continue his studies through a graduate program in political science or pursue a degree in law.

Vivian Wan
Editor

Vivian Wan is in the fourth-year of her degree in Political Science Honours with International Relations and hopes to pursue a graduate degree in Public Policy and Global Affairs. Her research interests in Political Science are in comparative politics, political theory, and public policy. She is currently interested in the migration crisis in Europe and its implications for policy prescription domestically and internationally. More broadly, she is concerned with how immigration policies are influenced by globalization and can help conceptualize solutions to underdevelopment. Outside of academia, she enjoys too much caffeine, indie music, and a short (long) Youtube study break.

Nikos Wright
Editor

Nikos Wright is a fourth-year Political Science student. He was published in the JPS last year, where he found the editing process to be very helpful in improving his paper, Yellow Velvet. Some of Nikos's academic interests include political sociology, American foreign policy, the comparative study of international development, globalization, and ethnic diasporas. He is a big fan of Akira Kurosawa.

Faculty Advisor
Dr. Cesi Cruz

Faculty Referees
Dr F. Cutler
Dr. D. Hiebert
Dr. K. Huebner
Dr. A. Ellermann
Dr. S. Laselva
Dr. X. Li
Dr. X Lightfoot
Dr. M. Warren

Special Thanks
Alex Mierke-Zatwarnicki
Katherine Tyson
Jordan Buffie
Isabella Picui
Dr. Allan Tupper
Dr. Richard Johnston

The Effects of Term Limits on Elite Stability in Autocratic Regimes

Alex Chipman Koty[1]

This paper examines how the presence of term limits affects the stability and survival of autocratic regimes. Using a historical institutionalist approach focusing on the origins of the adoption of term limits, this paper reconciles disagreements on the subject found in the literature. It argues that term limits are destabilising when they have exogenous origins that predate the regime in power; on the other hand, term limits are stabilising when they are endogenously adopted by the regime as a formal power-sharing agreement among elites. The findings of this study should be considered when assessing regional security, economic interests, and democratisation of autocratic regimes.

Some autocratic regimes are dominated by seemingly arbitrary strongman supremacy, while others observe formal rules and institutional constraints that restrict their leaders. Why do autocratic regimes, with unrestrained executive authority, force leaders to step down and induce problems of succession by creating term limits? The literature on comparative authoritarianism largely seeks to explain how nondemocratic regimes survive and resist regime

Alexander Chipman Koty is a Vancouverite with research interests in autocracy, democratisation, political competition, and public policy. Alexander won the UBC Gold Medal in Political Science upon graduating with Honours in May 2015. Currently living in Shanghai, he works in Asia Briefing's editorial division writing on legal, regulatory, and financial topics of interest to foreign investors in Asia. Alexander wishes to explore additional opportunities in Asia to further his understanding of the region before pursuing graduate studies in the near future.

change.[2] Despite attempts to explain why autocrats adopt certain institutions and not others, there is a persistent paucity of research on the institution of autocratic term limits. Some scholars contend that term limits stabilise autocratic regimes by preventing the personalisation of power and offering competing factions the chance to win the rotating leadership, thereby reducing incentives for coups.[3] Others see term limits as regularising unpredictable power struggles and creating a focal point for the opposition to organise and challenge the regime.[4] This essay endeavors to reconcile these viewpoints by arguing that exogenous term limits constrain incumbent regimes, whereas endogenously created term limits stabilize incumbent regimes.

This paper proceeds by reviewing existing literature on leadership transitions and term limits, developing the methodological and theoretical underpinnings of the argument, justifying case selection for an empirical cross-case comparison, from which a series of observable implications are derived, and empirically analysing these expectations across four cases. The methodology section justifies case selection for an empirical cross-case comparison, while the theory section develops the theoretical basis of this paper, from which a series of observable expectations is derived. A historical institutionalist approach is then used to empirically analyse these expectations across four cases, and, finally, the discussion section then draws conclusions from the case studies and considers their implications.

Literature Review

Leadership transitions are critical moments for autocratic regimes. Between 1946 and 2009, 160 of the 340, or 47%, of leadership transitions in authoritarian regimes

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[2] See, for example: Geddes, "Democratization After Twenty Years"; Magaloni and Kricheli, "One-Party Rule."

[3] Ezrow and Frantz, "State Institutions."

[4] Hale, *Patronal Politics*.

saw the downfall of the regime.[5] The management of elite unity, power-sharing, and ambition are especially crucial for the stability of authoritarian regimes during successions: 68% of dictators who lost power non-constitutionally between 1945 and 2002 did so by way of a coup-d'état by government insiders.[6] According to Milan Svolik, instituting term limits can partially overcome the instability of leadership succession and mitigate the prevalence of coups.[7] Term limits promote elite stability by communicating to the ruling coalition the leader's intentions to comply with the existing balance of power. Accordingly, the elucidation of the leadership's' intent reduces incentives for power grabs and coups.[8] Further to mitigating conflicts between the leader and the ruling elite, term limits also reduce incentives for outside actors to organise a coup. Finally, the regular transfer of leadership prevents incumbents from extending their terms, by increasing the number of actors with a stake in the regime's survival.[9]

On the other hand, Henry Hale argues that term limits damage the stability of autocratic regimes because they cause elite uncertainty over the future distribution of single pyramid clientelistic networks.[10] When an unpopular leader is a lame duck, there is doubt whether future resource flows will be maintained. As such, term limits act as a focal point to coordinate rival interests to contest the leader, which can lead to destabilising effects such as revolution.

These viewpoints reveal the debate on term limits: on the one hand, they appear to facilitate succession by managing the aspirations of various politicians and interest groups, while on the other hand they create more uncertainty for vested interests, and regularise power struggles. The lack of a clear

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[5] Ezrow and Frantz, "State Institutions," 6.

[6] Svolik, "Power Sharing," 478.

[7] Ibid., *Politics of Authoritarian Rule*.

[8] Ibid., 8.

[9] Ibid., 198.

[10] Ibid., "Power Sharing," 75.

conclusion is in part due to the scarcity of comprehensive studies on autocratic term limits. Furthermore, the existing studies on the subject provide only one or two cases as evidence. While the results of one study may be compelling when illuminated by a certain case, its conclusions may not repeat when applied to another. As such, this paper adds to the literature on regime durability and elite power-sharing by reconciling competing theories on term limits.

Methodology

This paper draws on Svolik, Ezrow, Frantz, and Hale to interpret the effects of term limits.[11] Svolik, Ezrow, and Frantz maintain term limits have stabilising effects on autocratic regimes. To support their arguments, both studies predominantly refer to the People's Republic of China (PRC) and the Institutional Revolutionary Party (PRI) Mexico for evidence.[12] In

contrast, Hale argues that term limits become focal points for mobilisation against unpopular lame duck leaders in patron-based ex-Soviet republics.[13]

To reconcile these theories, this essay re-examines their cases through the lens of endogeneity versus exogeneity. Svolik, Ezrow, and Frantz point to the PRC and the PRI Mexico to support the stabilising effects of term limits. In both these cases term limits were endogenously adopted by the ruling party. In other words, the ruling party deliberately adopted and implemented term limits, and planned to enforce them. On the other hand, term limits in the ex-Soviet republics were predominantly adopted exogenously. The newly independent states either inherited term limits as an institutional legacy of Soviet presidentialism and/or adopted nominally democratic presidential constitutions before

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[11] Svolik, *Politics of Authoritarian Rule*; Ezrow and Frantz, "State Institutions"; Hale, *Patronal Politics*.

[12] See, for example: Ezrow and Frantz, "State Institutions," 6, 8; Svolik, *Power of Authoritarian Rule*, 93, 176.

[13] Hale, *Patronal Politics*.

being fully "taken over" by autocratic regimes.

A historical approach is used to trace the origins, development, and effects of term limits as an institution. Regime stability is assessed in the uncertainty involved in any given leadership transfer, including the extent to which formal rules are followed and a rebellion is attempted. Two cases where term limits were endogenously created are compared with two cases where they were an exogenous feature. One from each set is a fully autocratic regime with little political space for opposition, while the others are hybrid regimes that support semi-competitive elections and a greater tolerance for genuine opposition. This array of cases demonstrates that the endogeneity or exogeneity of term limits is a greater determinant of stabilising effects than whether the regime is fully autocratic or semi-competitive. The four cases are as follows: the PRC as endogenous and fully autocratic; PRI Mexico as endogenous and hybrid; Uzbekistan as exogenous and fully autocratic;

and Kyrgyzstan as exogenous and hybrid (see Table 1).

Table 1

	Endogenous	Exogenous
Fully Autocratic	PRC	Uzbekistan
Hybrid	PRI Mexico	Kyrgystan

Still, the cases have their limitations. The PRC instituted term limits in 1993 after having held power since 1946. In Mexico, term limits were negotiated with the creation of a hegemonic party in 1929, igniting a process of institutionalisation almost a decade after the country's civil war officially ended. In contrast, both Uzbekistan and Kyrgyzstan have only been independent since 1991, meaning that they have not had as long to build their states and institutions. Additionally, both the PRC and PRI Mexico have strong revolutionary parties, whereas Uzbekistan and Kyrgyzstan, though they inherited many Soviet structures, are organised predominantly according to the distribution of patronage networks. However, it is conceivable

that only organised parties with leaders who are committed to the long term survival of the party itself over strictly personal gain are the ones most likely to endogenously adopt term limits to begin with.

Theory

There are several reasons why the origins of term limits are important to determine their effects. When term limits are the product of an explicit negotiation or power-sharing deal among elites, it establishes expectations that they will be adhered to. Patrons can then invest in the next generation of leaders with more certainty of seeing returns and less fear of losing out if the incumbent leader reneges on the deal. When elites share a common expectation that the incumbent leader will retire, it makes it more costly for that leader to extend his or her term. To facilitate succession, the regime creates mechanisms to soften the loss of power for the exiting leader. This comes in the form of retirement from day-to-day politics, but continued influence in selecting future leaders, perpetuating their

patron-client networks, and consultation in important decisions. Knowing leaders will not completely lose their power and influence, elites have further reason to expect the leader's acquiescence with term limits. Former leaders, having already stepped down, contribute to the institutionalisation of term limits and monitor the behaviour of the current leader. With each successful succession, it becomes more costly for a leader to break the norm.

In contrast, when term limits are exogenous there is uncertainty whether they will be respected and, in turn, strong leaders invest in themselves rather than the institution. Autocracies, generally lacking a wholly independent third party, tend to selectively enforce formal rules. With no explicit agreement in place to enforce term limits, there is uncertainty among elites as to whether they will be obeyed, thereby creating a collective action problem. Further, there may be additional uncertainty as to whether it is even desirable to enforce term limits. Svolik writes that the "contingency of formal institutions on the credibility of

nonformal, violent threats helps us understand why only few dictatorships adopt effectively constraining term limits."[14] However, term limits may be avoided not because elites do not have the capacity to credibly threaten the leader, but because they have no intention to do so. If elites are benefiting under the current leadership, they might have no desire to remove that leader from power and face the uncertainty of succession. As such, a term extension might not be seen as upsetting the balance of power between the leader and the elites, but rather as sustaining a system benefiting both sides. Additionally, because there is uncertainty over whether term limits will be obeyed, leaders do not expect to leave office and there is no institutional mechanism for ex-leaders to perpetuate their power following retirement. Rather, leadership is a winner-takes-all position where patronage networks may abandon their support when a leader's power is perceived as declining, sensing that it is more beneficial to

bandwagon onto the successor. The following case studies highlight these expected features of endogenous and exogenous term limits, as summarised in Table 2.

Table 2

Endogenous	Exogenous
Presence of a formal power-sharing agreement to obey term limits	Inherited term limits that are not the product of a formal power-sharing agreement
Institutionalisation by a strong leader	Uncertainty over expectations and desirability to enforce term limits
Mechanisms to accommodate former leaders	Winner-take-all leadership
Presence of a strong party	

Analysis
The People's Republic of China

The PRC had been plagued by unstable leadership successions for much of its history since its

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establishment in 1949. Over the course of Mao Zedong's rule, Mao unilaterally designated three successors to replace him as Chairman: Liu Shaoqi in 1956, Lin Biao in 1966, and Hua Guofeng in 1976. However, none of these planned successions proceeded smoothly. As Liu gained more power and grew increasingly critical of Mao's policies, Mao had him arrested and tortured during the Cultural Revolution, resulting in Liu's death as a prisoner in 1969.[15] In 1971, believing Lin was organising a coup, Mao ordered his removal and Lin died in a mysterious incident involving a plane crash during an apparent attempt to flee.[16] Hua eventually attained leadership after Mao's death in 1976, though only after the imprisonment of the Gang of Four, a member of which was Wang Hongwen, another rumoured successor to Mao, who had attempted to convince the military to support a coup against Hua.

The Adoption and Institutionalisation of Term Limits

Though Hua successfully became the next Chairman, he was soon stripped of de facto power in a bloodless coup by Deng Xiaoping in 1978.[17] Deng wrangled power from Hua and ruled from behind the scenes, even without holding the official top leadership position. Having experienced the tumultuous years of Mao's rule and being personally banished and humiliated during the Cultural Revolution, Deng took steps to institutionalise the Party to prevent unstable successions and the emergence of a personalist dictator like Mao or a liberal reformer like Russia's Gorbachev.[18]

Reforms during the 1980s reflected this concern, as many powerful positions were intentionally parceled out rather than concentrated in any individual, and the position of Chairman was

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[15] Nathan, "Authoritarian Resilience," 8; Zeng, "Authoritarian Leadership in China," 298.

[16] Ibid.

[17] Zeng, "Authoritarian Leadership in China," 299.

[18] Lawrence and Martin, *Understanding China's Political System*, 6; Miller, "Institutionalization," 62.

eliminated.[19] The revised 1982 Constitution also created age and term limits for several important government positions including the Presidency and Premiership.[20] These measures were clearly created to promote consensual rule and prevent the personalisation of power, as the revised Constitution read that "no party member, whatever his position, is allowed to stand above the law or… make decisions on major issues on his own."[21] Deng also furthered informal norms to resolve disputes peacefully, in one instance using his personal authority to unconstitutionally remove two of his own chosen successors due to their liberal leanings.[22] Under Mao, succession and contention for leadership often ended in bloodshed, but Deng established a convention that leadership struggles would not result in physical harm.[23] Hua Guofeng and Hu Yaobang, although losing most of their

influence, retained government positions after being ousted from leadership positions, while Zhao Ziyang spent the rest of his life under house arrest for his more serious "deviations" during the Tiananmen crisis.

It is clear that Deng built these institutions to secure the long-term stability of the Communist Party following his rule. Term limits were thus consciously created by Deng to maintain the balance of power between the PRC's leader and elites. By creating term limits and setting in motion not only the leadership generation to immediately succeed him, but also the one after, Deng established expectations that term limits would be obeyed and that power would not be forever vested in any one person. As a result, elites could increase their future influence by investing political capital in the next leaders instead of supporting the current leadership in perpetuity.

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[19] Svolik, Politics of Authoritarian Rule, 85.

[20] Ibid., 92.

[21] Ibid., 91.

[22] Lam, Chinese Politics, 10; Lawrence and Martin, Understanding China's Political System, 6; Zheng and Gang, "Xi Jinping's Rise," 9.

[23] Zeng, "Authoritarian Leadership in China," 299.

Following Deng's death in 1997, his successor, Jiang Zemin, was reluctant to abide by the term limits. While Jiang could promote members of his own faction to influential positions, Deng had already handpicked Hu to assume leadership at the end of Jiang's term, and he could not realistically promote an alternative.[24] As a result, Jiang repeatedly attempted to curb Hu's influence, often in favour of Jiang's protégé and preferred successor, Zeng Qinghong.[25] However, Jiang's efforts to promote Zeng found little support; party elders supported Deng's succession plan, leading to the choice of Hu to be the next leader almost by default. Consequently, though Jiang had promised to retire from all government positions in 1997, he took advantage of uncertainty surrounding the comprehensiveness of term limits to hold on to a measure of power. His attempts to extend his influence did not sit well with the Party elite who wanted to enforce age and term limits.[26] Jiang was eventually forced to step down in 2004, citing in his resignation letter the need to ensure "the institutionalization, standardization, and proceduralization of the succession of new high-ranking party and state leaders."[27]

Jiang's retirement cemented expectations that term limits would be obeyed and all positions relinquished. As Hu's term was set to expire in 2012, there were rumours that he would attempt to hold on to some of his positions like Jiang did.[28] However, when the time came he immediately retired as General Secretary and Chairman of the Central Military Commission and stepped down as President shortly after. As Jiang had set a precedent by (reluctantly) obeying term limits, Hu was expected to do the same, raising the costs of resisting. The process engineered by

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[24] Huang, "From Strongman to Consensus Rule," 5.

[25] Lam, *Chinese Politics*, 15.

[26] Ibid., 17; Svolik, *Politics of Authoritarian Rule*, 93.

[27] Bo, *China's Elite Politics*, 133; Svolik, *Politics of Authoritarian Rule*, 94.

[28] Sharp, *China Renaissance*, vi.

Deng thus set expectations that term limits would be obeyed.

Former Leaders

To facilitate the generational change of PRC leadership, mechanisms are in place to mitigate the loss of influence when leaving power, namely in the ability of outgoing leaders to promote their clients to influential positions. Despite Jiang's failure to designate his own successor and maintain formal titles, he could still extend his influence following retirement. From his time in office, he managed to promote five of his protégés to the nine person Politburo Standing Committee, giving him a considerable voice.[29] For Jiang, losing formal power was not a winner-takes-all game — he still managed to retain a fairly considerable amount of political influence through his prestige and patron-client networks, thus removing any incentive for a rebellion.

In contrast to Deng's unilateral appointment of Hu, the decision to name Xi as the PRC's next leader was the result of negotiation and compromise. Hu failed to install his protégé and CCYL compatriot Li Keqiang as his replacement, who instead earned the second highest position of Premier. Xi Jinping was chosen as a compromise between the prominent factions of Hu's CCYL Clique, Jiang's Shanghai Gang, and the Princelings descendants of prominent revolutionary leaders.[30] Additionally, the Central Organisation Department held a tentative election among officials, where Xi came in first and Li finished second. Citing political stability, Hu accepted the results of this vote for the decision-making process determining promotions.[31] Former Politburo members were also invited to form a list of candidates to recommend, which included Xi and Li after several rounds of debate. Thus, the incumbent leader Hu was not able

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[29] Dittmer, "Leadership Change," 915.

[30] Zeng, "What Matters Most in Selecting Top Chinese Leaders?" 234.

[31] Zheng and Gang, "Xi Jinping's Rise," 6.

to unilaterally appoint Li, but settled on Xi after debate and negotiations between elites and a modest amount of intraparty democracy.

While there arguably was not a clear winner or loser in Xi's appointment, Hu was widely considered to be outmaneuvered by Jiang in other promotions, with the latter's protégés and allies counting for five out of the seven Politburo Standing Committee seats.[32] This was considered a political loss for Hu, considering he was exiting from a decade in power. More, Xi seems to have been successful in removing the remnants of Hu's influence, including the arrest of Hu's former top aide for discipline violations.[33] In spite of this, due to the generational nature of promotions in the Party and Jiang's advanced age, Hu seems well-equipped to influence the promotions of 2017 and the leadership change of 2022.[34] Retaining influence in important affairs and leadership succession, as well as promoting loyal allies to powerful positions, allow outgoing leaders to still benefit from the spoils of office. These mechanisms blunt the loss of power caused by term limits and offer incentives to abide by them.

The two leadership successions following the adoption of term limits have been the most predictable and stable in the PRC's history. Although the Communist Party has monopolised power since 1946, it was not until the 2002 and 2012 leadership transfers that successions were accomplished with little uncertainty and following constitutional rules. The PRC has repeatedly defied expectations of collapse and successfully transitioned from revolutionary to technocratic leadership without experiencing a major crisis in the process.

Mexico

In the context of mass peasant mobilisation and an ongoing civil

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[32] Huang and Jiangtao, "Power Behind the Curtain," 90.

[33] James Char, "A Turning Point in China's Anti-Graft Campaign," *The Diplomat*, January 11, 2015, http://bit.ly/1S3SMFv.

[34] Huang and Jiangtao, "Power Behind the Curtain," 90; Sharp, *China Renaissance*, 110.

war that began in 1910, President Venustiano Carranza reluctantly agreed to the creation of a radical socialist-oriented constitution in 1917, which re-established a presidential system with term limits. Carranza attempted to handpick a civilian politician to be his successor in 1920, but powerful revolutionary generals and former allies Álvaro Obregón and Plutarco Elías Calles led a successful revolt against Carranza, who was soon assassinated by one of Obregón's followers. The violent overthrow of Carranza and ascension of Obregón to the presidency marked the end of the Mexican Revolution.[35] Though the civil war technically was over, the new federal state clashed with powerful regional warlords known as caudillos, sparking sporadic fighting throughout the 1920s.[36]

While the presidential regime had term limits from the start, they were not initially created to promote long term power-sharing within a dominant party. Rather, they were exogenous constraints on the revolutionary elite. Despite a nominally democratic constitution, real competition was decided among the political and military elites rather than the people.[37] Mexico's ruling elite led by Obregón and Calles manipulated term limits to perpetuate their rule. Supported by the three strongest parties, Obregón easily won the presidency in 1920 and spent his four year term reunifying the country, co-opting regional warlords into the state, and compromising with labour and the peasantry for modest land reform.[38] When Obregón chose his close ally Calles to succeed him after his term was to expire, alienated conservatives attempted a coup against Obregón in 1923, fearing Calles would enact the dramatic land redistribution promised in the Constitution of 1917.[39] Obregón resisted this major revolt, and the

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[35] Story, *Mexican Ruling Party*, 18.

[36] Ibid., 19-20; Bruhn, *Taking on Goliath*, 34-35.

[37] Bruhn, *Taking on Goliath*, 40.

[38] Story, *Mexican Ruling Party*, 18-19.

[39] Ibid., 19.

ensuing transfer of power to Calles the following year was the first peaceful one in four decades.[40] Calles defeated the worst of a rebellion led by the Catholic Church by the end of his term and had amended the Constitution to allow for non-consecutive presidential terms and an extension of term length from four to six years to continue his and Obregón's domination of post-revolutionary Mexico.[41] Days after Obregón's election in 1928, however, he was assassinated by a Catholic militant who had participated in the failed rebellion.[42] Obregón was killed before formally beginning his term, leaving the less popular Calles stripped of his most powerful ally and constitutionally barred from seeking a consecutive term.

The Adoption and Institutionalisation of Term Limits

To informally continue his political influence, and avoid another descent into civil war, Calles called for the creation of a single national party, the National Revolutionary Party (PNR) that would, on the surface, represent the spirit of the Revolution. He claimed that such a party would integrate various key political actors, preventing the personalisation of rule and moving power away from regional warlords. Speaking to Congress, Calles argued that "our history shows us that [caudillos] only arise in periods of disturbance of the public peace, and that they produce, in the end, disorientation and anarchy," and that Mexico could "go from the category of a people and government of caudillos to the higher and more respected and more productive and more peaceful and more civilized condition of peoples of institutions and laws."[43] As Calles lacked the power to rule personally, he sought to perpetuate his influence by negotiating and sharing power with other elites through the PNR. Whereas term

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[40] Cothran, *Political Stability and Democracy in Mexico*, 42.

[41] Story, *Mexican Ruling Party*, 20.

[42] Ibid.

[43] Bruhn, *Taking on Goliath*, 35.

limits were a constraint while ruling with Obregón, term limits were adopted as a key part of the PNR's framework allowing Calles, as its head, to continually select presidents loyal to him while placating various elite factions. Kathleen Bruhn writes that "Calles proposed the creation of a single national party... as a means of reducing interelite violence, ensuring a peaceful succession, and bolstering the legitimacy of the national state."[44] While the PNR was certainly self-serving for Calles as a means to dominate politics through its control, it began the process of incorporating a broad range of political and societal actors to institutionalise power-sharing and systematically dominate a nominally democratic political arena.

The PNR's success at enveloping broad interests and blurring the lines between party and state was almost immediately apparent; up to 1400 associations participated in its founding and the number of registered parties declined from 51

in 1929 to only four in 1933.[45] Following the PNR's first national party convention in 1932, the Constitution was amended to reaffirm that no president could ever reassume office, a provision that was dismantled under Calles and Obregón. [46]Establishing single terms with no re-election set expectations that not one leader or faction would continually dominate leadership at the expense of others. Term limits were transformed from an exogenous constraint to an endogenous feature of the new ruling party, thus ensuring power-sharing among its two large leftist and conservative factions. The creation of the PNR provided the framework for the modern Mexican semi-competitive and nominally democratic state.

Although Calles was unable or unwilling to run for a second consecutive term following Obregón's assassination, the political vacuum and his creation of the PNR allowed him to continue to exert power and appoint interim

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[44] Ibid.

[45] Ibid., 36.

[46] Story, *Mexican Ruling Party*, 43.

presidents loyal to him from 1928-1934. The expiration of what would have been Obregón's second term in 1934 and the first leadership transfer from one PNR leader to the next marked the biggest test of Calles' commitment to share power and depersonalise rule. Calles had become increasingly conservative and was rumoured to be flirting with fascist ideology, but eventually endorsed the reformer Lázaro Cárdenas to placate the restless leftist faction of the revolutionary elite, largely unrepresented in the last presidential term.[47] As term limits were a feature of Calles' proposal to elites to join the PNR, Calles could not unilaterally appoint the president like he had done in the 1928-1934 term, as the excluded leftist faction expected to have its candidate represented in the following term. Calles was thus prevented from perpetuating his personal rule because of the expectation, stemming from the

creation of the PNR, that elites would share power across presidential terms.

Although Cárdenas may not have been Calles' ideal candidate, he fully expected to be able to control him like he did previous presidents.[48] However, Calles became alarmed at the bold and independent moves of Cárdenas, and began publicly criticising him, making veiled threats about the security of his position.[49] In response, Cárdenas resisted Calles' lingering influence by rapidly purging his supporters from key positions and eventually exiling Calles to the United States.[50] Under the rule of Cárdenas, the office of President as the regime's most powerful position was made clear and the regime was further institutionalised from a loose coalition of broad interests to a more centralised and comprehensive national state.[51] Cárdenas' nation-building efforts

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[47] Cothran, *Political Stability and Democracy in Mexico*, 26.

[48] Ibid., Story, *Mexican Ruling Party*, 22.

[49] Cothran, *Political Stability and Democracy in Mexico*, 39.

[50] Ibid., 40.

[51] Bruhn, *Taking on Goliath*, 38-39.

were reflected in his decision to rename the PNR the Party of the Mexican Revolution (PRM), underscoring the theme of nationalism and centralisation of power away from regional interests.

Considering the vast amounts of personal power that Cárdenas accumulated throughout his term, there was substantial uncertainty whether he would resign from power. In addition to sacking Calles and his major allies, Cárdenas accrued immense popular support through his populist policies.[52] Exemplifying his popularity was a petition signed by a large number of prominent elites and interest groups that requested him to run for re-election.[53] As such, he surprised many when he not only refused to extend his presidency, but selected his moderate Secretary of War, General Manuel Avila Camacho to be his successor instead of his preferred leftist ally, General Francisco

Múgica.[54] Further, he tended to support peaceful resolutions to political disputes rather than political assassinations that were previously very common.[55] In relinquishing the presidency and selecting a moderate successor despite his immense personal political capital, Cárdenas effectively institutionalised the concept of hard term limits and peaceful elite power-sharing with the convention that the exiting president would have final say in designating his successor.[56] Camacho highlighted this institutionalisation before leaving office in 1946, renamed the Party for the final time: the Institutional Revolutionary Party (PRI).

Former Leaders

By abiding with term limits despite likely having the ability to circumvent them, Cárdenas signalled his commitment to the

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[52] Levy and Bruhn, *Struggle for Democratic Development*, 46.

[53] Cothran, *Political Stability and Democracy in Mexico*, 43.

[54] Ibid.; Story, *Mexican Ruling Party*, 27.

[55] Cothran, *Political Stability and Democracy in Mexico*, 44.

[56] Levy and Bruhn, *Struggle for Democratic Development*, 47.

long-term survival and institutionalisation of the PRM over his own power. His actions also solidified the mechanism that would incentivise future presidents to relinquish power: the president's significant autonomy in selecting his successor. Once Camacho assumed the presidency, Cárdenas largely retired from politics; however, Cárdenas occasionally exercised his political clout to monitor succession practices. Miguel Alemán was rumoured to have considered extending his presidential term by running for re-election in 1952 until Cárdenas and other elites told him that they disapproved as it would destabilise the regime.[57] Similarly, in 1957, Cárdenas convinced his faction to publically campaign for a leftist president to counterbalance the dominance of the conservatives, leading to the selection of the moderate leftist Adolfo López Mateos.[58] Despite relinquishing power, Cárdenas could use his personal authority to monitor, regulate, and influence the succession process when necessary. His presence further consolidated expectations that presidents would obey term limits and that the PRI's factions had to share power.

Other presidents also benefitted from influencing successions. While Alemán failed to install his preferred ultra-conservative candidate as his successor in 1952, he was still involved in selecting the moderate Cortines, along with both Cárdenas and Camacho.[59] Despite the leftist and conservative factions competing to influence Cortines' choice of successor in 1958, it was still ultimately Cortines' decision to settle on Mateos.[60] These successions demonstrate crucial aspects of power-sharing in Mexico. Firstly, there was alternation between conservatives, moderates, and leftists. Secondly, while outgoing presidents had great power in choosing their successors, but could not do so unilaterally;

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[57] Cothran, *Political Stability and Democracy in Mexico*, 46; Story, *Mexican Ruling Party*, 30.

[58] Cothran, *Political Stability and Democracy in Mexico*, 46

[59] Story, *Mexican Ruling Party*, 30.

[60] Ibid.; Cothran, *Political Stability and Democracy in Mexico*, 46.

rather, they had to compromise with elites. Thirdly, retired leaders exited day to day politics, but still had clout in representing their factions and influencing their successors to a degree. The ability to name a successor loyal to the outgoing president and influence future successions mitigated the loss of power when leaving office. Although factions influenced whether a successor would be leftist, conservative, or moderate, the choice of the particular individual was chiefly in the hands of the outgoing president, thereby indebting the new president to the former, irrespective of factional allegiance.

The PRI was markedly stable and predictable following the transfer of power from Cárdenas to Camacho. The PRI monopolised the presidency until it lost the 2000 election following Mexico's democratisation in the 1990s, making it one of the most durable autocratic regimes of the 20th century, both in the length of its rule and ability to avoid major crises. Mexico is the only Latin American country not to have experienced a violent overthrow since World War II.[61] This stability is all the more impressive as the regime has been described to be "as broad as two parties in most political systems."[62] Cárdenas was the first of eleven consecutive presidents hailing from the same party who served their entire six year terms and then stepped down from office. Observers have noted the so-called "Pendulum Effect", where successive presidents appeared to swing back and forth as conservatives, moderates, and leftists.[63] Calles and Cárdenas transformed the Mexican state from one governed by a loose coalition of revolutionary generals and regional warlords into a highly institutionalised regime where elite disputes were handled peacefully instead of violently.

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[61] Cothran, *Political Stability and Democracy in Mexico*, xi.

[62] Ibid., 32.

[63] Bruhn, *Taking on Goliath*, 43; Story, *Mexican Ruling Party*, 134.

Uzbekistan

The creation of the independent state of Uzbekistan and its political system was largely the result of the exogenous shock of the USSR's collapse, rather than a conscious effort of state-building. Formerly the Uzbek Soviet Socialist Republic, both the leaders and the people were hesitant to exit the USSR and only declared independence once its collapse was clear.[64] While Eastern Europe witnessed mass popular mobilisations fighting for independence from the USSR and the removal of communist leaders, in Central Asia "independence appeared to be thrust upon the hesitant regional states with little warning."[65] Independent Uzbekistan was essentially created by default, rather than an elite split or popular uprising, so the fundamental Soviet political structure and its actors largely remained in place during the transition.[66] Further, it was only in Uzbekistan, and the similarly repressive Turkmenistan, where the Soviet party structure had remained intact during Gorbachev's political liberalisation of perestroika, leaving them more centralised than their Central Asian neighbours and European counterparts.[67]

Under this context, Islam Karimov, who became the leader of the Communist Party of Uzbekistan in 1989 and President in 1990, declared independence from the USSR in 1991 and perpetuated his leadership with relative ease.[68] The distribution of power continued to be highly centralised and the Soviet legacy of super-presidentialism carried over through the transition, though this is not to say that the transition did not still entail considerable uncertainty and the opportunity for elites to upset the established balance of power.[69] In

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[64] Cummings, *Understanding Central Asia*, 53-54; Kubicek, "Applying the Democratization Literature," 48.

[65] Kavalski, "International Politics of Fusion and Fissure," 8.

[66] Cummings, *Understanding Central Asia*, 54; Melvin, "Authoritarian Pathways in Central Asia," 135.

[67] Hale, Patronal Politics, 243.

[68] Ilkhamov, "Controllable Democracy in Uzbekistan," 8.

[69] Cummings, *Understanding Central Asia*, 63.

Uzbekistan, political competition predominantly takes place between various regional elites who control local resources and clientelistic networks as well as between local and regional elites within a given region.[70] While much of the existing political structure remained in place, the sudden shock of independence necessitated a simultaneous political and economic transition amid powerful international pressure to democratise, with the potential for sudden and unpredictable shifts in perceptions of power.[71] Further, although Uzbekistan's first election in 1991 was hardly free and fair as Karimov claimed, it was the only one until then that fielded a genuine opposition candidate.[72] While Karimov maintained power through the use of force, his office was still subject to presidential term limits originating from Soviet-era rules governing the position. Thus, term limits were not created in a conscious power-sharing agreement among elites, but as an inherited institutional feature of the Soviet system that largely remained intact during the transition to independence as superficially democratic institutions.

The Manipulation of Term Limits

Despite a brief political opening immediately following its independence, Uzbekistan has gained a reputation for being one of the world's most repressive and dictatorial. As there was never a conscious power-sharing agreement to enforce term limits, and because Karimov concentrated substantial individual power, there was no expectation that term limits would be obeyed. Throughout his rule, Karimov manipulated the institutional environment to justify extending his rule beyond the formal term limits. He deftly consolidated power by rewarding informal leaders of regional patronage networks and punishing others until he was powerful enough that he did not depend on

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[70] Luong, *Institutional Change and Political Continuity*, 90.

[71] Ibid., 19, 27, 90.

[72] Hale, *Patronal Politics*, 243.

any single faction to sustain his power.[73] With the adoption of a new constitution in 1992, the first of Karimov's two five-year terms was considered to be restarted.[74] In 1995, the newly-elected parliament loyal to Karimov recommended a referendum to prolong his first term until 2000, which passed with 99.6% support. To distance himself from the term extension and flaunt his popularity, Karimov offered that this period be considered his second term, but a special parliamentary committee concluded that the electorate wished it to be considered his first.[75] In 1997, presidential regulations were quietly amended to allow Karimov to run for a third term.

When Karimov's first term finally expired in 2000, he faced no genuine competition as the only other candidate hailed from a party Karimov created himself.[76] Following this victory, another referendum in 2002 led to a 2003 constitutional amendment that extended terms from five to seven years.[77] As his second and final term was seemingly set to expire in 2007, the Central Election Commission determined that the constitutional amendment reset the term count, and Karimov therefore could stand for re-election.[78] In 2015, the ageing strongman won yet another term with ambiguous justification, as the Central Election Commission once again argued that Karimov was now entering his first term because the constitution had been altered since the last election, thereby resetting the count.[79]

While it may be costly for leaders to justify extending their terms in some countries, Karimov's great personal power in a closed repressive state allows him to do so

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[73] Ilkhamov, "Neopatrimonialism, Interest Groups and Patronage Networks," 76.

[74] Ibid., "Controllable Democracy in Uzbekistan," 9.

[75] Ibid.

[76] Hale, *Patronal Politics*, 243.

[77] Ibid.

[78] Hale, Patronal Politics, 243.

[79] Joanna Lillis, "Islam Karimov Set to Reprise Presidential Role as Uzbekistan Heads to the Polls," *The Guardian*, March 28, 2015, http://bit.ly/2544Xcw.

without a major challenge to his rule. While each term limit circumvention attracts a chorus of criticism from exiled activists and international NGOs, they do little to challenge his rule, particularly as local domestic NGOs are critically stifled.[80] Further, Karimov's rule is so established that there have not been visible efforts by rival elites to enforce the term limits. Considering how individually powerful Karimov is perceived to be, the avoidance of term limits does not so much provide information about his intentions to perpetuate his power as it does reconfirm his dominant status.

Winner-take-all Leadership

As there is no intention nor expectation to enforce term limits, competition for political power does not take place through the promotion of potential successors. That is not to say there is no competition, however; for example, the failure of Karimov's own

Fidokorlar party in the 1999 parliamentary elections suggested that he was outmaneuvered by a competing faction of regional interests.[81] In the most visible challenge to Karimov's rule, a prominent business network capitalised on the momentum of protests in nearby Kyrgyzstan in 2005 to mobilise a public uprising.[82] The military was promptly dispatched and the protests became known as the Andijan Massacre, leaving hundreds dead. Outright competition for the presidency in Uzbekistan, though rare, takes place through unpredictable means outside institutional mechanisms. As there is no expectation that term limits will be obeyed, disenfranchised elites may instead mobilise their networks to topple the regime as a whole if they sense an opportunity.

This extra-constitutionality of competition is also seen in the succession crisis that is brewing due to Karimov's old age and declining health. When a rumour emerged

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[80] Hale, *Patronal Politics*, 243.

[81] Ilkhamov, "Controllable Democracy in Uzbekistan," 20.

[82] Hale, Patronal Politics, 243.

that he had suffered a heart attack in 2013, Karimov's daughter, Gulnara Karimova, took to Twitter and accused several powerful elites potential successors to Karimov of corruption and political power plays in order to strengthen her position as successor. After some of Karimova's allies were arrested, she boldly accused the immensely powerful leader of the National Security Services, Rustam Inoyatov, of attacking her because of her popularity and as part of his "struggle to become Uzbekistan's next president."[83] Karimova accused Inoyatov of torture and smuggling alcohol and cigarettes, sharing the medical records of an alleged torture victim as well as video of security forces raiding stores affiliated with her. Since then, Karimova has been implicated in a prominent corruption scandal and put under house arrest.[84] This unexpected explosion of public elite competition further demonstrates the winner-take-all nature of leadership in Uzbekistan. There is

no expectation that elite competition will be settled through elections or rotated with term limits. Rather, an unpredictable event can cause elites to defect from the regime and battle for leadership.

Term limits in Uzbekistan have done little, if anything, to prevent the personalisation of power, nor have they been meaningful focal points to organise opposition to Karimov's rule. As a legacy of Soviet institutions and part of a democratic façade, term limits were not part of a consciously-derived power-sharing agreement of the newly independent Uzbek regime. Instead, they have been relatively toothless inconveniences for Karimov's maintenance of power. The lack of institutional mechanisms to resolve elite disputes, however, occasionally leads to elite and factional competition rising to the surface. As Karimov ages and postpones naming a successor in order to avoid becoming a lame duck, elite competition is likely to continue and grow more intense. Although

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[83] Ibid., 246.

[84] Joanna Lillis, "Uzbekistan's Dictator Grabs Fourth Term in Opposition-Free Poll," *Eurasianet*, March 30, 2015, http://www.eurasianet.org/node/72781.

Uzbekistan has been highly resilient under Karimov, his personalisation of power and disregard for institutional processes opens the door for potentially seriously destabilising public competition as his health falters.

Kyrgyzstan

Similarly to Uzbekistan, Kyrgyzstan declared independence from the USSR almost by default. The incumbent president, Askar Akaev, also managed to stay in power through the transition. Akaev, however, had a less established power base; he was appointed to the presidency in 1990 without ever holding the position of First Secretary of the Communist Party of Kyrgyzstan.[85] Further, ethnic conflict during the 1980s led to the fragmentation of established elite networks and the new emergent elites were still competing for

dominance.[86] Since the leadership in Kyrgyzstan was less established and more decentralised, the newly independent country became far more liberal and inclusive than its neighbours.[87] Regional elites, divided primarily between the North and the South and then further divisions within the North, perceived power to be shifting in their favour, especially as political and economic liberalisation advanced.[88] The decentralised power distribution led to Kyrgyzstan being one of the freest post-Soviet republics in the early 1990s, and Akaev's election in 1991 was open, though uncontested.[89] Regional elites, however, seized control of local resources, and political parties were mainly organised around these regional interests.[90] Although the political space was quite open and regional elites checked the power of the centre, as in Uzbekistan term limits were a

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[85] Cummings, *Understanding Central Asia*, 61.

[86] Melvin, "Authoritarian Pathways in Central Asia," 135.

[87] Kubicek, "Applying the Democratization Literature," 48.

[88] Luong, Institutional Change and Political Continuity, 74, 103.

[89] Luong, *Institutional Change and Political Continuity*, 110; Wilkinson, "International Agency in Kyrgyzstan," 138.

[90] Luong, *Institutional Change and Political Continuity*, 112.

natural institutional holdover and continued to exist in Kyrgyzstan's seemingly democratic and moderated presidential system.[91] Although political liberalisation may have implied compliance with term limits, they were not specifically agreed upon as a power-sharing deal among the regime's elites. As such, there was uncertainty as to whether or not they would be obeyed, since politics was primarily decided among elites despite a level of democratisation.

The Manipulation of Term Limits

Although Akaev appeared to be a democrat in the early years of his presidency, severe economic woes and accusations of corruption and nepotism soured his popularity as the 1990s progressed and the political freedom of earlier years declined. In this less open environment, Akaev gained additional presidential powers by referendum in 1996, as well as a third presidential term in another referendum two years later.[92] After winning the 2000 election amid the repression of independent media and of the opposition, the Constitutional Court ruled that this third term had to be his last.[93] Akaev's decision to crack down on protesters in 2002 killed five and cemented his unpopularity.[94] Although he repeatedly stated his intentions to leave office, two of his sons won seats in the 2005 parliamentary election preceding the presidential one. This attracted massive criticism, as it solidified fears that he was trying to usurp more power.[95] Kurmanbek Bakiev, Akaev's previous Prime Minister who resigned following the 2002 protests, played a significant role in coordinating elites defecting from Akaev's regime. In an event now called the Tulip Revolution, they

[91] Hale, *Patronal Politics*, 137.

[92] Blondel, " 'Presidentialism' in the Ex-Soviet Union," 28.

[93] Hale, *Patronal Politics*, 195; Melvin, "Authoritarian Pathways in Central Asia," 119.

[94] Hale, *Patronal Politics*, 195.

[95] Collins, "Kyrgyzstan's Latest Revolution," 152; Gullette, "The Problems of the 'Clan' Politics Model," 53.

mobilised protesters to oust Akaev from office as his term was expiring in 2005, carrying high hopes for democratisation in Kyrgyzstan.[96]

The uncertainty surrounding the enforcement of term limits contributed to the violent ousting of Akaev. When Akaev extended his powers and term in the 1990s, it may not have been because elites were unable to prevent him from perpetuating his leadership, but rather because they were benefiting from his rule. During the 1990s, elite conflict was low and regional elites were profiting from his economic liberalisation.[97] As such, Akaev's term extension was not necessarily upsetting the balance of power, but was sustaining a system that was advantageous to both him and the elites. However, there was still uncertainty whether or not term limits would be obeyed; elites mobilised pre-emptively to prevent Akaev from perpetuating his own

power as he became increasingly nepotistic and unpopular.

Winner-take-all Leadership

As there was no formal power-sharing agreement in place in Kyrgyzstan, leaders expected to stay in power as long as possible and lacked incentives to step down. Had Akaev vacated office, he likely would have lost his power; others would not expect Akaev to continue to lead patronage networks and provide benefits to his patrons, who would likely bandwagon to the new leader.[98] Knowing that both formal and informal power in Kyrgyzstan is vested in the presidency, elites had reason to believe Akaev would extend his term despite his insistence that he would not, ultimately resulting in the Tulip Revolution. When Bakiev gained power and almost immediately began acting with a forceful hand, the optimism following the Tulip Revolution was quickly dashed and

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[96] Hale, *Patronal Politics*, 196-97.

[97] Kubicek, "Applying the Democratization Literature," 48.

[98] Hale, *Patronal Politics*, 11, 197.

the event began to be described as a coup d'état.[99] Term limits acted as a focal point for elites to contest Akaev's leadership, as his unpopularity and lack of legitimacy with his expiring third term created uncertainty about his ability to maintain power and provide future benefits.

The monopolisation of formal and informal power in one role led Bakiev to a similar fate. Bakiev took measures to concentrate his power to extend his term, given that there were no effective checks and balances on his position. To dissipate regional tensions, Bakiev, a Northerner, agreed to informally share power by appointing the Southerner Feliks Kulov as his Prime Minister. However, Kulov could not credibly check Bakiev's power; elite networks did not have confidence that Kulov could provide for them and shifted to Bakiev.[100] Bakiev took advantage of this support to renege on his

agreement with Kulov once he consolidated power. With approaching parliamentary elections, Bakiev set up the foundations of what he intended to become a hegemonic mass party, Ak Jol.[101] He then took advantage of this increasing centralisation of power not by extending his term, but shortening it to hold presidential elections a year early, thereby catching his opponents off guard and avoiding the worst effects of the global financial crisis. The strategy worked, and Bakiev won a second term in 2009 under electoral conditions more repressive than before the Tulip Revolution.[102] After losing influence to Bakiev's brother, former Chief of Staff Medet Sadyrkulov offered to finance the opposition if they supported his preferred candidate, but he soon died in a car accident under nebulous circumstances, his candidate never reaching the ballot.[103]

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[99] Wilkinson, "International Agency in Kyrgyzstan," 136.

[100] Hale, *Patronal Politics*, 315-16.

[101] Collins, "Kyrgyzstan's Latest Revolution," 153.

[102] Hale, *Patronal Politics*, 319.

[103] Ibid., 231.

Fearing that Bakiev would use his super-presidential powers, hegemonic party, and control of the strengthened security apparatus to extend his power beyond his final term and establish an outright dictatorship, opposition forces united and prepared for revolution.[104] Opposition leaders coordinated protests and appeared to hire gangs to ravage Bakiev's businesses, forcing him to flee the country.[105] Soon after, Bakiev launched a failed coup attempt that escalated existing ethnic conflict.[106] Amid sustained ethnic violence, the interim government drafted a new constitution restricting presidential powers and limiting the president's office to a single six year term. Having experienced both the uncertainty of whether terms would be obeyed and the consequences of winner-takes-all leadership, elites adopted a divided constitution with more checks and balances and a single presidential term to reduce

the stakes of office and prevent destabilisation.[107]

The presence of term limits contributed to Kyrgyzstan's instability and elite conflicts. As there was no agreed upon commitment to enforcing term limits, there was uncertainty as to whether or not they would be obeyed. Despite Akaev's insistence that he would leave office as his third term expired, his previous success in extending the presidential term and his strong presidential powers caused uncertainty over his commitment to do so, resulting in revolution. The expiration of Akaev's term thus acted as a focal point for disaffected groups to challenge the regime. Similarly, Bakiev's centralisation of power at the expense of other elites in his final term, and his unpopularity amid the financial crisis, led to another revolution to prevent his personal domination of the political system. Although the new regime is largely comprised of

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[104] Ibid., 240; Collins, "Kyrgyzstan's Latest Revolution," 144-56.

[105] Collins, "Kyrgyzstan's Latest Revolution," 156-57.

[106] Ibid., 160.

[107] Hale, *Patronal Politics*, 319-20.

the same group of elites, their experience of unstable elite competition led them to adopt a new constitution where term limits were designed to mitigate the personalisation of power. Whereas Akaev and Bakiev were allowed to rule until their personal power was deemed too much for the other elites to tolerate, the new constitution was designed to prevent the president from having the time or the resources to accumulate that level of power.

Discussion

The theories presented by Svolik, Ezrow, and Frantz describe term limits as stabilising forces that maintain the existing balance of power and allow factions to compete non-violently within the party to win leadership.[108] On the other hand, Hale offers compelling evidence that term limits create focal points for opposition elements to challenge unpopular lame duck leaders in post-Soviet countries.[109] By examining the institutional

origins of term limits, one can reconcile these different interpretations. When term limits are endogenously created, they promote expectations for leaders and elites to comply with them, leading to long term stability. When term limits are exogenous features not expressly negotiated by the ruling autocratic regime, they are less likely to be respected and act as barriers that can generate uncertainty and destabilising effects.

In the PRC, elites experienced chaos both personally and nationally during Mao's personalistic rule, leading Deng and other revolutionary elites to create institutions to prevent a similar fate in the future and to eventually pass leadership onto the next generation. In Mexico, the fierceness of the civil war and the violent elite competition that followed, led Calles to form a hegemonic party with term limits to ensure peaceful cooperation and compensate for his lack of legitimacy. On the other hand, Uzbekistan and Kyrgyzstan carried term limits by default

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[108] Svolik, *Politics of Authoritarian Rule*; Ezrow and Frantz, "State Institutions."

[109] Hale, *Patronal Politics*.

without an agreement to enforce them. Kyrgyzstan, however, experienced two revolutions and carried residual ethnic violence, leading to an agreement for elites to enforce term limits in the future. In this respect, Kyrgyzstan's post-independence experience is similar to that of Mexico in the 1920s, which was in an informal and unstable political environment before elites agreed to institutionalise the regime.

The presence of strong revolutionary parties in both the PRC and Mexico led Deng and Cardenás to invest in the institutionalisation of their respective regimes with the hope that they would survive long after their individual rules. Here, the development of mechanisms to regulate succession allowed former leaders to perpetuate their influence and monitor future leaders. In Uzbekistan and Kyrgyzstan, politics revolved around individual leaders' capacities to monopolise and distribute the spoils of office, supported only by weak parties. As such, leaders in these countries did not have mechanisms to perpetuate their influence once leaving office, giving them more incentives to

forcefully maintain power. The winner-takes-all nature of politics also gave incentives for elites to support the manipulation of term limits when benefitting from the leader's rule and fearing exclusion under another's rule.

Beyond the four cases examined in this essay, these patterns appear to consistently reappear: Endogenous term limits in Vietnam have perpetuated consensual rule within the regime. On the other hand, exogenous term limits in Russia and Venezuela forced their leaders to manipulate the institutional environment while arguably dampening their legitimacy in the process. Looking into the future, one might expect endogenous term limits to maintain stability in Cuba after Raúl Castro steps down in 2018, particularly if his health allows him to monitor the process. Conversely, the presence of exogenous term limits in Rwanda leads one to predict that Rwandan President Paul Kagame will attempt to extend his term beyond 2017. Further research in this area can employ this lens to determine whether the effects of endogenous and exogenous term limits are

consistent across a wider array of cases, using the ability to avoid and withstand crises and lengthen regime tenure as different measures of stability. This is an important and relevant topic to assess shifting regional security, geopolitical, and economic interests as autocratic regimes worldwide are increasingly adopting institutions that make them more durable and resistant to full democratisation.

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Fundamentalist Islam in Gaza: The Evolution of Hamas and the Rise of Salafi-Jihadists

Julian D'Souza[1]

This essay aims to address the question of why Hamas, an Islamist terrorist group-turned political party, has recently come into violent conflict with other Islamist extremist organizations in the Gaza Strip, and further explain the significance of these growing tensions. In doing so, the argument will be made that Hamas' recent ideological moderation over the past decade was the primary cause behind the rise of Salafi-jihadist groups in Gaza. This conflict is symptomatic of a larger division within the Islamist movement throughout the Middle East, and will test the limits of Hamas' commitment to its new, more democratic image.

During its inception in 1987, Hamas was widely viewed as an Islamist terrorist organization for its violent role in the First Intifada. Almost twenty years later, this view persists due to Hamas' continued violent role in the Gaza Strip, leading many of the world's most influential actors to label them a terrorist organization.[2] Despite this popular view, Hamas has undoubtedly undergone significant moderation in its

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[1] Julian D'Souza is a fourth year Political Science major from Toronto. Within the field he is interested in security studies, particularly counterterrorism, counterinsurgency, and intrastate war, with a specific focus on the Middle East and Africa. In the future he would like to provide consultation services to governments and the private sector on how to better implement and organize "Whole of Government" strategies abroad. Julian would like to take this opportunity to thank his editor, Shereen, for her valuable critical insights and tireless work throughout the editing process.
[2] Malka, "Forcing Choices," 38.

Islamist ideology and its stance on secular, democratic governance. Meanwhile, particularly in the academic literature, significantly less attention has been directed towards the rise of far more radical Salafi-jihadist groups in the Gaza Strip. These groups largely conform to the same ideology of Al-Qaeda, some of which have recently pledged allegiance to the Islamic State in Iraq and al-Sham (ISIS) in January of 2014,[3] and arguably make Hamas appear ideologically moderate in comparison. This clash in Islamist ideologies has led to the periodic eruption of violence between the two movements in Gaza.

This paper will argue that Hamas' ideological moderation was the primary cause of the rise of Salafi-jihadist groups in Gaza over the past decade. This argument will be made, first, by reviewing the existing literature regarding Hamas' new, 'moderate' image. This perceived change in ideology will then be studied through a genealogical examination of Hamas, by exploring its origin with the Palestinian Muslim Brotherhood and the Islamist principles upon which it was founded. This will be followed by an assessment of Hamas' evolution into a less Islamist group and the reasons behind this shift. Finally, the link between Hamas' ideological shift and the rise of Salafi-jihadist groups will be analysed. This essay will conclude by illustrating the significance of this conflict for Palestine and Israel, and the significance of the schism between Gaza's Islamists in testing Hamas' dedication to centrist Islamism.

Literature Review

In the academic literature relating to the nature of Hamas as an organization, there has been a prevalent debate regarding to what extent Hamas has evolved into a more religiously moderate

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[3] Al-Ghoul, "Gaza Salafists Pledge Allegiance To ISIS," *Al-Monitor*, February 27, 2014, http://bit.ly/1TAhocD.

group since its establishment. While some scholars have argued that Hamas is purely a terrorist organization, and has used the facade of moderation to continue waging terrorist attacks against Israel,[4] others recognize that Hamas has taken significant steps towards religious moderation despite its sporadic use of terrorism.[5] The question of whether or not Hamas' Islamist moderation is genuine remains highly contested. Some authors argue that Hamas' ideology is more pragmatic and flexible than previously believed,[6] while others argue that its ideology is only flexible in the short-term. According to this latter group, this ideological flexibility is simply a means to achieve the group's ultimate goal of destroying Israel.[7]

While the question of whether Hamas has moderated with sincerity is beyond the scope of this paper, this essay will build on the existing debate surrounding Hamas' nature as an organization. It will argue that Hamas has undoubtedly exemplified religious moderation, and that such moderation, genuine or not, has led to an unprecedented effect the rise of radical Islamist groups in Gaza. This development has largely been overlooked by the academic literature, which tends to focus too heavily on Hamas as the sole, or most significant, Islamist group in Gaza. While it is true that Hamas may currently be the most significant Islamist group in the region, the purpose of this paper is to draw attention to the rise of other more fundamentalist groups and understand the cause of their emergence. This analysis is important in understanding the potential of these groups to pose a credible threat to peace and security in the region.

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[4] Levitt, *Hamas: Politics, Charity, and Terrorism*; Schanzer, *Hamas vs. Fatah*.

[5] Gunning, *Hamas in Politics*; Ḥroub, *Hamas: A Beginner's Guide*.

[6] Hroub, "A 'New Hamas' Through its New Documents."

[7] Hatina, "Hamas and the Oslo Accords."

Hamas: Foundational Principles

Hamas' foundational principles and evolution can be best understood through the framework of its parent organization, the Muslim Brotherhood (MB) branch in Palestine. Hamas adopted many of their core ideals during its inception. In keeping with Islamic fundamentalist tradition, both the MB and Hamas ultimately aimed to Islamize Palestinian society, and establish Sharia law as the basis of its legal structure. Much like the Brotherhood, Hamas heavily drew on religious inspiration and rhetoric by pledging allegiance to Islam, and regularly referencing Allah, the Prophet Muhammad, the Quran, jihad, and divine inspiration. In its founding charter, published in 1988, Hamas defined the guiding principles of its organization as the following: "Allah is its goal, the Prophet its model, the Quran its Constitution, Jihad its path, and

death for the cause of Allah its most sublime belief."[8]

In relation to the Palestinian-Israeli conflict, the Brotherhood's views are best exemplified in its charter, which rejects partition and Israel's right to exist, a view that Hamas adopted when it was established. Furthermore, the Brotherhood and Hamas similarly justify this stance. Both groups consider all of Palestine to be *waqf* (Muslim land), deeming it unacceptable to divide. Subsequently, they reject Israel's right to exist, the establishment of a Palestinian state involving the partition of Muslim land, and participation in peace processes that may involve partitioning the land as a means to resolve the Palestinian-Israeli conflict.[9]

Despite these similarities, Hamas is notably different from the Brotherhood as it emphasizes the Palestinian national cause, as opposed to the fundamentalist tradition of the Brotherhood, which does not restrict its

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[8] Long, "The Hamas Agenda," 132.

[9] Abu-Amr, *Islamic Fundamentalism*.

ideology to national boundaries.[10] The Brotherhood views the contemporary world as one which is comprised of a conflict between Islam and the West. Instead of viewing the Palestinian struggle as one solely for statehood, it views it in the context of a larger struggle between Muslims and non-Muslims. To the Muslim Brotherhood, Israel is not only a threat to Palestinian self-determination, it is also an instrument of Western influence, spreading corruption against Islam.[11] Through their fundamentalist lens, the Brotherhood also holds the view that Palestinian liberation can only be achieved once secular ideals in society are abandoned in favor of Islamic ones. As a result of this belief, the Palestinian Muslim Brotherhood refuses to participate in alliances or processes that include secular groups, such as the Palestinian Liberation Organization (PLO).[12]

While Hamas is similar to the Muslim Brotherhood, in that both are Islamist organizations, Hamas focuses far less on a transnational Muslim movement and places far greater emphasis on the Palestinian nationalist cause. This is exemplified through the Hamas charter, which recognizes secular Palestinian nationalist movements, including the PLO, described by Hamas as "the closest to the Islamic Resistance Movement [Hamas] and regards it as a father, brother, relative or friend."[13] While Hamas does not accept the secularism of the PLO, their recognition of it as a legitimate organization represents a significant departure from the fundamentalism espoused by the Brotherhood.

A final point of difference regarding the ideologies of the Muslim Brotherhood and Hamas is their differing conceptions of

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[10] Hroub, *Hamas: A Beginner's Guide*, 100; Litvak, " 'Martyrdom is Life.' "

[11] Abu-Amr, *Islamic Fundamentalism*, 24.

[12] Ibid.

[13] Ibid., 82.

jihad. Jihad, which is broadly understood as "an effort for the sake of God", or a "holy struggle", has been interpreted in various ways within the broader Islamic tradition. For the Muslim Brotherhood, violent jihad can only begin once Palestine is cleansed of secular ideals, and transformed into an Islamic society through *da'wa* (summoning the population to Islam), a conception that Meir Litvak terms "educational jihad."[14] In comparison, Hamas's immediate willingness to resort to violent jihad as a means of liberating Palestine signaled the beginnings of the group's pivot towards becoming a more nationalist organization. Hamas argued that jihad against Israel was a defensive measure against the occupation of Palestine and the displacement of its inhabitants.[15] From Hamas' point of view, "if the Palestinians resort to violence, then it is forced on them for self-defence and because the Israeli occupier understands the language of violence and force only."[16] This violent conception of jihad represents a shift in Hamas' religious rhetoric, emblematic of the political landscape during the intifada, in which their popularity was challenged by more militant nationalist organizations, such as Islamic Jihad or Fatah.

Hamas: a Shift Towards Moderation

Scholars, particularly those who argue that Hamas has not evolved, often hold the erroneous belief that Hamas' founding charter defines the group's ideology. Sherifa Zuhur reaffirms this point by arguing that the charter "should not be regarded as the fundamental ideological frame of reference from which the movement takes its position."[17] Academics who focus

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[14] Litvak, " 'Martyrdom is Life,' " 717.

[15] Ibid., 717-18.

[16] Abu-Amr, *Islamic Fundamentalism*, 79.

[17] Long, "The Hamas Agenda," 132.

heavily on the 1988 charter either fail to account for changes within Hamas' ideology, such as their decision to engage in democratic processes, or dismiss them as insincere. These academics also fail to acknowledge more recent documents released by Hamas that portray the group's change in tone and attitude towards cooperation with secular groups, Israel, and the wider international community.[18]

One of the most dramatic shifts in Hamas' policy was their decision to participate in the 2006 Palestinian Authority (PA) municipal and legislative elections. This decision constituted a surprising move for the organization, which in the past had refused to participate in any processes involving secular or non-Islamist groups. They particularly opposed processes which came about as a result of the Oslo Accords, including the creation of the PA, as they were

agreements made between Israel and the PLO and Hamas had staunchly argued that these accords allowed for the continued domination of Palestine by Israel.[19] In their electoral platform, Hamas justified this policy reversal as a strategic move that did not contradict their charter, as it represented a continuation of Palestinian resistance against Israel through alternative means.[20]

Following the decision to participate in the PA elections, Hamas' Electoral Campaign for Change and Reform and their draft proposal for a National Unity Government clearly espoused rhetoric and policy far more centrist than their history might suggest. Hamas' electoral platform shows a striking lack of religious rhetoric, which is replaced instead by nationalist rhetoric surrounding the Palestinian right of self-determination, national unity, and

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[18] Hroub, "A 'New Hamas' Through its New Documents," 7.

[19] Ibid., *Hamas: A Beginner's Guide*, 59.

[20] Hroub, "A 'New Hamas' Through its New Documents," 10.

right of return.[21] This discourse was further supplemented by seemingly secular and democratic mentions of "political freedoms, pluralism, the freedom to form parties, to hold elections, and on the peaceful rotation of power."[22] Surprisingly, mentions of military resistance are also largely missing.

Furthermore, upon winning the 2006 election, Hamas proposed a National Unity Government in which it would share power with other parties through coalition governance. This signaled a willingness to work with secular groups, such as Fatah, and in structures, such as the PA, which directly contravened previous Hamas Charter statements.[23] Several articles in the Proposed National Unity Government are also noteworthy, one of which calls for cooperation with the international community to end the occupation and settlements,

and achieve withdrawal from occupied lands in 1967. Hroub states that the "entire document hovers around the concept of the two-state solution without a hint of the 'liberation of the entire land of Palestine' or 'the destruction of Israel' found in the Charter."[24] These changes in views towards political settlement, participation in the international arena, and peace agreements display a clear reversal from past approaches to the Palestinian-Israeli conflict.

Since its creation, Hamas has been a party driven by pragmatism, reflected by its continual change in policy to adapt to the changing political environment. During the years leading up to Hamas' turn away from Islamism, their decision to participate in 2006 was due to a number of factors. This included the desire to legitimate its growing military wing (at the time around 10,000 strong), Fatah's

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[21] Ibid., 10-13.

[22] Ibid.

[23] Ibid., 15.

[24] Ibid., 16-17.

failure to stop Israel's settlement program, and the subsequent worsening economic condition in the Palestinian territories.[25] Further harmed by the death of its leader, Yasser Arafat, Fatah was weak, and Hamas seized the opportunity to challenge its authority. Thus, Hamas' decision to become a more centrist Islamist group is a clear reflection of their pragmatic nature, which increasingly put it at odds with the more radical Islamist ideologues in Palestine.

Salafi-Jihadist Ideology

Hamas' religious moderation, particularly its participation in the 2006 elections, sparked the emergence of many Salafi-jihadist groups in Gaza. The emergence of these groups was a result of the fact that Islamist militants, many belonging to Hamas, felt that Hamas no longer represented their fundamentalist views.

Salafism is an Islamist movement that adheres to a particularly literal reading of Islamic scripture in an attempt to follow the lives of the first three generations of Muslims, considered some of Muhammad's closest followers. While the majority of Salafists are non-violent and apolitical, there has been a growing trend of Jihadist-Salafism who focus on militant action as a means of jihad. Cohen and Levitt explain that, "Salafi-Jihadi ideology considers militant jihad a religious obligation on par with the traditional five pillars of Islam, with the aims of establishing a transnational Islamic state."[26] Like the Muslim Brotherhood, the Salafist Jihadist ideology is inherently transnational, and depends on a "clash of civilizations" mentality, in which the world is divided into Muslim vs. non-Muslim conflict.

For Salafists, "the Palestinian issue is referenced in global, Islamic terms, not Palestinian national ones, and is only one part of the larger call to liberate Islamic lands and defend

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[25] Hroub, *Hamas: A Beginner's Guide*, 64-65, 138.

[26] Cohen and Levitt "Salafi-Jihadi Groups in the Palestinian Arena," 1.

the *umma* (Muslim community) from the perceived enemies of Islam."[27] It is important to note that for Salafis, the *umma* is comprised only of devout Sunnis, while Shias are considered heretics who have betrayed the faith.[28] In more recent years, the growth and success of ISIS has made the Salafist Jihadist movement even more appealing to some, leading extremist organizations around the world to pledge allegiance to the group, including some in Palestine. This raises several questions about the future of Salafism within Palestine, and the challenges it may pose to Hamas, the dominant Islamist party in Gaza.

The Rise of Salafi-Jihadists in Gaza

While only one Salafi-jihadist group existed in Palestine prior to the 2006 elections, more emerged directly following Hamas' electoral win that year, as Salafists condemned the victory as a betrayal of Hamas' original cause.[29] An examination of Salafist Jihadist responses to this electoral success will reveal that these changes served to alienate some of the movement's more radical fundamentalist supporters, directly leading to the rise of Salafi-jihadist groups in Gaza.

The first and most immediate Salafist critique was of Hamas' willful participation in the 2006 elections of the Palestinian National Authority. In order to appease their more fundamentalist members, Hamas attempted to justify their change in policy through religious framing, arguing that it is possible to appease Allah by voting for the best representative that will make the right decisions on issues of religion and the homeland. This view is best represented by their appeal to the people, which states, "When you cast your ballot, remember your

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[27] Levitt, "Israel as an Al-Qa`ida Target," 12.

[28] Paz, "Hotwiring the Apocalypse," 12.

[29] "Interview On Salafi Jihadi Groups," *Journal of Palestine Studies*, 161-162.

responsibility before God."[30] However, Hamas failed to win the support of more extremist followers who viewed democracy as heretical, as it defers authority, which is solely intended for Allah, to man.[31] As such, any participation in democratic processes was considered un-Islamic apostasy. Additionally, Salafis are distrusting of democracy, as it is considered an instrument of Western Crusaders, with whom the *umma* is at war[32].

The second Salafist critique is that Hamas failed to Islamize Palestinian society and implement Sharia law   a significant goal for Salafists, and a previously stated goal of Hamas.[33] In 2010, a Hamas government spokesperson was quoted as saying, "we made the decision not to Islamise society after we took power. Of course we call the people to Islam. But we do not

force them. We are a civilian government with civilian laws."[34] By acting in a more centrist manner, Hamas aimed to appease the majority of the population, and appear moderate to the international community.[35] However, Hamas' preference for pre-existing secular civilian laws over divine Sharia laws goes against the foundational goals of the Salafist movement, and constitutes a significant ideological discrepancy between the two Islamist movements.

The third Salafist critique of Hamas was its cooperation with those who were perceived by Salafists to be enemies of Islam. Hamas' attempts in 2006 to form a coalition government with Fatah, and its cooperation with the PLO, both exemplify a willingness to work with secular groups who were previously considered traitors to the true

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[30] Hroub, "A 'New Hamas' through its New Documents," 13.

[31] Abu Amer, "Jihadi-Salafis," 14; Berti, "Salafi-Jihadi Activism in Gaza," 6; Paz, "Salafi-Jihadi Responses," 46.

[32] International Crisis Group, "Radical Islam in Gaza," i.

[33] Mneimneh, "Homogenization of Islamist Doctrines," 19.

[34] International Crisis Group, "Radical Islam in Gaza," 26.

[35] Haboub, "Demystifying the Rise of Hamas," 75.

Islamist cause. Hamas' collaboration with Iran and Syria, both led by Shia governments, and the Iranian proxy Hezbollah, further angered Salafi-jihadists, who view Shias as apostates who are not genuine Muslims.[36]

Finally, and perhaps most significantly, Hamas' limited political engagement with Israel constitutes the fourth Salafist complaint leveled against the new Hamas, particularly its willingness to engage in *hudna*, or temporary truce, with their stated enemy. This frustrated the more radical members of Hamas, who believed that the only way to conduct jihad is through violent means, and who were unsatisfied with Hamas' willingness to maintain periodic peace with Israel.[37]

Collectively these four disagreements with the "new Hamas" alienated a portion of Hamas' supporter base, particularly those in its militant wing, the al-Qassam Brigades. This led them to defect from Hamas and form, or join, more radical Salafi-jihadist groups that better represented their extremist views.[38] While Hamas' evolution into a centrist Islamist group was the primary cause of the emergence of Salafi-jihadist groups, other radicalizing factors contributed to their rise in influence. These factors include the continued besiegement and war in Gaza, declining economic conditions, and the rise of Al-Qaeda (and later ISIS). These factors have led Salafi-jihadist groups to swell to an estimated 4,000-5,000 members, with as many as 50,000 supporters.[39]

Discussion and Conclusion

Undoubtedly, Hamas has become more ideologically moderate

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[36] Mneimneh, "Homogenization of Islamist Doctrines," 14; Paz, "Salafi-Jihadi Responses," 47.

[37] Mneimneh, "Homogenization of Islamist Doctrines," 14.

[38] International Crisis Group, "Radical Islam in Gaza," i-1.

[39] Berti, "Salafi-Jihadi Activism in Gaza," 6.

since its establishment. Initially, its foundational principles were, in large part, a reflection of the principles of its parent organization, such as the aim to establish an Islamic state and the outright rejection of partition, peace talks, and the recognition of Israel. Hamas' decision to participate in the 2006 elections, and its willingness to engage with previously shunned actors such as the PLO and Israel, signified a significant shift from the organization's Islamist origins, alienating some members of the group. In turn this moderation has led to the rise of Salafi-jihadists in Gaza, whose immediate goal is to continue violent jihad against Israel.

While no Salafi-jihadist group in Gaza has been able to militarily challenge Hamas, they have been successful in conducting small-scale terrorist attacks in Gaza, and against Israeli and international targets. These attacks have included the abductions of journalists and the targeted assassinations of Hamas and Fatah members, forcing Hamas to violently crack down on

these groups, particularly Jaysh al-Islam and Jund Ansar Allah.

However, it is important to note that Salafi-jihadist groups do not represent a military threat to Hamas, as they do not yet have a comparable military capacity. Rather, Salafi-jihadist groups pose an ideological threat to Hamas. Conflicts between the two groups such as these put Hamas in a difficult position: it must balance its image as an Islamist resistance group against Israel while appeasing external pressures to establish security in Gaza, prevent terrorist attacks during ceasefires, and appear to be the legitimate government of Palestine. It must be careful both to protect its image from accusations that it is treacherous and un-Islamic, or weak and unable to resist Israel. This is illustrated by the example of Sheikh Abd-al Latif Musa, Jund Ansar Allah's spiritual leader, who criticized Hamas for becoming secular, failing to implement Sharia law, and tolerating peace with Israel. He then, "declared an Islamic Emirate in Palestine, warned that

anyone who did not abide by Sharia would have it imposed upon him and threatened retaliation if security forces stormed the mosque."[40] Such a challenge presented by a Salafi-jihadist group was met with a bloody crackdown by Hamas forces, which led to the eventual demise of the Jund Ansar Allah group.[41] As Salafist-jihadist groups continue to operate in the Gaza Strip, occasionally attacking Hamas and other Palestinian targets, or threatening to provoke Israel by launching rockets, Hamas is confronted with a serious challenge to its ideology and legitimacy as the popular resistance movement in Gaza.

These challenges pose significant questions for Hamas and its future as the dominant Islamist force in Palestine. As ISIS narratives reach all corners of the globe via Internet, inspiring radical Muslims to take up arms against oppressors of Islam, Hamas may soon reach a crossroads in its ideological evolution. Will it pursue the route of nationalism, popular approval, and democratic participation, similar to the African National Congress in South Africa and the Irish Republican Army in North Ireland. Or will it slowly bend to internal and external pressures from extremist Salafi criticisms, and return to conducting terror attacks against Israel and rejecting electoral and peace processes alike?

Thus, the case study of Hamas and its relationship with Salafi-jihadists in the Gaza Strip should be seen as significant for two reasons. Globally, it will set an important and widely speculated precedent in the ongoing schism between the moderate, "gradualist evolutionary" Islamists, such as modern day Hamas and the Muslim Brotherhood, and the extremist, "absolutist revolutionary" Islamists, including Salafi-jihadist groups, who continue to vie for influence

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[40] International Crisis Group, "Radical Islam in Gaza," 13.

[41] Ibid.

in the surrounding region.[42] At a more local level, it will test Hamas' dedication to its new, more religiously moderate image, and its commitment to democratic participation and legitimate governance, setting the tone for the future of the Israeli-Palestinian conflict.

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[42] Mneimneh, "Spring of a New Political Salafism," 23; Lynch, "Islam Divided," 483.

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Challenging Przeworski and Limongi's Rejection of Modernization Theory: Evidence from Qatar

Liane Hewitt[1]

The positive correlation between wealth and democracy is one of the few generalizations that holds in the field of comparative democratization. Traditionally, political scientists have theorised that a multi-causal process of "modernization" or "broad-based economic development" (BBED) increases the likelihood a country will democratize. This article challenges Przeworski and Limongi's famous study that claimed to disprove this Modernization Theory. An analysis of present-day Qatar shows that Przeworski and Limongi's measure of per-capita national income does not capture all BBED's dimensions posited to drive democratization. If Modernization Theory is to be tested with the quantitative method, a composite index is needed.

Since Seymour Martin Lipset's seminal book *Economic Development and Political Legitimacy* (1959) first observed the positive relationship between wealth and democracy, the causal mechanism linking the two has been scrutinized and debated by social scientists. Modernization Theory (henceforth referred to as M-theory) argues that broad-based economic development (BBED) transforms the structure of the economy and society, thereby producing conditions favourable to democratization.

[1] After a year in Honours Political Science, Liane Hewitt is now entering her final year of an Honours History with International Relations degree. Liane's academic interests centre on a desire to understand the historical dynamics behind the successful and failed attempts at socioeconomic and political reform in the industrialised West. Upon graduation, Liane plans to pursue graduate studies in Social and Economic History (with a focus on the History of Capitalism) or law.

Adam Przeworski and Fernando Limongi refer to this as "endogenous democratization." They argue for an alternative "exogenous" explanation for the observed correlation: advanced economic development makes countries that have recently transitioned to democracy less likely to slip back into authoritarian rule.[2] In their paradigm-shifting study "Modernization: Theories and Facts," they claim to disprove M-theory conclusively after running a multiple regression of over 100 countries' per-capita national income (PCNI) and regime-type.

This paper casts doubt on Przeworski and Limongi's repudiation of M-theory, and argues that they only tested a straw-man version of M-theory, since PCNI does not capture the sub-processes of BBED that drive democratization, notably the decentralization of wealth and power away from the state then across society, and an increasing capacity for mass-mobilization. In demonstrating this, the paper will move through three sections. First off, a short tour through the literature will outline M-theory's multiple causal processes linking BBED to democracy that Modernization theorists posit, in order to show why Przeworski and Limongi's model is methodologically inadequate for putting M-theory to the test. Second, a case study of Qatar an authoritarian petro-state and one of the world's three wealthiest economies (measured by PCNI) will demonstrate how countries can attain a high PCNI without undergoing BBED. Consequently, we will see that wealthy authoritarian countries like Qatar are not necessarily aberrations of M-theory as Przeworski and Limongi's model would interpret them. The examination of Qatar will also illuminate how certain forms of wealth-creation, in this case economic growth (i.e. increase in PCNI) driven by state-controlled resource extraction, actually strengthens and further centralizes the authoritarian

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[2] Przeworski and Limongi, "Modernization."

state's hold on the levers of power rather than weakening it. In so doing, this section will also help us identify the key mechanisms within BBED that encourage democratization. Finally, this paper will conclude by recommending a composite index to measure BBED as an alternative to PCNI which captures the process's multiple components.

Before proceeding any further, however, two points of clarification are in order. Although this paper critiques the use of PCNI to test Modernization Theory, it attempts neither to make a case for or against the theory, nor to challenge Przeworski and Limongi's seminal argument that advanced-levels of economic development enhance established democracies' resilience. Second, the connection between BBED and M-theory needs to be explicitly outlined. This paper understands Modernization Theory as positing that broad-based economic development produces conditions favourable for democratization. To dispel any confusion for the reader, Przeworski and Limongi's concept of "endogenous democratization" mentioned above is equivalent to M-theory, and thus the two terms will be used interchangeably.

Przeworski and Limongi vs. the Modernization Literature

In their classic formulation of M-theory, Huber, Rueschmeyer and Stephens contend that specifically capitalist development produces a transition to democracy insofar as the social transformations the former process engenders, notably: industrial mass-production, which in turn creates new social groups excluded from the established authoritarian regime (i.e. the working-class and an independently wealthy middle-class); urbanization; and innovations in transportation and communication technologies, all increase the excluded classes'

capacity for mass-mobilization.[3] Traditionally, historians and social scientists like Lipset and Huber et al. have referred to the combination of these aforementioned developments as "modernization." Evidently, this theory does not hypothesize that rising income in itself causes democratization (a point we will return to later). Instead, Huber et al. posit that particular processes associated with economic development, rather than mere economic growth, encourage democratization. This nuance is critically important to Modernization theorists, but Przeworski and Limongi overlook it.

Indeed, Samuel Huntington denied that increasing wealth contributes to the transition to democracy, instead arguing that "broad-based economic development" (BBED) involving significant industrialization creates conditions favourable to democracy. Essentially, his concept of BBED is shorthand for the complex process of social transformation traditionally defined as "modernization." Huntington outlined four causal mechanisms by which BBED fosters democratization that need to be captured if Modernization Theory is to be genuinely tested. First, capitalist development often makes the economy more complex, and thereby more difficult for the state to control. It also creates new independent fortunes, and thus decentralizes wealth and power away from the state and traditional elites. Second, once the expanding middle class outnumbers the industrial working class, the former becomes a committed force for democratization. Third, economic growth eases distributional conflicts between social groups and encourages compromise. Lastly, rising education levels and material living standards promote the development of mass social

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[3] Huber et al., "Impact of Economic Development," 74-76.

values strongly associated with democracy.[4]

Przeworski and Limongi's 1997 article repudiating Modernization Theory fundamentally changed the field of comparative democratization.[5] They rejected Huber et al.'s and Huntington's arguments, claiming their study proved that "the emergence of democracy is *not* a by-product of economic development".[6] This bold conclusion is premised on the results of their statistical regression analysis of 135 countries' PCNI and regime-type between from 1950 through 1990. In their model, the probability of a country switching from an authoritarian to democratic regime is randomly related to a country's PCNI, as they observed that transitions occurred over a very wide range of per-capita income. They interpret this result as a disconfirmation of "endogenous democratization." Instead, Przeworski and Limongi find that the likelihood of a country sustaining its democracy over the long-term (i.e. not reverting to authoritarian rule) increased proportionally with its PCNI. In other words, an increase in PCNI (literally economic growth) does not cause authoritarian countries to become democracies, but high PCNI increases the likelihood democracy is sustained once the switch is made.[7]

Problematically, Przeworski and Limongi's rejection of M-theory is based on the assumption that PCNI adequately captures the dimensions of BBED posited to encourage democratization. We have seen, however, that Huber et

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[4] Huntington, *Third Wave*, 65-67. For further information on this last point, see Inglehart, "Mass Support for Democracy."

[5] Acemoglu et al., "Reevaluating the Modernization Hypothesis," 1049; Boix and Stokes, "Endogenous Democratization," 517-18; Epstein et al., "Democratic Transitions," 551; Geddes, "Democratization," 117-18; Wucherpfenning and Deutsch, "Modernization and Democracy."

[6] Przeworski and Limongi, "Modernization," 177.

[7] Ibid.

al. and Huntington did not hypothesize that increasing wealth or attaining some magic threshold of national income causes democratization. Instead, they argued that capitalist development alters the structure of the economy and in turn, of society as whole including the political regime. A country's wealth may or may not increase in the process, but it is not directly relevant to the causal mechanism linking BBED to democratization. Indeed, certain countries may have a high PCNI without fully having undergone "modernization" or BBED in the sense understood by Huntington and Huber et al. This point is clearly illustrated by looking at Qatar.

Why PCNI is Not Equivalent to BBED: The Case of Qatar, a Rich and Authoritarian Rentier State

Consistently ranked by the World Bank as either the first, second or third richest country in the world as of 2011 (according to per-capita GDP at purchasing power parity), Qatar is an excellent example of a wealthy country that has not undergone BBED.[8] In fact, Qatar's oil-led economic growth (i.e., rise in PCNI) has actually prevented BBED's key sub-processes, and sometimes caused opposite developments in the following ways. First, the national economy has not become more complex or harder for the state to control, which Huntington identified as the integral process of BBED. Second, state-controlled resource extraction fuelling Qatar's spectacular economic growth has undermined rather than enhanced the capacity for mass-mobilization against the Emir's dynastic monarchy. And finally, economic inequality remains entrenched. Thus, a brief case study of Qatar helps reveal the problems with Przeworski and Limongi's operationalization of M-theory. Particularly, since their

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[8] This measure is equivalent to PCNI, as per "GDP per Capita, PPP (Current International $)," The World Bank, http://bit.ly/1nwB3el.

methodological framework incorrectly assumes countries with a high PCNI have also achieved advanced BBED, their model misinterprets wealthy authoritarian countries like Qatar as aberrations of M-theory. More significantly though, Qatar indicates that there are a variety of processes that can increase PCNI. Indeed, this country's experience sheds light on how certain processes of wealth-creation, in this case state-controlled resource extraction, do not favour and even impede democratization. This is an important insight: it implies that, unlike Przeworski and Limongi's study, attempts to test M-theory cannot be blind to the mechanisms generating (and distributing) a country's wealth.

To begin, it is crucial to note that Qatar's economic growth has been driven almost entirely by its oil and gas sector, which now accounts for 55% of its current GDP.[9] Moreover, the state indirectly controls oil revenues by requiring all steps of the production process from exploration, through extraction to refining and export be performed wholly by the state-owned Qatar Petroleum or joint ventures.[10] In other words, Qatar's economy has not become more complex and the authoritarian regime has captured the process of oil-led wealth creation.[11] Thus, economic growth in Qatar has further centralized and strengthened the power of the authoritarian state vis-à-vis an already disenfranchised citizenry deprived of civil rights and liberties. In contrast, Huntington theorised that under BBED, new centres of wealth emerge outside the state's control, thereby

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[9] "Qatar Facts and Figures," Organization of Petroleum Exporting Countries, http://bit.ly/1wh0hvb.

[10] "About Qatar Petroleum," Qatar Petroleum, http://bit.ly/1RNIHfI.

[11] I categorise Qatar as authoritarian based on Freedom House's ratings of the country. Where 7 is worst and 1 is best, Qatar scores as follows in each relevant category: 5.5 for "Freedom", 5 for "Civil Liberties," and 5 for "Political Rights." See "Qatar," Freedom House, http://bit.ly/1VZtk5e.

tipping the state-society balance of power away from the state and encouraging democratization.[12] Therefore, we can conclude that large increases in PCNI generated by the extraction of natural resources captured by the state, also termed a rentier-state, tends to prevent BBED partly by impeding economic diversification and centralising power and wealth. In turn, such wealth-creation does not create economic conditions conducive to democratization.

In addition, Qatar's rich rentier economy also undermines the potential for mass-organization against the state, while increasing mass-mobilization is central to BBED.[13] First, the country's resource-led growth is driven by foreign (i.e., non-citizen) migrant workers who are notoriously exploited as slave labour, and excluded from the formal political system. Indeed, they are estimated to account for 94% of the Qatari workforce according to the 2012 Oxford Business Group Report. Thus, by ensuring that those who are most repressed and devoid of rights are not Qataris, the regime helps diffuse what might be the worst resentment and resistance against it. At the same time, the 2005 Labour Code banned freedom of association for all workers including domestic citizens, primarily focused on repressing an potential unionization and strikes. Furthermore, since the state controls the lion's share of economic activity, 83% of Qatari workers are employed in the public sector.[14] As a result, Qatar's national population is highly economically dependent on the state, a contradiction of BBED's pattern, which further centralizes the authoritarian regime's power.

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[12] Huntington, *Third Wave*, 61. See Charles Tilly's *Democracy* for an analysis of state-society relations.

[13] Huber et al., "Impact of Economic Development," 75.

[14] "A Steady Hand: Political Stability is Ushering in a Promising Era of Economic and Human Development," Oxford Business Group, http://bit.ly/1UJ5Qmp; Kristiansen and Sheikh, "Health of Low-Income Migrant Workers."

Now that we have examined how Qatar's wealth is *generated*, and contrasted the political conditions this creates with those that emerge under BBED, it is important to consider and contrast how Qatar's wealth is *distributed*. Scholars have pointed out that the dispersion of wealth across society is an essential causal mechanism in M-theory linking economic development to democratization. Key dimensions of BBED or "modernization" identified by Lipset and Huntington notably the creation and expansion of a middle class along with rising material standards of living and education levels necessarily imply an increase in the *median* income. Conversely, inequality of wealth (income plus capital) and opportunity should logically decrease with BBED. Hence, tracking the per-capita *mean* national income as Przeworski and Limongi do, does not

indicate whether a country has undergone BBED. Indeed, while Qatar boasts one of the world's highest PCNI, it also has a high level of economic inequality.[15] Moreover, in their powerful rebuttal to Przeworski and Limongi, Boix and Stokes rightly point out that M-theory does not posit that democratization is caused by increasing income accompanying economic development, so much as a decrease in inequality. [16] Thus, tracking a reduction in the inequality of wealth might be a better proxy for BBED than PCNI if only one measure is to be used, although it would still not capture BBED's other sub-processes.

Finally, this discussion highlights a broader misunderstanding in the comparative democratization literature of the link between economic conditions and democracy. Repeated emphasis is

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[15] In 2013, Qatar's GINI coefficient stood at 41.1 according to "Human Development Data for the Arab States: Income Gini Coefficient," United Nations Development Programme, http://bit.ly/1L8ILYa.

[16] Wucherpfenning and Deutsch, "Modernization and Democracy," 3-5.

placed on the crucial importance of a regime's "good economic performance" for the success of new and fragile democracies.[17] Though never nailed down, this abstract concept is conventionally understood to mean strong GDP growth and low poverty rates, while inequality is not considered relevant. However, as Kapstein and Converse do well to point out, more than sheer growth economic performance that bolsters the legitimacy and stability of a democratic regime has more to do with how widely the benefits of rising wealth are shared by the country's population.[18] Consequently, we might slightly adapt Przeworski and Limongi's argument for endogenous democracy, positing that an increase in the *median* rather than the *mean* per-capita national income makes new democracies more likely to last.

Conclusion and Implications for Further Research

Overall, this paper has problematized Przeworski and Limongi's grounds for discrediting Modernization Theory. It has shown that PCNI is evidently too unsophisticated a measure for the complex multiple causation posited by Huntington and Huber et al.'s variant iterations of M-theory. Although a rising PCNI often accompanies "modernization" (in the technical sense of the term), it does not always do so and therefore, should not be assumed to. Indeed, our brief examination of the exceptional case of Qatar neatly demonstrated this fact. Although the country ranks as first or second richest in the world, it has not undergone the sub-processes of BBED identified by Huber et al. and Huntington as encouraging democratization. Thus, since PCNI is not equivalent to BBED, Przeworski and Limongi's model should not

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[17] Kapstein and Converse, "Poverty, Inequality, and Democracy," 57.

[18] Ibid, 61-62.

be interpreted as an empirical test of modernization theory in its true complex form. Nonetheless, Przeworski and Limongi's methodological error is standard practice in political economy. This reveals one of the major challenges of empirically testing a complex theory like M-theory. Since the quantitative method demands simple concepts and measures, PCNI becomes, alas, an attractively neat measure for BBED. While recognizing the trade-off between a measure's validity and how easily it can be operationalized, this paper proposes an alternative measure, which, unlike PCNI, captures BBED's multiple causal logics outlined in this paper. To this end, it must be a multi-dimensional index that tracks the following trends we saw absent in case of Qatar:

1. increases in the *median* material standard of living and the emergence of a growing middle class, which can be captured by measuring the *median* income;

2. rising education levels that can be measured by literacy rates, and then beyond with the Human Development Index;

3. sectoral diversification of the economy, by breaking down GDP by economic sector;

4. the decentralisation of wealth first from the state (if it is authoritarian), by measuring the ratio between publicly and privately owned capital, and then the extent of its distribution across society, for which economic inequality levels and the size of the middle class are both valid proxies.

Although such an index would be a significant improvement on the use of PCNI, it remains incomplete. For instance, Huber et al. would foreseeably be dismayed that it does not capture what they argued constitutes the critical sub-process of BBED: the potential for mass-organization. While this may be hard to measure, it is possible that the density of formal and informal associational networks could

serve as an accurate shorthand. This raises an interesting research question on how democratization theory's separate literature on civil society and economic development could be integrated. We leave this task in the capable hands of future students of democracy.

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Globalizing Northern State Power Through Environmental Certification

Fiona Jones[1]

The implementation of neoliberalism is premised on the withdrawal of the state. However, in practice, the implementation of neoliberal policies has merely resulted in a shift from formal government regulation to governance. As a consequence, the state continues to intervene, only now through public-private bodies. These bodies are able to transcend the territorial bounds of the state, enabling the imposition of powerful Northern states' regulations on states of the Global South. Embedded within a case study of the Forestry Stewardship Council, this paper critiques neoliberalism from within its own ideology by showing the perpetuation of the unequal status quo.

Responsibilities for regulation are shifting away from centralized government due to an increasingly naturalized neoliberal ideology which promotes privatization. This shift represents a transformation from government to governance. Governance is a system of non-planned, self-organizing regulation, whereby societal regulation becomes increasingly diffuse.[2] In other words, the shift towards governance is one away

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[1] Fascinated by the interactions between the global and local scales, Fiona Jones explores their relationship through her major in Human Geography. Now in her third year, Fiona has a specific interest in seeking to understand how economic disparities arise across these scales. She combines this academic interest with her extracurricular pursuits as a member of both Oxfam UBC and Red Cross UBC, which raise awareness for global issues within Vancouver and work for international social justice.

[2] Rhodes, "The New Governance," 660.

from centralized government to the diffuse self-regulation of private institutions. Logically, this privatization of state regulatory powers suggests a retraction of the state, the aim of neoliberal policy. However, in implementing neoliberal regulatory cuts, state governments transition their power into public-private institutions that can act transnationally to regulate not only the nation-state, but also global civil society. In the context of unequal global power relations, this transition results in the Northern imposition of self-benefiting regulation. I argue that contrary to theoretical neoliberal ideology, policies of state withdrawal perpetuate an international system of neocolonial inequality.

To demonstrate the perpetuation of state regulation and its transnationalization, I will draw on the work of Benjamin Cashore, Steven Bernstein and Lars Gulbrandsen regarding the Forest Stewardship Council (FSC). In the context of the FSC, these authors highlight that hybrid partnerships of public and private bodies are born out of the transition to neoliberalism, thus resulting in the extension of state regulations transnationally. Furthermore, I will use the example of the FSC's engagement with the Swedish government and Swedish sovereign territory to exemplify the imposition of transnational regulation benefiting Northern states.

Firstly, I will conduct a literature review to outline the difference between neoliberalism in theory and in practice. Then, I will illustrate this discrepancy through both the enacting of neoliberal deregulation and the implementation of policy. The fourth section of this paper will highlight the extension of governance to a global scale, using the example of the FSC. Lastly, I will emphasize the extension of Northern states' powers beyond their borders. I argue that this results in an imposition of Northern standards globally, due to the North's greater consumer power. New transnational and private regulatory functions are therefore

imperialistic institutions perpetuating a status quo of inequality under the guise of state withdrawal.

This argument implies that the policies implemented in state-based global agreements, such as the World Trade Organization (WTO), focus too narrowly on formal state regulation. Consequently, the mismatch between global policy generators (i.e. transnational neoliberal regulatory institutions), and the implementation of national regulation, is exacerbated. As a result, global inequality continues unabated despite actions targeting its mitigation. Therefore, this paper calls for the reform of neoliberal international institutions from within its own ideology.

Literature Review: Neoliberal Ideal, not Neoliberal Practice

Neoliberalism exists in two forms: in its practice and in its theoretical ideal originating from the Austrian economist Friedrich von Hayek. Hayek argued that state intervention results in market distortions, which hinder the realization of the greatest possible economic gain for the population.[3] Consequently, in order for the greatest collective good to be realized, Hayek proposed that states withdraw from market intervention through marketization of resources and institutions, privatization to the extent that the state provides only private property rights, and deregulation to minimize market distortion.[4] As such, the state's role becomes one of only ensuring the free flow of goods and capital in a competitive, open market.[5] In short, the emergence of neoliberal governance is

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[3] Turner, "The 'Rebirth of Liberalism,'" 70.

[4] Humphreys, "Discourse as Ideology," 320.

[5] Bloomfield, "The FSC and its Challengers," 394.

characterized by state retraction, with states transferring their regulatory functions to private bodies that engage in market-based competition.[6]

Bernstein describes the development of "liberal environmentalism" as the result of neoliberal policies wherein non-state regulatory bodies embrace, and even catalyze, a state's political aims to avoid degradation and facilitate deregulation.[7] The result has been the privatization of "market civilization,"[8] as environmental management is marketized, privatized and formally deregulated, conforming to all three base components of the neoliberal doctrine.[9] In a word, private institutions have taken responsibility for former state functions whilst embracing liberal values and tailoring their actions accordingly.[10]

Nevertheless, there is a discrepancy between neoliberalism's theoretical premise of deregulation, as described by Hayek, and the way neoliberalism has been institutionalized in practice epitomized by the privatization of environmental regulation.[11] Engaging with this discrepancy, this paper shows that in actuality, neoliberal policies for state retraction have resulted in continued state power. Simply put, states couple their powers with those of private bodies to appear as though they have withdrawn their intervening power, while in reality states transnationalize their powers. States impose not only a hegemonic ideology of neoliberalism, but also neocolonial regulatory standards that benefit Northern states at the expense of Southern states.

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[6] Harvey, *Brief History of Neoliberalism*, 3.

[7] Bernstein, "Liberal Environmentalism," 4.

[8] A more humane market mediated in accordance with citizen preferences and social relations

[9] Bloomfield, "The FSC and its Challengers," 399.

[10] Bernstein, "Liberal Environmentalism," 2.

[11] Peck and Tickell, "Neoliberalizing Space," 383.

Therefore, states are able to transcend their territorial fixity and impose regulation on other sovereign states, defying the principles of open competition and the equal playing field neoliberal retractions of state powers purport to facilitate.

Enacting the Neoliberal Ideal

After implementing state withdrawal and the reduction of formal regulation in accordance with neoliberal ideology, states meeting at the Rio Earth Summit in 1992 were unable to form a legally-binding set of international forestry standards mediated by central governments.[12] However, since the UN's 2007 Bali Conference, "The Non-Legally Binding Instrument on All Types of Forests" has been in effect. Yet, binding agreements remain elusive due to fears that they will conflict with neoliberal ideals of a minimized central government.[13] Despite the reluctance to enact formal regulation, citizens continue to expect states to provide social services and environmental regulations. For example, in the United States, the federal Environmental Protection Agency (EPA) is facing "reductions in resources available to combat environmental problems and increasing demands from civil society to address environmental protection."[14] As a result, there has been a push for the privatization of regulation, shifting away from centralized government to liberal, free market governance.[15] As mechanisms of governance, privatized certification bodies such as the FSC have emerged to fulfill previously state-imposed regulation.[16] Thus, privatization is

[12] Cashore, "Legitimacy and the Privatization of Environmental Governance," 507.

[13] Guéneau and Tozzi, "Privatization of Global Forest Governance," 552.

[14] Cashore, "Legitimacy and the Privatization of Environmental Governance," 507.

[15] Bartley, "Institutional Emergence in an Era of Globalization," 311-12.

[16] Guéneau and Tozzi, "Privatization of Global Forest Governance," 552.

not only a form of deregulation, but is also embedded in a process of institutionalization to produce non-state market-driven monitoring bodies.[17] These bodies work with states to enable the minimization of formal government expenditure without the loss of publically desired environmental supervision. Like the FSC, other non-state, market-driven bodies such as the Marine Stewardship Council operate alongside states, using consumer purchasing power to re-regulate markets in accordance with public expectations.[18] This governance model is premised on the institutionalization of international "soft law."[19]

Soft laws are voluntary rules enacted by non-governmental bodies to regulate engagements, without carrying prescribed punishments or monitoring mechanisms.[20] Soft law is exemplified by the FSC's labeling scheme, which brings corporations consumer support by proclaiming their good practices. This label function through moral and perceptual control rather than physical coercive power.[21] The FSC's regulation depends on public and corporate perception of their authority, attributing the organization power without it dictating individual standards of conduct.[22] Not requiring participation, the FSC's voluntary regulations can be more ambitious than their formal, state-directed counterparts, making them an attractive alternative for retracting states and progressive thinkers alike.[23] Therefore, adopting neoliberal

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[17] Cashore, "Legitimacy and the Privatization of Environmental Governance," 505-06.

[18] Guéneau and Tozzi, "Privatization of Global Forest Governance," 550; Ibid., 507.

[19] Gulbrandsen, "Overlapping" 78; Bartley, "Institutional Emergence in an Era of Globalization," 302.

[20] Kirton and Trebilcock, "Hard Choices and Soft Law," 4.

[21] Bernstein and Cashore, "Non-State Global Governance," 352.

[22] Haufler, *Public Role for the Private Sector*, 5.

[23] Kirton and Trebilcock, "Hard Choices and Soft Law," 4-5; Bartley, "Institutional Emergence in an Era of Globalization," 310; Gulbrandsen, "Overlapping," 83.

policies results in a selective re-regulation by private institutions away from formal government control.[24]

Neoliberal Policy in Practice

Contrary to neoliberal rhetoric, the shift to soft-governance suggests that a complete privatization of regulation has not occurred. Instead, hybrid institutions have formed that are neither "purely private" nor truly non-governmental.[25] The FSC is one such example. It has its origins in the Austrian government, which hoped to dispel environmentally-driven timber protests in 1992.[26] Initially the government turned to formal, state action, imposing stringent timber regulations that demanded all timber sold to be produced sustainably. However, the General Agreement on Tariffs and Trade (GATT) deemed this policy "a protectionist 'nontariff barrier to trade,' " forcing its discontinuation.[27] In response to continued environmentally-driven boycotts demanding regulation, the Austrian government funneled the US$1.2 million from the banned formal environmental legislation into the formation of what was to become the FSC.[28] Swiss, Dutch and other European governments also contributed to the "emerging FSC as a way to relieve domestic pressure from environmentalists without running up against GATT rules."[29] The emergence of the FSC was not the privatization of regulation it was deemed to be, instead it was a subtle state directive.

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[24] Cashore, "Legitimacy and the Privatization of Environmental Governance," 506.

[25] Meidinger, "Forest Certification and Democracy," 410.

[26] Bartley, "Institutional Emergence in an Era of Globalization," 321.

[27] Ibid.

[28] Ibid.

[29] Bartley, "Institutional Emergence in an Era of Globalization," 321; Gulbrandsen, "Creating Markets," 481.

States could now continue managing regulation through a more diffuse governance model, involving both state and non-state actors.[30] Characterized by many sources of legitimate authority the state, regulatory bodies, civil society and industry these new governance partnerships could further state intervention.[31] The continued role of the state within increasingly polycentric governance is exemplified by the state's role as a mediator of private competition.[32] Of particular note is the FSC's competition with the Programme for the Endorsement of Forest Certification Schemes (PEFC).[33] The PEFC does not have its own specific standards but is an umbrella organization that works to legitimize the efforts of intergovernmental agreements, national forestry certification plans, and international stakeholders. The non-profit organization was set up by national organizations from eleven countries and, as a result of its governmental interaction, it is a hybrid organization.[34] The competition between the FSC and the PEFC is central to national and international policy making, encouraging states to mediate the balance of power between these two institutions for their own goals.[35] Hence, a state's role in hybrid institutions is to facilitate competition between private standards to work towards the state's desired market regulation.[36]

Further emphasizing the role of the state, resources are bound to state's territories,

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[30] Rhodes, "The New Governance," 658; Meidinger, "Forest Certification and Democracy," 410.

[31] Meidinger, "Forest Certification and Democracy," 410; Cashore et al., *Governing Through Markets*, 220; Gulbrandsen, "Creating Markets," 478.

[32] Meidinger, "Forest Certification and Democracy," 412; Gulbrandsen, *Transnational*, 162.

[33] Meidinger, "Forest Certification and Democracy," 412.

[34] Gulbrandsen, "Overlapping," 84.

[35] Meidinger, "Forest Certification and Democracy," 411-12.

[36] Haufler, *Public Role for the Private Sector*, 107.

forcing private regulatory bodies to engage with states. The spatial fixity of resources obfuscates the division between private bodies and states, to the point where even the most powerful NGOs must function within the domestic spaces of states. For example, the FSC needs to "pay attention to domestic forestry" and negotiate with governments.[37] Thus, the FSC seeks to "complement the state, not replace it," undermining the premise of state minimization, which neoliberalism purports to achieve.[38] The case of Sweden depicts how the FSC complements the state, as the Swedish government is able to exert its power within FSC regulations due to the spatially grounded nature of forests. Therefore, involved in the FSC, the Swedish government neither retracts its power nor does it roll back regulation.[39]

Instead, the FSC has engaged with the Swedish forestry industry through complex, multilateral negotiations. Generating an agreement on forestry standards approved by the FSC, the Swedish government mediated a process of "joint environmental policy making" (JEP) between "the Swedish Forest Industries Association, the associations for private forest landowners, the Swedish church, the Sami, two trade unions…, Ikea and Kinnarps."[40] In so doing, Sweden was the first state to translate FSC regulation into formal governmental law, but only with the adoption of the hybrid FSC's regulations.[41] The national standard became a minimum standard, reflecting the FSC's goals. However, the government also stresses the importance of more extensive voluntary, soft regulation.[42] The FSC's

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[37] Bostro, "Forest Certification in Sweden," 171.
[38] Ibid., 175.
[39] Ibid., 166.
[40] Ibid., 168-170.
[41] Ibid., 170.
[42] Ibid., 172.

certification complements traditional government rather than supplanting it, whilst voluntary certification schemes also benefit from state support, as they often lack internal legitimacy.[43] In brief, the state and formally private regulations are mutually embedded.[44] Therefore, it is important to remember the actions of both state and non-state actors when assessing supposedly non-state regulation.[45] This public involvement in the formation of environmental certifications and regulation means that private, neoliberal institutions are "hybrids," bridging the divide between hard and soft law, and between the public and private spheres, showing the retention of state regulatory functions.[46]

While such merging of powers illustrates that a state's capacity has changed, it has not been degraded, as neoliberal theory would expect. The power of private bodies such as the FSC remains subject to domestic, state-level government control, making it palatable to both the sovereign state of unitary power and neoliberal politicians seeking government cutbacks.[47] FSC certification supplements state authority rather than replacing it.[48] States have retracted only their formal regulation, moving beyond "the era of big government," without the corresponding devolution of power.[49] The status quo of state preeminence in regulation continues, as neoliberalism results only in the shift of state

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[43] Ibid., 177; Gulbrandsen, *Transnational*, 171.

[44] Bostro, "Forest Certification in Sweden," 175.

[45] Ibid., 177.

[46] Bartley, "Institutional Emergence in an Era of Globalization," 325; Kirton and Trebilcock, "Hard Choices and Soft Law," 4; Cashore, "Legitimacy and the Privatization of Environmental Governance," 504.

[47] Cashore, "Legitimacy and the Privatization of Environmental Governance," 507.

[48] Gulbrandsen, "Overlapping," 86.

[49] Haufler, *Public Role for the Private Sector*, 11.

powers from centralized government to a polycentric governance system subject to state control.[50] Due to the dissolution of the traditional public-private divide, power becomes decentralized from government without an absolute minimization of state-driven regulation. Therefore, the initial notion that the replacement of formal regulation represents a degradation of state regulatory abilities is only an ideological facet of neoliberalism rather than a lived reality.

Globalizing Governance

As a formally private organization, the FSC is not bound to a specific territory and, like forests, it transcends state boundaries, whilst carrying state's powers with it.[51] The ability of private environmental certification institutions to exceed the borders of states has led some authors to describe the development of a non-spatially bound, global governance system of transnational regulation.[52] The FSC's case is representative of this growing global governance network.[53]

Building privatized global environmental governance takes two forms, the former more cynical than the second, but both result in similar tangible outcomes. The first form is a market-based approach, which sees companies as economically rational entities seeking to profit by finding a niche market to exploit.[54] Competition within the environmentally-conscious niche results in an ethical race to the top, in which firms must raise their environmental standards to garner market share.[55] Firms must engage in a market of

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[50] Gulbrandsen, "Overlapping," 76.

[51] Karkkainen, "Post-Sovereign Environmental Governance," 79.

[52] Lipschutz, "International Forestry Regulation," 162.

[53] Bartley, "Institutional Emergence in an Era of Globalization," 299.

[54] Gulbrandsen, "Overlapping," 77; Bernstein, "Liberal Environmentalism," 355.

[55] Haufler, *Public Role for the Private Sector*, 109-10.

reputation, seeking to accumulate as much "reputational capital" as possible.[56] Only through establishing their environmentally-conscious image can firms ensure their continued favourable market manipulation by acquiring conventional market share.[57] Firms are also able to charge a premium for labeled timber, increasing their profits whilst internalizing environmental externalities.[58] Moreover, this market-based approach sees global governance through the FSC as a way to manage collective dilemmas which, if resources are unregulated, could result in a tragedy of the commons[59].[60] The voluntary subscription to private certification standards is therefore a strategic, profit-motivated action, which inadvertently results in the establishment of unified global forestry standards that complement non-binding intergovernmental agreements.[61]

This cynical conception of private global governance as financially motivated does not take into account the normative drivers of market-based private regulation. Instead, the second conception of global governance considers that the transnational institution building results from a desire to pressure producers to consider environmental impacts.[62] Increasingly transnational activist networks hold companies accountable by mobilizing consumers to be more environmentally conscious, politicizing consumption to incite

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[56] Bartley, "Institutional Emergence in an Era of Globalization," 307.

[57] Cashore, "Legitimacy and the Privatization of Environmental Governance," 504.

[58] Gulbrandsen, "Creating Markets," 478; Lipschutz, "International Forestry Regulation," 175.

[59] The collective harm resulting from individuals resulting each in their own best interest

[60] Bartley, "Institutional Emergence in an Era of Globalization," 306.

[61] Bernstein and Cashore, "Non-State Global Governance," 360; Gulbrandsen, "Overlapping," 77.

[62] Guéneau and Tozzi, "Privatization of Global Forest Governance," 554.

corporate change.[63] The construction of global governance institutions has a transformative potential to embed social concerns into market processes.[64] Institutions generated by social movements, are therefore the entrepreneurial driving forces of creating a system of environmentally-conscious global governance.[65] This normative driver of certification contradicts the profit-derived motivation but with the common end result of increasing industry regulation.[66] Therefore, it becomes apparent that the binary between market-driven corporate strategy and politically-driven normative desires dissolves, as both promote the creation of a uniform global certification through the use of soft law. They both work to generate a common standard.

The creation of a single norm of appropriate forestry conduct is established by hybrid institutions operating on the global scale.[67] Individual certification agencies set criteria of environmental management which, when combined together, form a standardized norm for timber regulation.[68] Yet, with the development of this global standard, regulation innovation is limited as individual institutions, even those that created the standard, must conform to the new global precedent. Generated through a democratic processes, the precedent is supposedly a mutual global creation. The FSC, for example, is made up of social, environmental, and economic chambers in which Northern and Southern states are equally represented in their ability to vote for environmental

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[63] Gulbrandsen, "Creating Markets," 479.

[64] Bernstein and Cashore, "Non-State Global Governance," 363-64; Cashore et al., *Governing Through Markets*, 32.

[65] Bartley, "Institutional Emergence in an Era of Globalization," 310.

[66] Ibid., 312; Cashore et al., *Governing Through Markets*, 10.

[67] Dingwerth and Pattberg, "World Politics and Organizational Fields," 270.

[68] Meidinger, "Forest Certification and Democracy," 407.

certification change.[69] Governments, industry associations and consumers from many states converse and form regulation together.[70] The democratic structure of establishing the global timber certification standard suggests that the establishment of this global norm is not a top-down imposition of standards.

Northern Imposition

However, the globally democratic structure of the FSC is flawed, and by extension the development of a supposedly globally-established norm is, in reality, a regulatory imposition from the wealthy Global North. Despite formally including actors from the Global North and South, the FSC's democratic system fails to take account of the relative consumption power of the North. The participatory citizenry of the FSC includes not only corporations from the Global North, such as US-based Home Depot or Sweden-based Ikea who are formally represented, but also wealthy customers who can vote with their cash to support certain regulations .[71] Lacking the same consumption power, citizens of less wealthy states are under-represented in the decision-making process of the FSC, resulting in a skewed process of norm establishment. Only wealthier individuals, many of whom reside in Northern states, can afford the luxury of consumption discrimination and certification support or boycott based on their ecological values.[72] Through its greater consumer power, the North is informally granted greater representation in FSC decision making.[73] Its wealthy citizens essentially vote twice, once for the state

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[69] Ibid., 412.

[70] Bernstein and Cashore, "Non-State Global Governance," 353.

[71] Meidinger, "Forest Certification and Democracy," 409.

[72] Appleton, "Environmental Labelling Schemes," 241.

[73] Ibid.

government, which works within the FSC to shape policy, and again through consumption. Thus, Northern citizens are given greater coercive power over global regulation.

Forcing soft regulations on businesses in the Global South through FSC policy, the Northern states (which set up the FSC) gain/obtain an even greater say in global regulation. This imposition of regulation mimics the unequal trade relations, economic dependency and Northern imposition of the colonial era, cloaked in the veneer of neoliberal free trade and transparent privatization.[74]

Exemplifying this imposition, not many corporations were initially interested in certification in Indonesia. Since 1993, "40% of the country's total exports were in production categories likely to be affected by an ecolabelling"

body.[75] Despite their resistance, corporations were economically coerced by activists to sign onto FSC regulatory standards; under pressure from US and European boycotts, forest certification was pushed onto the national, political agenda of Indonesia.[76]Although Indonesia chose to develop its own certification process, the national Lembaga Ekolabel Indonesia (LEI) sought closer ties with the FSC to gain international market recognition for its label, underscoring the power of the FSC's Northern consumers to shape global outcomes.[77] This North-centric global governance by financial capital is thus the most recent form of international imperialism.[78]

Imperialism in this case, implies state action. State intervention has been engrained within the hybrid governance of the FSC since its conception,

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[74] Meidinger, "Forest Certification and Democracy," 417.

[75] Muhtaman, "Forest Certification in Indonesia," 42.

[76] Meidinger, "Forest Certification and Democracy," 412.; Muhtaman, "Forest Certification in Indonesia," 35.

[77] Ibid., 44.

[78] Meidinger, "Forest Certification and Democracy," 413.

highlighting that the growth of market-based global governance is a form of neo-imperialism. Voluntary labelling institutions are beginning to create a system of "green protectionism" for the Global North that cannot be challenged by liberal institutions, such as the WTO, which address solely formal, state policy.[79] This protectionism mimics the exploitative and uneven relationships of imperialism that enable Northern exploitation of the Global South. As these structures of global governance deepen, hope for change reduces. Organizations and national governments must conform to the established precedent even though formally more open market norms, characterised by a reduction in hard law regulation, persist. Hence, as regulation shifts from central government to decentralized governance, the system of Northern dominance is also transferred to maintain a status quo of inequality.[80]

Conclusion

I have argued that contrary to neoliberal theory - that privatization, marketization and liberalization will result in open competition globally - moves towards supposed privatization have only resulted in the development of hybrid institutions, through which Northern states have retained their power of regulation. Since the bodies involved in this polycentric governance system are able to transcend the bounds of the state, so too can state power exceed its traditional territorial fixity. The globalization of Northern state power has thus resulted in a system of Northern-serving regulation through hybrid, transnational bodies like the FSC. To employ a common idiom, Northern states can now have their cake and eat it too by satisfying the demands of concerned citizens and maintain the advantageous asymmetry of the global status quo.

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[79] Appleton, "Environmental Labelling Schemes," 263-64.

[80] Bartley, "Institutional Emergence in an Era of Globalization," 331.

Superficially, states are able to conform to neoliberal-inspired demands for privatization and trade liberalization, while in actuality they extend their power beyond their borders through quasi-private governance organizations. Expressing this fundamental contradiction, the neoliberal ideology of state withdrawal for free market competition has resulted in the extension of Northern regulatory control globally, further distorting the global market for the benefit of the affluent. In sum, neoliberal policy implementation has resulted in the opposite of its proposed outcome.

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From "Golden State" to Bailouts: The case of California in the Great Recession

McKenzie Rainey[1]

California is a state known for extremes, and in the aftermath of the 2007/2008 housing crisis and recession, this applied no less to the economic downturn as it did the pre-recession high. California disproportionately experienced fallout from speculation and subprime lending, as well as unprecedented municipal fiscal crises. This dramatic regional experience can be traced back to the 1978 Proposition 13 amendment as part of an early form of neoliberal restructuring. California is a reminder of the challenges of openness to speculative development, as well as the links between localized governance and international trends today.

The 2007-2008 housing market crash and subsequent world financial crisis crippled banks, crashed global housing markets, and revealed the weaknesses in the United States and global economy. While nearly every state in the US faced record economic insecurity between 2008 and 2010, California was at the forefront of both the pre-2008 housing bubble and the subsequent economic crash.[2] Forty-seven states experienced or projected budget shortfalls in 2009, but California's stood out in its sheer scale and proportion.[3] Due to the scope and protracted

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[1] McKenzie Rainey is a fourth- year International Relations major, minoring in economics. She is interested in international political economy, public policy, and the ways that political decision making and international finance are intertwined. After graduating, she hopes to pursue a Master's in Public Policy.

[2] Hacker et al., "Economic Insecurity," 3.

[3] McNicol and Lav, *State Budget Troubles*, 4.

nature of its fiscal problems, California experienced a dramatic fallout from speculation and subprime lending, as well as multiple municipal fiscal crises.

Californian cities became emblematic of both the boom and bust aspects of the housing and financial crash. Los Angeles and San Francisco saw housing prices rise 274% and 218% between January 2000 and July 2006 respectively compared to a national high of 185% in July 2006 before falling dramatically.[4] This unique regional experience can be traced back to the 1978 Proposition 13 (P13) amendment as an early example of neoliberal restructuring. P13 was both a neoliberal landmark policy that changed taxation structures to downsize government power, and an emblem of the way that local contingencies played out in increasingly global markets. Its long-reaching effects are a crucial example of how taxation-enabled rescaling made cities more

responsible for generating growth, but also responsible for austerity projects without the capability to respond to the economic downturn.

This paper will argue that California's dramatic experience in the recession was created, in part, by the neoliberal policy changes instigated by P13. While California was by no means the only state to suffer post-2008, the effects of P13 meant that California rode the economic highs and lows far more strongly than it would have otherwise, and than other states did. This cap on property tax rates was a catalyst which changed governmental budget structures; local, and municipal governments were forced to search for new forms of revenue. Efforts to bypass the limitation encouraged a reliance on more speculative forms of urban development, or "speculative urbanism," via the use of sales tax farming, redevelopment agencies (RDAs), and tax increment financing

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[4] All quotes are rounded to the nearest percent. See McGraw Hill Financial, "S&P/Case-Shiller U.S. National Home Price Index," February 23, 2016, http://bit.ly/1M1nk4E.

(TIF). The case of California shows that as daily government functioning became increasingly tied to generating growth that fluctuated over the business cycle, cities became more vulnerable to internationalized markets. Ultimately, the proposition, passed with the intent of protecting local homeowners from excessive taxation, actually left California more susceptible to both a larger pre-2008 boom and a harsher economic crash.

Proposition 13 in Context

In the early 1970s, a motion to cap property taxes had a logical basis. For five years, California's housing prices and property taxes doubled while incomes remained flat.[5] Given reforms and a mandated assessment at least every three years, homeowners could discover 40%-60% increases in their property tax bills.[6] Pensioners were concerned that they would be priced out of their homes.[7] While real property taxes per capita were just over $1,000 preceding the motion, the velocity of the change meant that popular sentiment was behind a cap.[8]

In response to public discontent, P13 was passed in 1978. This proposition mandated the capping of general property tax rates at 1% and assessment value increases at 2% per year.[9] Crucially, it also required two-thirds of the voting citizenry or legislature (a supermajority) to pass any further increases. The one percent tax was to be collected by the counties and divided among districts.[10] The share of state and local revenues from property taxes had previously increased from 34% in 1970 to 44% in 1978, which meant

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[5] McCubbins and McCubbins, "Proposition 13," 3.

[6] Chapman, "Redistribution of Fiscal Stress," 15.

[7] Munnell et al., *City Fiscal Woes*, 2.

[8] Ibid.

[9] McCubbins and McCubbins, "Proposition 13," 2.

[10] Chapman, "Redistribution of Fiscal Stress," 19.

that in total, P13 constituted an approximately $7 billion dollar property tax cut.[11] The supermajority requirement made tax increases nearly impossible, and the impetus was placed on local counties and districts to respond.

The immediate effect was that state revenues were cut by 57%. This led to over 100,000 public sector layoffs as governments scrambled to find ways to reshape budgets.[12] Property taxes represented the majority of local tax collection.[13] This meant that the taxation structure change took from local governments' revenue in particular, making them more dependent on state funding and vulnerable to cuts in state aid. For example, California's educational finance system is based on local property taxes plus state spending. Over the years, the state has changed the laws regarding tax allocation many times to reduce its contribution to education programs.[14] P13 limited the most consistent way of raising levels of state revenue, effectively curtailing local control over a large chunk of taxation and changing state-local fiscal relationships.

With very little fiscal wiggle room left at the state level, personal income tax, sales and use tax, and corporation tax eventually contributed 80% of total state revenues and 95% of General Fund revenues all of which were "volatile over the course of the business cycle."[15] Government finances became less stable as they were increasingly tied to more mobile external factors influencing the economy. The supermajority requirement for taxation increases also decreased control over taxation structures, as it was nearly impossible, politically, to raise

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[11] Ibid., 20; McCubbins and McCubbins, "Proposition 13," 3.

[12] Davidson and Ward, "Austerity Urbanism," 86.

[13] *Understanding California's Property Taxes*, Sacramento: Legislative Analyst's Office, 2012, http://bit.ly/1tcZYEK; Jonas, "Great Recession," 15.

[14] *California's Property Taxes*, http://bit.ly/1tcZYEK.

[15] Davidson and Ward, "Austerity Urbanism," 84; Sun, "Budget Strategy," 1-2.

property taxes again. Part of the problem was that despite their desire for lower taxes, Californians still demanded increased levels of government services.[16] One reason why voters may have initially perceived that it was safe to cut taxes and still maintain levels of service provision was the existence of the large surplus that was accumulating at the time, thanks to a progressive tax structure and sales tax revenues increasing with inflation.[17] This trend of running a surplus was to be dramatically reversed in the coming years; to keep service provision with reduced taxation revenues, the state government began issuing more bonds, and government indebtedness shot up in the early 2000s.[18] Debt financing locked in the need to draw in economic growth for basic budgetary functions, and the lack of any fiscal cushion meant that when the crash came Californian

governments were unable to respond flexibly and soften the blow.

From Tax Cuts to Speculative Urbanism

One significant long-term impact of these tax policy changes in California was that they fed the rise of speculative urbanism. As part of a larger movement to encourage new forms of economic development, speculative urbanism meant that governments, not only private companies, were borrowing to increase investment and consumption in urban areas.[19] Neoliberalism, a theory of political economic practices, had gained prominence in the 1970s. It proposed deregulation, reductions in corporate taxes, privatization of public services and assets, enhancement of international capital mobility, and inter-locality competition as the

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[16] McCubbins and McCubbins, "Proposition 13," 19.

[17] Chapman, "Redistribution of Fiscal Stress," 18.

[18] Bardhan, "Pivot of the Great Recession," 17, 30.

[19] See Peck, "Pushing Austerity."

optimal strategy for growth.[20] The P13 taxation limit was an example of a more general neoliberal limit on governmental size, and this framework assumed that significantly raising sales or corporate taxes would drive away business. Government attempts to gain revenue were now to be directed at increasing the revenue *base* instead, for both sales and property tax. These would leave California increasingly dependent on attracting the presence of businesses which were highly mobile and sensitive to other regions' tax incentives. In lowering sales and corporate taxes to remain an attractive area for investment, California would further reduce its economic legroom, believing in the ability to depend on the continued presence of the private sector for revenue generation.

Governments increasingly borrowed money and paired with private development as part of a "fiscalization of land use" policy, meaning that local planning and zoning decisions were driven by the goal of maximizing local tax revenues.[21] Two key methods used to stimulate development and consumption, and speculate on further growth were sales tax farming, and RDAs and TIF. The state and local governments were "cultivating, planting, and harvesting their own growth in available revenue."[22] The resulting culture of "borrow and boom" took off. As the government's role shifted from regulation to increasing avenues for development, basic functioning became tied to the ability to draw in capital. The underlying assumption was that, so long as the region was an attractive site for development, revenue flows would follow.

At the city level, strategic planning turned into a "sales-tax farming" competition to attract

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[20] Harvey, *History of Neoliberalism*, 2; Brenner and Theodore, "Cities."

[21] Wassmer, *Urban-Growth Boundaries*, 5.

[22] McCubbins and McCubbins, "Proposition 13," 19.

automotive dealerships, shopping malls, and strip malls by offering favourable land.[23] Cities granted franchise rights, permits, and local sales taxes as new ways of maintaining their budgets.[24] These changes made in reaction to P13 reflected the cornerstone of neoliberal development strategies: the commitment to the idea that more open, competitive and unregulated markets would represent the optimal mechanism for generating development.[25] This, in turn,encouraged the presence of larger companies with international capital. Small 'mom and pop' stores were not the goal, when they did not generate the necessary tax receipts.

As could be the case with neoliberal measures, these initiatives to generate growth also inherently limited governments' abilities to control and capitalize on them. Revenues from sales tax

increased from 15.5% to 26% to circumvent some of the limitations of P13, but increased dependence on new growth and the state of the economy.[26] Speculative urbanism restructured the logic of decision making and risk allocation in public finance, as it increased dependence on more mobile businesses which could withdraw from an area if it was suddenly seen as less viable economically.[27]

Speculation via Revenue Development Agencies

Speculative growth and borrowing practices, intended to offset the decrease in property tax revenues, also had an impact on housing markets. This occurred via the use of RDAs, which allowed municipalities to circumvent limitations on property taxes. RDAs, established in 1945 as a tool originally

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[23] Ibid.

[24] Davidson and Ward, "Austerity Urbanism," 87.

[25] Peck, "Pushing Austerity," 50.

[26] Davidson and Ward, "Austerity Urbanism," 87.

[27] Ibid.

authorized to "combat urban blight," designated municipal areas as candidates for government-subsidized redevelopment projects.[28] These projects built almost 5,000 housing units between 1944 and 1995. They provided infrastructure, parking for malls, and other commercial areas at the expense of lower-income "blighted" neighbourhoods that were razed in the process.[29] Agencies could use an eminent domain if necessary to "acquire private property they want to sell, often at a discount, to a private developer."[30] This allowed governments to subsidize private building development with the hope that it would bring in future revenue.

RDAs took off after P13 as they were entitled to special property tax revenues by the logic of their tax increment financing,

TIF. An RDA received all of the incremental uplift in property tax value in an entire project area for the life of the project revenue otherwise split among the other counties, cities, and districts.[31] The logic was that the RDA was responsible for the increase in values thanks to the investment in the area. Unsurprisingly, municipalities jumped on this to try to increase their control of property taxes. RDAs, therefore, became central contributors to city budgets. Redevelopment activity was financed by issuing debt (municipal bonds) that was "backed by the property tax revenues that would accrue to the agency in the future."[32] TIF was a process of paying for redevelopment activities to increase property tax revenues, by betting on those very same "anticipated increased property tax revenues."[33] This almost

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[28] Dardia, *Subsidizing Redevelopment*, ix, 3.

[29] Ibid., 1.

[30] Ibid., 3.

[31] Ibid., ix.

[32] Ibid., 4; Davidson and Ward, "Austerity Urbanism," 88.

[33] Lefcoe and Swenson, "Redevelopment in California," 719.

circular logic "assume[d] that redevelopment pays for itself."[34] This caused competition amongst districts and crucially depended on increasing market values over multi-year project lifespans.

To private property developers, RDAs essentially offered cheap funding while simply directing development into designated areas.[35] While this was critiqued as early as 1998, subsequent redefinitions of RDAs broadened their scope to include expansions in the suburbs.[36] RDAs were an example of fiscalization of land use as they allowed suburban development to increase the property tax base and collect construction-related revenues (i.e., permit fees).[37] This created a public-private partnership, spreading responsibility and making political accountability or oversight less likely. In this area as well as others, the business of

government was increasingly to encourage urban growth; they issued bonds to "kick-start economic development" and there was little or no interest in regulation given that the "speculative housing boom . . . propped up municipal government."[38]

Not only did RDAs and TIF allow municipal governments to create an attractive environment for private development, they also enabled governments to borrow and subsidize the process, all while depending on the assumed growth of the housing sector to balance their own budgets. Instead of raising property taxes, they simply encouraged more building. Municipalities' use of RDAs would encourage the rise of housing prices as they were able to ride the housing bubble, expecting it to continue. P13 drove the growth of RDAs as a

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[34] Dardia, *Subsidizing Redevelopment*, iii.

[35] Davidson and Ward, "Austerity Urbanism," 87.

[36] Ibid.; Dardia, *Subsidizing Redevelopment*, ii.

[37] Davidson and Ward, "Austerity Urbanism," 88.

[38] Ibid., 89.

budgetary tool and served as a reminder of how neoliberal restructuring projects were produced within local contexts, "defined by the legacies of inherited institutional frameworks."[39]

The rise of subprime mortgages, although not unique to California, can be understood within this broad structure of changes. Redevelopment could raise the housing values in "blighted" areas without having a corresponding impact on the incomes of individuals in those areas. Higher prices with unchanged mean incomes meant that, by default, individual homebuyers were more likely to be overleveraged if they wanted to buy in those areas. In 1970, the California median home price level was less than 10% higher than the national average; by 2007, the difference was over 150%.[40] Local homebuyers had to keep up somehow, and an

increase in cheap mortgages provided the means to buy the housing created by government-subsidized urban development. Subprime mortgages involved individuals borrowing funds with less than prime prediction of repayment. Adjustable rate mortgages were a common subprime category, which began with a fixed rate and subsequently converted to a floating rate, meaning that required payments could increase significantly in the future.[41] Many poorer and first time buyers who did not understand these implications were targeted in particular for subprime mortgages.[42] Higher rates meant lenders could earn higher returns, but also meant that millions of homebuyers were gambling against their future ability to pay back debt.

Subprime mortgage lending was its own business; mortgages were spliced and

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[39] Brenner and Theodore, "Cities," 349.

[40] Kroll, *California Housing*, 2.

[41] Gramlich, *Subprime Mortgages*, 3.

[42] Bardhan, "Pivot of the Great Recession," 12.

distributed across diverse investment packages which were bought and sold, leaving no component representing the whole house.[43] This lengthened distance between the loan itself and the financial instrument, obscured risk, and linked local homebuyers with international markets. The securitization of local mortgages into investment instruments allowed lenders to pass on more liquid assets to a global wholesale market, providing a financial incentive for mortgage lenders to offer more and more loans irrespective of the likelihood of repayment.

The proliferation of these cheap mortgages, driven by low interest rates and the creation of financial tools, provided the means to buy the housing created by government-subsidized urban development. With the housing bubble tying growth to mobile international markets, and California lenders responsible for

56% of subprime mortgages issued from 2005- 2007, borrowing against future incomes became steadily normalized for both citizens and municipalities of the state.[44]

The 2007-2008 Fallout

After borrowers started defaulting on mortgages, the vulnerability of the housing and financial markets became clear. Neoliberal strategies of enhanced international capital mobility and inter-locality competition, meant that both asset values and government revenue streams fell as swiftly as they had risen. As of 2011, home values dropped precipitously in California with foreclosure and unemployment rates higher than most other states.[45] The areas with the highest shares of subprime mortgages issued (reflecting lower mean incomes of homebuyers relative to housing prices) were

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[43] Sassen, "Global Circulation of Mortgages" 412.

[44] Bardhan, "Pivot of the Great Recession," 21.

[45] Ibid., 3; Kroll, *California Housing*, 3.

more likely to have a large gain in value during the boom, and loss post-boom.[46] California mortgage banks were "the first to fall" and made up a majority of the top ten bank failures of the Great Recession.[47]

The gamble for development backfired. The capacity for government response was decimated because basic functioning of the state was dependent on a variable tax base and drawing in capital. The state's budget shortfall in the 2009-2010 fiscal year was a "very high" 37% of general funds, compared to a national average of 15%.[48] California was not only hit with a housing crisis, but also a fiscal one. The resulting economic lows were as extreme as the pre-2007 growth, with cities battling varying levels of fiscal crises, including some defaulting on their debt. The double case of

recession and fiscal crises meant that it caused an unprecedented fallout, with subsequently reduced government spending hitting particularly hard.

Unfortunately, in the case of Californian counties, shrinking revenues and reductions in state aid were coupled with rising costs for labour, goods, and services.[49] When surveyed, regions blamed the housing market and foreclosure crisis for their problems; 88.2% of counties blamed decreased property and sales taxes as "the main contributor to their budget problems" despite these sources of revenue traditionally being less elastic at the local government level than at the federal.[50] Budgetary problems were compounded in 2011 when the Legislature approved the dissolution of the state's four hundred plus RDAs as part of the

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[46] Kroll, *California Housing*, 6.

[47] Bardhan, "Pivot of the Great Recession," 21.

[48] Jonas, "Great Recession," 12.

[49] Sun, "Budget Strategy," 6.

[50] Ibid.; Jonas, "Great Recession," 12.

Budget Act. They had created over $30 billion in debt by 2012.[51] Borrowing to subsidize development was no longer profitable. While this dissolution was an attempt at restructuring, it had a municipal effect in that debts, liabilities, and projects of RDAs were taken over by city governments. The fiscal stress of this initiative was such that Los Angeles simply refused to take on these debts, citing that they could not afford it.[52]

An additional, wider fiscal burden came because of the financial risk-taking undertaken by lenders handling subprime mortgages and debt obligations in the housing and asset bubble. They were "guaranteed by the most comprehensive hedge of all a government bailout."[53] Since California had already experienced massive downgrading of municipal budgets by this point, the need to

further slash budgets and lay off workers to balance this placed additional pressure on the state. Just as broader state tax rescaling had encouraged competitive speculative development amongst individual cities, "the now typical pattern is to further localize budget pressures, to pass down (or rather, push) cuts to local governments," an ironic form of trickle-down austerity.[54] Fiscal crises with commitments to neoliberal policies meant that many cities were forced to make cuts in public and essential services, including public parks and libraries. Raising taxes did occur to balance budgets nationally, but in California, proposed tax increases, borrowing, and other measures in Propositions 1A through 1E were voted down in May, 2009, leaving the state with limited options to increase revenue.[55] Debt financing, normalized for years,

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[51] "Redevelopment Agency Dissolution," California Department of Finance, http://bit.ly/1nooL8u; Davidson and Ward, "Austerity Urbanism," 82.

[52] Davidson and Ward, "Austerity Urbanism," 83.

[53] Bardhan, "Pivot of the Great Recession," 8.

[54] Peck, "Pushing Austerity," 28.

[55] Jonas, "Great Recession," 26; Sun, "Budget Strategy," 2.

was now under scrutiny. In response, California counties attempted to control labour costs (the largest portion of budgets) by implementing hiring and salary freezes, layoffs, and early retirements of workers.[56] When government revenue sources were tied to the business cycle and states were forced to balance budgets in a downturn, their actions hardened rather than cushioned the crisis.

One could argue that California's budgetary crisis was a normal outcome of the recession, as most states faced or projected budget shortfalls in 2009, and impacts on tax collection did vary.[57] Property tax revenues were affected by the drop in housing prices, income, and sales tax revenues by GDP contraction.[58] However, this fails to account for the magnitude of the issues in California. Property taxes overall responded with a delay to

changes in housing prices. The volatility of income and sales tax revenues in response to weaker economic activity only supports the case that when a larger portion of state and local budgets are dependent on these more variable taxes, they face a greater swing in revenues.[59]

Moreover, California's experience was not solely a result of the size of the California housing markets. While the state did have the largest housing sector, this comparison by volume does not sufficiently explain the gap in median home prices before the crash. In 2007, the California median home price was over 150% larger than national average.[60] Moreover, the general housing crash does not entirely explain the relative size of the budget shortfall. If the issue was only responding to a decrease in property tax values from the drop in prices rather

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[56] Sun, "Budget Strategy," 8.

[57] McNicol and Lav, *State Budget Troubles*, 1; Jonas, "Great Recession," 16.

[58] Jonas, "Great Recession," 15.

[59] Ibid.

[60] Kroll, *California Housing*, 2.

than debt from financing speculative development, it is unlikely that California's budget shortfall percentage would have been over double (36% vs. 16 %) that of national averages.[61] California's taxation system had put in place the incentives for speculative development strategies, which caused its exposure to these financial and economic shocks to be particularly acute.

California Past and Future

Since 2008, California has seen surprisingly little structural change. The cases of municipal crises have been accompanied by a narrative of local state failure, even though the states were impacted by regional, national, and global policies. The best example of this is the city of Stockton, which defaulted on its debt in 2012. Stockton's municipal government faced a

$26 million annual deficit and had incurred almost $1 billion in debt as a city of only 290,000.[62] They had issued a large number of municipal bonds to raise revenue thanks to taxation and other struggles. While the city uniquely tried to force municipal bond holders to take on some of its debt, Stockton was still forced to negotiate its new budgets with the courts and review its commitment to public services.[63] Another city in a similar crisis was Vallejo, which saw property and sales tax revenues collapse by 30% and 20%, respectively, when the housing bubble burst.[64] The subsequent institutional and financial restructuring was emblematic of "today's speculative urbanism under conditions of austerity."[65] The narrative placed blame for the municipal crises on "bloated and unreformed" local governments, even though their situations were

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[61] Jonas, "Great Recession," 12.

[62] Pryor, "Municipal Bankruptcy."

[63] Ibid., 85; Peterson and Nadler, *Global Debt Crisis*, 6.

[64] Peck, "Pushing Austerity," 36.

[65] Davidson and Ward, "Austerity Urbanism," 85.

shaped by years of taxation, revenue, and speculative development changes.[66]

In sum, the effects of P13 left Californian cities exposed to the economic cycles of financial and housing markets, while illuminating the speculative component of neoliberalisation. As a contextually-embedded catalyst, P13 is a reminder that "neoliberal restructuring projects . . . were produced within national, regional, and local contexts."[67] Future state-local relations will likely see further austerity, as the threat of bankruptcy like that of Stockton, Vallejo, and San Bernadino is apparently enough of a threat to force states and municipalities to live within reduced budgets.[68] The interplay of globally and locally contingent factors (including government tax structure, spending, and revenues) caused an unprecedented fallout. Property taxes were the first source of taxation in the United States precisely because they were not subject to capital flight. By decreasing fiscal dependence on them, local California governments learned the costs of having revenues driven by economic cycles. It is notable that even with these extreme cases, cities in California have not seen meaningful reform and change. California is emblematic of the characteristics of increasingly globalised regional economies, with both quicker rises and harder falls. While other areas, such as Atlanta, are trumpeted are success stories of speculative development, the California case reveals the flip-side in the fallout after 2008. What is coming into play is the realisation that the increased openness of neoliberal policies not only ties regional success to factors beyond local control, but also hinders local ability to control response and revenue. The results of Proposition 13 are indicative of

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[66] Peck, "Pushing Austerity," 20.

[67] Brenner and Theodore, "Cities," 351.

[68] Peck, "Pushing Austerity, 21.

how local instances of deregulation across North America enabled speculative development on a global scale, making the economy more prone to extreme highs, but also dumping the costs of extreme lows on the municipal and regional level.

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Amsterdam's Transformation from Port City to Creative Centre

Shannon Geok Mui Tan[1]

In an age of major innovation and advancements, how do cities remain competitive and influential? This paper investigates policy measures cities use to stay globally competitive to increase their prospects for economic wealth and international influence. This specifically spotlights policies taken by the growing city of Amsterdam, which has recreated the city in order to entice the "Creative Class", a class of highly skilled and intellectual workers. The article sheds light on a growing international trend, and the potential consequences for cities wishing to expand in those ways.

During the past century, the global population has increased from less than two billion to over seven billion.[2] Competition for resources and a skilled workforce are more aggressive than ever as cities strive to advance their economies and position themselves in the global marketplace. Cities' economies have shifted towards a focus on technological innovation and business as sustainable sources of wealth. Subsequently, a new class of highly skilled, highly intellectual workers, the "Creative Class", has emerged.[3] The specific abilities and skills of this

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[1]Shannon Geok Mui Tan is in her fourth year of the Political Science major program. Born and bred in East Vancouver, she is currently completing co-op as a Support Analyst at Indigenous and Northern Affairs Canada. Shannon's interests include policy analysis, minority studies, and urban planning. After completing her Bachelor's, she hopes to pursue legal studies in competition law or a degree in public policy.

[2] "Human Population: Population Growth," Population Reference Bureau, http://bit.ly/1xQ1lsk.

[3] Florida, *Cities and the Creative Class*, 8.

emerging class, is credited as sources of economic wealth for the next century due to their specific abilities and skills, geared towards innovation and expansion of quaternary industries such as technology or business, pave the way for new sources of economic wealth too.[4] These quaternary-sector industries the Creative Class occupies are credited as contributing the largest proportion to gross national product, as well as producing the largest number of jobs in most cases.[5] In order to achieve economic wealth and future sustainability in this rapidly advancing world, it is imperative that cities are able to attract and accommodate the Creative Class.

Using Amsterdam as a case study, this paper explores the policy measures cities use in order to to remain internationally competitive, expand their opportunities for economic growth, and increase their international influence. Additionally, this sheds light on a steadily growing trend in particular countries of policy-making based on attracting the Creative Class. In Western Europe in particular, tertiary and quaternary industries (communications and energy-producing industries specifically)dominate economies.[6] In order to attract the Creative Class, cities are packaged and commodified to appeal to these workers, in a process McCallum et al. describe as "city imaging."[7] First, I will examine Amsterdam's pursuit of city imaging through the analysis of municipal and international policies as well as institutions specifically designed to entice talent to the city. Second, I will analyze the economic and social strengths of the city to to advance its

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[4] Policy Research Group, *The Creative Economy: Key Concepts And Literature Review Highlights*, Government of Canada, 2013.

[5] Kenessey, "Sectors of the Economy," 363.

[6] Jordan-Bychkov et al., *The European Culture Area*, 276.

[7] McCallum et al., "Vancouver's Olympic Bid," 24.

suitability as a Creative Class haven. This also includes exploring the effects of government decisions on citizens who are not a part of the Creative Class. Lastly, I will show how these policies and policy impacts have global significance for city development and urban life.

Development of the Port of Amsterdam

Amsterdam has historically been a major port city, though this has changed as the city has pursued de-industrialist policies.[8] In 1602, the Dutch capital city became home to the world's first multinational corporation the Dutch East India Company.[9] The port's existence allowed the city to be a key European location for trading with areas overseas, permitting access to the European continent, and furthering the city's immigration

growth. The Post-World War I events introduced a higher concentration of educated youth and stimulated the birth of the squatter movement and the sixties' revolution, which contributed to the construction of an unrestricted society.[10] As one of the top European commercial ports, the Port of Amsterdam is part of Seaports Amsterdam, which includes the smaller ports of Beverwilk, Velsen and Zaanstad.[11] The 2600 hectares area proved successful with a transshipment of 75,755 million tons in 2008 consisting of mostly crude oil.[12]

The Port of Amsterdam has been changing in accordance with the city's new idea of attracting a Creative Class. In 2008, the Amsterdam City Council approved the "Slimme Haven" (Smart Port) policy document seeking to increase the severity of environmental

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[8] Port of Amsterdam, "History," http://bit.ly/1TIK82F.

[9] Shorto, *Amsterdam*, 103.

[10] Wiegmans and Louw, "Changing Port-City Relations," 579.

[11] Ibid., 577.

[12] Ibid.

regulations, in accordance with Amsterdam's pursuit to be one of the most environmental cities in the world.[13] The Port also proposes to develop a "transition zone" titled the "Minervahen" between the city and the port to reallocate port areas previously reserved for companies to more creative industries in the area.[14] This initiative by the city is intended to draw the attention of the creative class by symbolically pursuing a shift to modernity through the restructuring of the historical port.

Amsterdam's Municipal Powers and Influence on Development

Beyond a changing policy towards the Port, Amsterdam actively pursues the construction of a city image through policy implementation. The City of Amsterdam functions as a municipality within the Netherlands with a council (city council), municipal executive board, and mayor who serves on the municipal executive board and an authority for maintaining public order.[15] Amsterdam consists of eight boroughs, with respective board committees responsible for areas including parks and recreation, garbage, and permits.[16] There are no constitutional set of responsibilities for municipalities in the Netherlands, so they take on an executive function, implementing policy created at the national level.[17] Municipalities still have a high degree of freedom pertaining to district issues. This "open household" system permits municipalities to engage in any responsibilities under the condition that the city does not violate constitutional bounds or national policy.[18] Due to this

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[13] Ibid., 579.

[14] Ibid.

[15] Gilderbloom et al., "Amsterdam: Planning and Policy," 8.

[16] Ibid.

[17] Ibid.

[18] Ibid., 9.

open policy system, the city is able to tailor its developments towards building a creative economy. An apt example of this is the 1989 Housing Policy. Prior to the 1980s, the housing market was strictly regulated by the state through rent controls, regulated housing, and restrictions on mass gentrification.[19] The decrease in property values and population prompted the Amsterdam City Council to take action. Policy shifted from replacing broken-down neighbourhoods to centralizing service facilities and creating a "compact city."[20] In 1989, the housing policy was deregulated and the housing sector was privatized.[21]

Over time, this led to major private development and gentrification, especially in three main areas: the Old City (including the Red Light district), the Canal district, and the Jordaan neighbourhood.[22] The Old City has included more retail shops rather than expand on the sexual permissiveness through businesses that dominated the region previously. The Canal District has been revamped to home creative class businesses with the port region alone housing 2,165 companies.[23] The Jordaan district in particular has an interesting juxtaposition of gentrified developments next to social housing for the large working-class population.[24] In 2007, De Wallen, the main prostitution district and a major tourist region, had fifty of its prostitution windows closed.[25] The city instead dedicated the windows to low-rent spaces for young aspiring fashion designers to display their work, thus

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[19] Smith, *New Urban Frontier*, 164.

[20] Ibid., 165.

[21] Ibid., 166.

[22] Ibid.

[23] Port of Amsterdam, "Factsheet: Figures," 2014, http://bit.ly/1U48XG4.

[24] Smith, *New Urban Frontier*, 169.

[25] Charles Hawley, "Dimming the Red Light," *Spiegel International*, September 21, 2007, http://bit.ly/1QW217l.

converting the use of space from a cultural liberal use to a mainstream artistic use.[26] In 2009, the Dutch justice ministry also announced its intention to close 320 more windows for fear of increasing trafficking and pimping in the region.[27] Prostitution and the drug trade had previously been a barrier in the way of gentrification in the region, but closing windows also allowed for new development in accordance with the changing city policies directed towards attracting the Creative Class.[28] Gentrification through attraction of the creative class was considered a "lifebuoy for the big city," leading to population increase, creative economy development, and recognition as a creative class city.[29] It has become an ever-constant presence in public policy, a tool for the city government to wield in attracting new wealthy

companies and businesses while neglecting the needs of those who can no longer afford the city.[30]

International and European Involvement

The international and domestic policies of the Netherlands do not hinder the city's technology-fostering ambitions. Instead, they provide a strong foundation for Amsterdam's goal of attracting the Creative Class, particularly through national involvement with the European Union (EU) and the Netherlands' liberal drug and prostitution laws. The Netherland's status as an EU member state permits European and global advocacy of its interests. Membership also promotes an internal market concerned with furthering "the free movement of knowledge,

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[26] Ibid.

[27] Vivienne Walt, "Vice Versa: Amsterdam Cleans Up," *Time*, August 27, 2008, http://ti.me/24IZJmg.

[28] Smith, *New Urban Frontier*, 166.

[29] Ibid., 170.

[30] Ibid.

researchers, and technology."[31] With the EU's international border labour migration, the Netherlands is also better able to access skilled newcomers.[32] Additionally, the Netherlands is a member of the Schengen Agreement that established the elimination of border controls mostly between EU-member countries, allowing for free worker movement.[33] Open borders are crucial in enticing a skilled Creative Class as they allow skilled workers ease of travel.[34] Amsterdam is better able to attract talent from throughout Europe with the Netherlands' EU and Schengen involvement.[35] The city's port and Schiphol Airport further increase the ease of migration. The Netherlands strives to create a European international digital market with global competition as a driving factor in creating and promoting new telecommunications innovations.[36] The development of such a market would allow Amsterdam's "globalizing and increasingly knowledge-and-information-based economy" to expand with global exposure.[37]

Adding to its appeal, the Netherlands' liberal policies are usually regarded as a defining character of Dutch culture. Research has shown that high levels of diversity and tolerance are crucial in a city's social characteristics for attracting a Creative Class.[38] However, in its movement to be a "creative knowledge centre," the city

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[31] Government of the Netherlands, "The Netherlands and the EU Internal Market," http://bit.ly/1psht56.

[32] Ibid.

[33] Ibid., "The Schengen Countries," http://bit.ly/1Yh3ICl.

[34] Ibid.

[35] Ibid.

[36] Ibid.

[37] Musterd et al., "Old and New Urban Centers," 365.

[38] Gilderbloom et al., "Amsterdam: Planning and Policy," 19.

endeavors to reduce focus from its identity as "the city with sex and drugs"[39] when advertising itself.[40] City marketers hoped to recreate the image of the city through a new set of values, namely "creatively, innovation, and the spirit of commerce."[41] The City of Amsterdam has started the implementation of mixed-use development, recognizing social good arising from land-use mixing. Streets previously dominated by marijuana shops and cafes are now having restaurants and shops added, focusing on upscale business.[42]

Municipal Initiatives To Advertise Amsterdam

Amsterdam also utilizes its municipal powers to create policies furthering the city's image as a creative centre.[43] As the city moves away from its historic liberal principles, the most prominent change is the city's "IAmsterdam" initiative. In 2003, the City of Amsterdam researched new city marketing with consultants to understand the city as a brand to the public.[44] The study researched marketing in other cities such as Berlin, Dublin, and Dutch rival Rotterdam, concluding that the city not only failed to brand its advantages internationally, but also had no concrete principles or "key values that would capture the city's essence."[45] The Amsterdam marketing efforts were coordinated through a public-private partnership titled Amsterdam Partners, involving the city's mayor, Job Cohen, as chairman, seven departments of the municipality as well as representatives from major

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[39] Kavaratzis and Ashworth, "Marketing the City of Amsterdam," 19.

[40] Gilderbloom et al., "Amsterdam: Planning and Policy," 19.

[41] Ibid., 20.

[42] Ibid.

[43] Ibid., 19.

[44] Kavaratzis and Ashworth, "Marketing the City of Amsterdam," 19.

[45] Ibid.

companies including the Amsterdam Schipol Airport Authority and ABN AMRO bank.[46] In 2004, through Amsterdam Partners' work, a major brand campaign was launched with the new city logo being "I amsterdam," as a motto for the people of Amsterdam to demonstrate their pride in the city and "show clearly and proudly all the many benefits, opportunities, and dimensions of excellence that make Amsterdam [their] city of choice."[47]

These policies and self-advertisements have worked in marketing it as one of the most attractive and lucrative cities for international companies to invest in. The city boasts Europe's largest "airport-seaport" combination, a highly refined IT infrastructure, and is listed as one of the World's top countries to live.[48] The city cleverly markets itself as the prime location for any business to grow and succeed. Major companies such as Netflix, Uber, and Tesla have established offices in the city also contributing to job growth for those able to work in those industries.[49]

Today, "I amsterdam" has proven extremely successful in "re-tuning the city's international image," with its focused brand associated with values of creativity and innovation.[50] Amsterdam Partners were careful in regulating use of "I amsterdam" going so far as to reject the municipality's tax department request to use the slogan in their communications with taxpayers out of fear for a negative brand association.[51] With permission of Amsterdam Partners, the logo is featured as a contemporary marketing campaign: it has a website, Twitter

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[46] Ibid., 21.

[47] I amsterdam, "What is I amsterdam," http://bit.ly/21ekWjq.

[48] Port of Amsterdam, "Factsheet: Figures," 2014, http://bit.ly/1U48XG4.

[49] I amsterdam, "Record Number of International Companies Establish Offices in Amsterdam," February 13, 2015, http://bit.ly/24J1ikd.

[50] Kavaratzis and Ashworth, "Marketing the City of Amsterdam," 16.

[51] Ibid., 23.

account, Facebook page, mobile app, souvenirs, and is featured on blogs and magazines. Amsterdam Airport Schiphol and the city's Rijksmuseum feature two-meter tall letters spelling out the brand. According to Amsterdam Partners, these letters are photographed approximately 8,000 times a day.[52]This is a direct recreation of the city's image as beyond "sex and drugs" based tourism and towards an advanced creative centre.[53] The active creation of a brand for the city offers evidence of its position as an "image-machine" as well.

Amsterdam's Technology, Talent, and Tolerance to Attract the Creative Class

According to Florida's theory, the Creative Class thrives predominantly in areas which possess what he titles "the three

T's of economic development: Technology, Talent, and Tolerance."[54] There is a correlation between a city's tolerance and diversity, and its success in attracting talented workers.[55] Amsterdam thus has a strong environment to attract the Creative Class. The first requirement, tolerance, refers to "openness, inclusiveness, and diversity to all ethnicities, races, and walks of life."[56]Members of the Creative Class such as artists and musicians are found to generally prefer diverse places. Taking into consideration physical openness as well, Amsterdam's work and immigration policies through Netherlands' open borders encourages a greater diversity of people into the country. With a population of over 170 nationalities and a forty-five percent ethnic minority population, Amsterdam proves

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[52] Ibid.

[53] Jimmy Stamp, "Rebranding Amsterdam and What it Means to Rebrand a City," *Smithsonian*, August 30, 2012, http://bit.ly/1XTqi4Z.

[54] Florida, *Cities and the Creative Class*, 37.

[55] Ibid., 130.

[56] Ibid., 37.

itself highly diverse. Amsterdam also has a reputation as the "gay capital of Europe," celebrated with the 1987 Homomonument and their annual pride parade.[57] In this sense, Amsterdam satisfies the requirement of tolerance which increases its appeal to the Creative Class.

The second requirement for the creative class, talent, is defined by Florida as "those with a bachelor's degree and above."[58] According to a 2014 Organization for Economic Cooperation and Development (OECD) report, on average thirty-two percent of Dutch twenty-five to sixty-five year olds hold a university degree, higher than the OECD average of twenty-four percent amongst democratic countries with market economies.[59] Immigration or work transfer into the city by talented or skilled workers is

accompanied by benefits such as tax breaks. Amsterdam boasts two globally recognized universities, The Universiteit van Amsterdam (UvA) and the Vrije Universiteit (VU).[60] The UVA has produced four Nobel Laureates and VU was attended by the current Prime Minister of the Netherlands, Jan Peter Balkenende.[61] To increase their image as a knowledge-based centre, Amsterdam introduced Amsterdam University College (AUC) that permits a "full-time, three-year degree in liberal arts and science" with high entrance requirements.[62] The Duisenberg School of Finance (DSF) is also advertised via the city's "I amsterdam" website, titled as "an important step in the further development of the Netherlands, and Amsterdam in particular, as an international finance centre."[63] This private-public organized

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[57] Gilderbloom et al., "Amsterdam: Planning and Policy," 19.

[58] Florida, *Cities and the Creative Class*, 37.

[59] Organization for Economic Co-operation and Development, "Education at a Glance 2014: Netherlands," http://bit.ly/1KbYNgi.

[60] I amsterdam, "Higher Education," http://bit.ly/1Qu01pV.

[61] Ibid.

[62] Ibid.

[63] Ibid.

institute allows student exposure to international professional expertise as well as field experience to expand their exposure to the field.[64] As part of a highly literate and educated nation, Amsterdam has gone beyond typical education through the AUC and DSF to increase opportunities to build a Creative Class based society.

Florida's final requisite to attract human capital or talent is technology, which refers to "both innovation and high technology concentrations in a region."[65] The most obvious evidence of this in Amsterdam is through their "Amsterdam Smart City" (ASC) initiative. This project began in 2009 as a partnership between the municipality of Amsterdam, Amsterdam Innovation Motor, and the grid operator Liander with the goal of developing Amsterdam into a "smart city,"

achieving high capital and communications investments and infrastructure. Additionally, the project strives for "sustainable economic growth and a high quality of life, in combination with an efficient use of natural resources."[66] Numerous projects through this initiative vary, allowing businesses to test their innovative products and services on the city.[67] One technological environment initiative through the ASC was the "ship to grid" initiative.[68] This allowed ships to connect to green energy via shore power stations "instead of relying on polluting on board diesel generators for their power supply."[69] The environmental attention increasingly involved in projects represents sustainable values the city has long maintained. Another example is Amsterdam's decision to facilitate free Wifi in the metropolitan

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[64] Ibid.

[65] Florida, *Cities and the Creative Class*, 37.

[66] City-zen, "Amsterdam Smart City," http://bit.ly/1Rhivxm.

[67] Ibid.

[68] Amsterdam Smart City, "Ship to Grid," http://bit.ly/1U1gjuu.

[69] Ibid.

public areas.[70] This advancement in ease of communication furthered the city's technological appeal as a city where one can constantly remain plugged in. In 2012 alone, nearly twelve million international tourists visited the city and as of 2013 "Fiber, Broadband, and LTE networks" alongside free Wi-Fi access are available citywide.[71] In accordance with the its ambition to achieve sustainable technology, the City of Amsterdam signed a deal in 2014 with the Amsterdam Arena to make its stadium "one of the most innovative stadiums in the world."[72] The ambitious strategy includes developing the stadium's technological capabilities through collaboration with companies including FOX, AFC Ajax, Ericsson, and Google to improve crowd movement and energy grids for visitor connectivity.[73] The collaboration of the city with major technological companies advances the city's image promotion as a creative hub.

Emergence of Two Main Classes

Indeed, Amsterdam's policies have developed to attract the Creative Class to the city. Importantly, the development of the city in catering to attracting and maintaining the Creative Class has had some negative effects, especially on those who are not in these upper classes. These negative effects are unavoidable accompaniments to the policies in altering a city to accommodate the creative population.[74] Most prominent are the results of gentrification and the shift in social class, particularly at the expense of lower classes.

Two main classes have developed in cities around the world the tertiary or quaternary

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[70] Amsterdam Smart City, "Amsterdam Free Wifi," http://bit.ly/1rlgfpB.

[71] Ericsson, "Connected Wheels Make City Life Smarter," http://bit.ly/1nJ1X3r.

[72] Amsterdam Arena, "Innovation Center," http://bit.ly/1TNjC8K.

[73] Ibid.

[74] Hutton, "The Reproduction of Vancouver's Central Area," 1954.

sectors comprising of the Creative Class and a subordinate class providing services to this creative class.[75] These services may range from janitorial services, restaurant servers, or other menial jobs meant to provide essential services or entertainment to maintain the Creative Class.[76] The "New Economy" dedicated towards these new professionals mean services and policies become increasingly focused on this wealth-bringing Creative Class. Amsterdam is no exception. As shown above, policies specifically tailored to gentrification and supporting the creative class have led to the shuttering of working class neighbourhoods and an abandonment of cultural modes of living. As the cost of living increases, subordinate classes are left with fewer and fewer resources with which to resist marginalization.[77] Often, as is the

case in Amsterdam, governmental policies do primarily consider policy impacts in terms of their impact on the Creative Class and not the subordinate service class.[78]

Conclusion

Overall, Amsterdam has become an image-creation driven city. According to the "three T's" theory, Amsterdam fulfills all areas of interest to attract a Creative Class.[79] Analysis of the historical development from a traditional port city to a modernized and technologically advanced location shows an intentionally developed public image from cultural liberal centre to creative hub. The city's political free reign in the Netherland's political framework has allowed it to adopt policies such as the Amsterdam Smart City to actively market the city as high-tech and

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[75] Ibid., 1972.

[76] Ibid.

[77] Ibid., 1974.

[78] Ibid., 1975.

[79] Florida, *Cities and the Creative Class*, 37.

innovative with major potential to expand further. The creation of an actual logo and brand, "I amsterdam," furthers the commodification of the city's attractive image.[80]   During the past half century, rapid gentrification and development in creating this "New Economy" have come with negative effects on citizens with city affordability, the marginalization of those not in the menial working class or the wealthy creative class, and the income-based segregation made prominent through creative class policies. This growing trend arises in numerous Creative Class cities, albeit at different level. If Creative Class economies and cities are designated the economies of the future, concerns about lower and marginalized classes certainly must be addressed as more cities adopt policies around the highly skilled workforce.

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[80] I amsterdam, "Higher Education," http://bit.ly/1Qu01pV.

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Police Body-Worn Cameras: A Foucauldian Analysis of Accountability vs. Visibility

Hannah Tollefson[1]

Since 2013, a number of highly publicized civilian shootings by law enforcement officers has resulted in a public demand for police to be equipped with body mounted cameras. This paper traces Foucault's genealogy of surveillance, discipline and visibility in Discipline and Punish to critically analyze the rapid adoption of police body-cameras. It asks: how do police body cameras operate differently from other methods of surveillance and sousveillance? Can these cameras truly check to asymmetries of in the power of observation between police and citizens? How might systemic racism influence the way information collected by these cameras is read and interpreted? This case raises the question as how to approach technological solutions for complex social issues.

The failed indictment of Darren Wilson, the officer who lethally shot unarmed African American teenager Mike Brown in Ferguson, Missouri, on August 9, 2014, led to a widespread outcry from the American public calling for more accountability of police actions and recognition that "black lives matter."[2] Conflicting testimonies from the St. Louis County Police and from witnesses at the scene contributed to the prevailing view that if an objective account of events had been captured, the justice system

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[1] Hannah Tollefson is a recent graduate of political science and german studies whose interests include critical theory, media studies and philosophy. In the fall she will pursue graduate studies in the field of Communication Studies.

[2] "The Killing of Michael Brown: Missouri Police Shooting of Unarmed Black Teen Sparks Days of Protest," *Democracy Now*, August 12, 2014, http://bit.ly/1l2OkdI.

would be better equipped to follow through with appropriate legal measures.[3] Many citizens, journalists, and academic commentators believed that if Darren Brown had been equipped with a body-worn camera (BWC), the corresponding video evidence would have led to an indictment.[4] Mike Brown's parents called on Americans to support them in passing the Mike Brown Law to "ensure that every police officer working the streets in this country wears a body camera."[5] Within a few months, on December 1, 2014, President Obama responded with a proposal for allocating $75 million to the implementation of BWC technology.[6]

In light of highly publicized civilian deaths at the hand of law enforcement officers (LEOs), this paper analyzes the rapid adoption of police BWCs in North America through a Foucauldian lens. Firstly, an examination of Foucualt's genealogy in *Discipline and Punish* will demonstrate the ways that surveillance operates within a nexus of power and knowledge, and how techniques of visibility are used as means of control. Secondly, this paper asks whether police BWCs offer the subversive potential of sous-veillance methods. Thirdly, this paper addresses the question of whether police BWCs can truly help to check asymmetries in powers of observation between the police and the public. For instance, how might systemic racism and implicit bias undermine the de-subjectifying potential of police BWCs? Finally, this paper suggests that the use of BWC biometrics, understood as the ability of these technologies to read physical characteristics and recognize bodily behaviors in

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[3] Upturn, "Body-Worn Cameras."

[4] Josh Sanburn, "The One Battle Mike Brown's Parents Will Win," *Time*, November 24, 2014, http://ti.me/1TziJjT.

[5] Alexa Van Brunt, "Mike Brown's Law Is a Start, but Police-Body Cams Are No Panacea for Violence," *Guardian*, November 27, 2014, http://bit.ly/1vp48cb.

[6] "The Killing of Michael Brown," *Democracy Now*.

order to organize individuals and authenticate identities, further complicates their rapid adoption. In conclusion, while this paper recognizes the that implementation of police BWCs is an appealing technique to addressing a complex political problem, their implementation should be pursued with caution given their potential implications.

There is an emerging consensus among the public, civil liberties associations, governments, and police unions that outfitting LEOs with body-worn cameras could prove an efficient means of eliminating the ambiguity present in violent clashes between citizens and law enforcement officers.[7] It is not clear, however, that equipping LEOs with more technologies will help curb excessive policing. Technologies are not neutral because they emerge from specific socio-political contexts and are influenced by the biases of designers, interests of industries, and attitudes of users. In the current social climate

which is characterized by increasing income inequality, racial tensions, and the militarization of police, the introduction of new technologies like BWCs has unforeseeable potential consequences. Police BWCs are highly specialized surveillance devices that capture vast amounts of information and data. The assumption that their use might bring about greater accountability of police actions should be met with critical inquiry.

Discipline and Punish

A key insight of Michel Foucault's *Discipline and Punish* is that the making of certain subjects, processes, and behaviours *visible* is a necessary condition of discipline and control. Investigating the complexities involved in implementing BWC systems through a Foucauldian lens, brings to light the ways in which the disciplinary nature of these surveillance technologies may undermine their de-

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[7] Harvard Law Review, "Considering Police Body Cameras."

subjectifying potential.[8] In the book, Foucault traces a genealogy of disciplinary mechanisms from the eighteenth to twentieth centuries, providing an account of how surveillance and observation are implicated in networks of power that, in rendering subjects visible, make them "docile and knowable."[9] For Foucault, discipline does not arise from a particular institution or individual; it is a 'physics' of power that forms subjects through mechanisms of surveillance, observation, and classification.[10] As individuals are "described, judged, measured, [and] compared with others," they are marked by these categorizations, which renders them visible to power.[11] Discipline operates as a

technology: a machine that any individual may use.[12] Though observation is hierarchical in its pyramidal organization whereby the few survey the many, it also operates laterally in a network so that "supervisors are perpetually supervised."[13]

In the translator's note to Foucault's *Discipline and Punish*, Allen Sheridan discusses the French title, *Surveiller et Punir*.[14] He explains that there is no English equivalent of *surveiller*, and that its rendering as 'discipline' was finally suggested by Foucault himself. This choice, however, obscures the significance of survey-like observation in the text. The notion of vision is central to both the form and content of Foucault's study in *Discipline and*

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[8] For Foucault, de-subjectification can be achieved through historical analysis by engaging with the power relations that form people as subjects then seeking strategies through which those subjects can engage in resistance and in doing so, transform themselves. See Foucault, *Remarks on Marx*, 28.

[9] Foucault, *Discipline and Punish*, 172.

[10] Ibid., 194, 215.

[11] Ibid., 191.

[12] Ibid., 215.

[13] Ibid., 195.

[14] Ibid., ix.

Punish. Historical shifts are marked through elaborate descriptions that paint detailed mental images. Section one, *The Body of the Condemned*, opens with a graphic display of "sovereign power" in the eighteenth century when regicide Robert Francois-Damiens was publicly executed by being drawn and quartered for his attempt to murder King Louis XV of France.[15] Marking a redistribution of the economy of punishment, Foucault itemizes the strict and ordered procedure demanded of young prisoners in 19th century Paris.[16] These descriptions demonstrate the ways in which visibility works to assure the efficient functioning of power. Each scene illustrates the particular form of punishment and how it served to make certain bodies, spaces, and behaviours visible.[17]

Sur-veiller

One of Foucault's pivotal images is utilitarian philosopher Jeremy Bentham's panopticon. The panopticon's architectural arrangement ensures the omnipresent possibility of surveillance.[18] This affects the prisoners' self consciousness in such a way that no external force is required and the result is an "automatic functioning of power."[19] Foucault contends that this logic, extending beyond the original prison model to schools, hospitals, asylums, and barracks, became the logic of surveillance, which he calls 'panopticism.'[20] This logic is echoed by Hadi Partovi, a board member of the company Taser, who expanded their market share of non-lethal law enforcement technologies and produced the most commonly used BWC, the Axon:

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[15] Ibid., 5.
[16] Ibid., 6.
[17] Ibid.
[18] Ibid., 201.
[19] Ibid., 206.
[20] Ibid., 217.

"when people know they're on camera, they act like better citizens."[21] One of the benefits the Axon and other BWC systems promise is a check on violent or inappropriate behavior on the part of both LEOs and citizens because they are aware that they are being recorded.

Surveillance is a particular form of vision, one that is omnipresent in American society. It implies a relation of power *sur* meaning 'over' and *veiller* 'to watch.' A typical example of this would be the omnipresent closed circuit television (CCTV) systems that capture events from a bird's eye view for the use of a particular company, business, or government. Within the field of surveillance studies, the subversive potential of 'sousveillance' is heralded for its potential to counterbalance the power dynamic of surveillance. A play on the French, *sous* meaning 'below', sousveillance involves a shift in both perspective and power relations. Civilians turn their recording devices back on authorities, bringing about a new kind of visibility of their actions in the media.[22] This often takes the form of video captured on camera phones, uploaded and shared over YouTube and other social media platforms.[23] In an article on wearable camera technologies and sousveillance tactics, Mann, Nolan, and Wellman argue that personal wearable camera devices may be empowering for individuals who are endowed with the means to become "master and subject of the gaze."[24] BWCs, however, operate differently than either of these devices, as they do not record events from overhead, like CCTV systems, and the information they produce is not in the direct control of citizens.

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[21] Quentin Hardy, "Taser's Latest Police Weapon: The Tiny Camera and The Cloud," *New York Times*, February 21, 2012, http://nyti.ms/1X2IruR.

[22] Goldsmith, "Policing's New Visibility," 919.

[23] Ibid.

[24] Mann et al., "Sousveillance," 348.

Instead, it is produced from the point of view of the law enforcement officers wearing them. Therefore, though they are wearable technologies, it is not clear that they offer the same benefits to civilians as personal wearable camera devices.

Foucault writes that in the classical age, the lens changed the function of optics by mystifying the previous working of light, making new things visible, and preparing for new forms of knowledge to be known about subjects.[25] Portable and wearable cameras offer subversive and de-subjectifying capabilities to individuals insofar as they shift the disciplinary relation of power between individuals and authorities. The use of wearable cameras by police functions in a different manner. While BWCs may seem to promise transparency of police action, their perspective is not objective. Cameras do not show the entirety of a story, but rather, frame, record, and reproduce according

to their lens. Police BWCs quite literally capture the officer's point of view. The subversive potential of sousveillance techniques comes from the perspective of the recording device; in the case of the wearable BWCs, this perspective is tied to the relations of power between the camera wearer and the subject of the camera's gaze. Therefore, there is a qualitative difference in sousveillance video taken by witnesses to acts of police violence and video captured from the perspective of police BWCs.

Implicit Bias and Systemic Racism

In his article "Foucault's Art of Seeing," John Rajchman explains the way in which seeing is always already thought.[26] Rajchman argues that Foucault's analysis demonstrates the way that modalities of seeing, what is visible and intelligible, are rooted in material existence and visual practices. These practices involve

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[25] Foucault, *Discipline and Punish*, 170.

[26] Rajchman, "Foucault's Art of Seeing," 92.

technologies that frame, capture and record events and produce evidence about subjects, events and bodies.[27] This is reflected in the way that video is viewed and interpreted. Though police BWCs guarantee more evidence of police interaction with the public, the bodies depicted in the videos are not read objectively.

The countervailing potential of video evidence depends on how the public and the judiciary interpret the information made available. Some media is known to put victims on trial, as in the case of Eric Garner, who people blamed for selling cigarettes and standing up to police officers; or Trayvon Martin, who wore a hoodie and ran from an officer.[28] The way in which the bodies, actions, and lives of black people are made visible to power often serves to justify violence against them.[29] Moreover,

unconscious bias within the legal system is well documented.[30] Studies have demonstrated that a form of 'superhumanization bias' is read into the bodies of black people, particularly men, whereby they are perceived as having a higher pain threshold, greater physical strength, and more aggression.[31] Further studies have shown that anger and aggression are more likely to be perceived on the faces of black men than on those of other races.[32] Video evidence generated by police BWCs will be subject to these same interpretive biases. Given the ways that black bodies are visible to power, specifically to law enforcement, it is perhaps overly optimistic to expect that greater transparency alone would alter underlying power relations.

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[27] Halpern, *Beautiful Data,* 23

[28] Amy Goodman and Denis Moyniha, "Walking While Black: The Killing of Trayvon Martin," *Democracy Now*, March 22, 2012, http://bit.ly/1M0iSVu.

[29] Ibid.

[30] Boyd et al., "Police Body-Worn Cameras," 26.

[31] Ibid.

[32] Ibid.

Knowledge, Power & Biometrics

For Foucault, the recording of one's life, deeds, and actions was once a mark of privilege and power. In the shift to a disciplinary society, however, these records became documents to facilitate control and domination.[33] Techniques of observation, survey, and description operate to reconstitute subjects as objects of power and knowledge. During the 20th century, intelligence gathering and storage took the form of written accounts, files, and archives. Today we have interfaces, processing systems, and clouds.[34] Data and biometrics are the contemporary forms of survey that constitute new logistics of control.[35] However, as Orit Halpern writes, these new digital infrastructures operate similarly to archives: organizing and processing networks of information.[36] Due to the sheer volume of digital data that is generated and stored by technologies like BWCs, new tools are needed to manage this information. While normalizing judgment is part of any economy of observation, digital biometric technologies mark a dramatic shift away from older forms of surveillance.

In order to process the mass amounts of data BWC systems produce, their implementation relies on the development of biometric recognition and informatics systems. The Federal Bureau of Investigation defines biometrics as "measurable biological or behavioural characteristics used for identification of an individual."[37] The benefits that they offer are increased convenience, improved security, and fraud reduction by operating

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[33] Foucault, *Discipline and Punish*, 191.

[34] Halpern, *Beautiful Data*, 34.

[35] Ibid.

[36] Ibid., 30.

[37] Boyd et al., "Police Body-Worn Cameras," 22.

as a verifiable way to fix identities.[38] Biometric technologies have the capability to scan video images for fingerprints and irises, and to recognize voices and facial features.[39] Computer-based recognition software is then used to identify subjects by matching the information against pre-existing databases.[40] Information gathered by police BWCs offers previously unseen possibilities.

BWCs are capable of simultaneously recording video and audio, which enables them to capture background conversations, ambient sounds, and facilitate the use of voice recognition software.[41] They also produce high quality images that allow for real-time facial recognition technologies that can scan spaces and crowds.[42] One concern raised by the Center for Democracy and Technology is that police could draw from footage gathered at political rallies and protests as a means of cataloguing attendees.[43] Furthermore, given that officers patrol low-income and marginalized communities more heavily than they do others, the use of BWCs while patrolling will result in the collection of a disproportionately large amount of data pertaining to these populations. Thus, low-income and marginalized communities would be subject to heightened policing tactics of facial recognition and identification in comparison to more affluent or suburban populations.

For Foucault, the individualizing effect of discipline is a way in which this form of power coerces and dominates.[44] Biometric technologies operate through acute and precise methods of individualization and

[38] Martin and Whitley, "Fixing Identity," 53.

[39] Boyd et al., "Police Body-Worn Cameras," 22.

[40] Ibid., 23.

[41] Ibid.

[42] Ibid.

[43] Ibid.

[44] Foucault, *Discipline and Punish*, 204.

identification. Not only are they able to identify civilians, but BWCs individualize police officers themselves.[45] Biometric technologies exist that can distinguish the wearer by comparing personal markers such as shakes, camera motion, and stride length.[46] In cases of police cover-up or corruption, the ability to identify which given officer wears the camera would be valuable. However, the fact that BWCs capture identifiable behaviours of different officers could lead to police departments blaming individual officers, rather than addressing the systemic and cultural forces that may have contributed to facilitating their actions.

Vision and Evidence

In *Beautiful Data*, Orit Halpern traces a genealogy of optics and reason. She points to how, in the west, vision operates

metaphorically as a concept that organizes how we come to know things about the external world structuring objective knowledge that then has authority over subjective experience.[47] Halpern traces an etymological connection between seeing, being seen, survey, and evidence, as being tied to the Latin *videre*. Drawing on the work of Foucault and Deleuze, she argues that the history of both vision and evidence are intimately tied together.[48] Police BWCs record and register events while producing evidence and constructing what is admissible and verifiable as truth in cases where there may be diverging testimony from the parties involved. The way that the account of events are made visible and narrativized by these systems will shape bureaucratic and juridical proceedings. This is important because, unlike in cases of citizen sousveillance, in

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[45] Boyd et al., "Police Body-Worn Cameras," 24.

[46] Ibid.

[47] Halpern, *Beautiful Data*, 12.

[48] Ibid., 34.

the case of police BWC footage the LEOs' viewpoint is the story captured.

Greater availability and quality of video evidence and forensics have and will continue to transform epistemo-juridical norms. A report conducted by the Data and Society Research Institute on police BWCs compiled different studies on surveillance technologies and video evidence.[49] The report found that there is a significant and troubling discrepancy between what the public, juries, and judges believe that video evidence can account for, and what they are able to capture.[50] According to the report, cameras very often lead juries to have "unreasonable expectations" as to what video evidence is able to prove.[51] The report also found important and disconcerting discrepancies between understandings of video evidence

as unbiased and objective accounts of reality, and the inherent biases and points of view that video framing and observer interpretation inevitably involves.[52] These scenarios support Halpern and Foucault's theories about how material practices, such as new technologies that capture, organize and present information, construct the visual field and in doing so set standards of truth.

For Foucault, contemporary disciplinary power should not be described as censoring, masking, or concealing.[53] For him, power produces reality. Individuals and the knowledge extractible from them are inseparable from this production.[54] Thus, change in contemporary society must come from the change in "man in relation to his sense of self," through de-subjectification, which comes from a

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[49] Mateescu et al., "Police Body-Worn Cameras," 22.

[50] Ibid., 25.

[51] Ibid.

[52] Ibid.

[53] Foucault, *Discipline and Punish*, 194.

[54] Ibid.

transformation in relations and practices of knowledge and power.[55] While police BWC systems offer useful evidence in bringing to light the abuses perpetrated by LEOs, they fail to address the underlying power relations by offering de-subjectifying potential to those systemically oppressed citizens who bear the brunt of police abuses. Understanding police racism, brutality, and lack of accountability, as issues of censorship, masking or concealing, does not help to analyze or change the underlying relations of power and knowledge that subjugate marginalized populations.

Foucault's genealogical method activates history, demonstrating ways to interrogate how truth, knowledge and power and reconstituted in different historical moments and reorganized by new technologies. Disciplinary apparatuses rely on surveillance techniques and making subjects visible to power. At stake in the swift and widespread adoption of BWCs is an unparalleled heightening of police vision. The way that these cameras frame, capture, record, and organize information about individuals is yet to be seen. While some may champion the use of body-worn cameras as a means of democratizing surveillance, one can imagine Foucault warning against hope in a panoptic commons, reminding us instead that "visibility is a trap."[56]

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[55] Foucault, *Remarks on Marx*, 28.

[56] Ibid., *Discipline and Punish*, 205.

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