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The Political Science Journal of Boston College

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To address, ponder, and critique the political issues of past and present.

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LETTER FROM THE EDITORS

As we write this, our country, along with the rest of the world, enters a period of profound uncertainty. Compounded by the result of our recent election, as well as the baseless rhetoric and fear-mongering that was so prevalent throughout, it is difficult to be assured of what the future will hold. Perhaps more than ever before, the media's politicized and biased nature is easily discernible.

In our inaugural issue of *Colloquium: The Political Science Journal of Boston College*, we invite you to consider the objective, well-researched, and academically rigorous work of your fellow students. Through this publication, it is our aim to both highlight the work of our contributors and bring their ideas -- normally reserved for the confines of the political science classroom -- to the larger Boston College student body.

Within the following pages you will find a breadth of topics discussed that are diverse and pertinent to the present. These range from Monica Coscia's '17 compelling analysis of the American media's role in the 1979 Iran Hostage Crisis, to Hagop Toghramadjian's '17 unique insight into the Aliyev family's control of power in Azerbaijan. In response to what is undoubtedly one of the most pressing and dangerously misconstrued threats to our planet, *Colloquium's* staff has elected to make climate policy this issue's featured topic. While Emma Howe '18 introduces a "carrots and sticks" approach to formulating a successful climate deal, Ryan Duffy '17 considers the difficulties surrounding the passage of the Clean Power Plan in the U.S.

We hope *Colloquium* will enable you to think critically and learn from the writings presented here. We implore you to formulate factual links between what you read and what is to be found outside these pages. Ultimately, it is our goal to promote an open dialogue and exchange of ideas, regardless of interests, backgrounds, and perspectives, within and beyond our academic community.

Thank you for picking up this copy of *Colloquium: The Political Science Journal of Boston College*.

Cesar Garcia, Editor-in-chief
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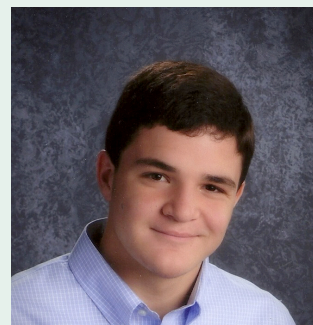
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THE FATEFUL FIFTY-TWO:

How the American Media Sensationalized the Iran Hostage Crisis

BY MONICA COSCIA

This paper will address the immediate and long-term repercussions on Iran's reputation in the eyes of the United States that arose from the 1979 Iran hostage crisis, in which Iranian militants seized the U.S. embassy and took 52 Americans hostage. It will address how the ethnocentric American media impaired Iran's reputation: it portrayed Iranians as radical Islamic jihadists, Iran as a violator of human rights, and the American hostages as hopeless, relatable victims. The discourse will also address how the hostage crisis directly and irreversibly damaged Iran's relationship with the United States.

“This is an ABC News Special: The Iran Crisis,” Ted Koppel intoned ominously on December 1, 1979; “America Held Hostage: Day 26.”¹ Throughout the 444 days that 52 Americans were held hostage in Iran, Koppel announced on his ABC news program *Nightline* exactly how many days had passed since the seizure of the American embassy in Iran. For over a year, the American public fixated its eyes on the crisis in Tehran. What was once a country that barely received a fleeting glance from the American public would become the eternal recipient of its chilling glare. During these months, the United States “existed on two calendars, with the number of days in captivity superimposed over the Gregorian dates.”² When it comes to the Middle East, contemporary Americans tend to make the generalization that it is a region of conflict and controversy due to media coverage of select, isolated incidents, and view the component countries in a negative light. American public opinion has consistently and vehemently opposed Iran since 1980 with a disapproval rating that has unfailingly hovered between 75 and 90 percent.³ Although disdain for Iran is the result of a conglomeration of events, the Iran hostage crisis of 1979-1980 sparked this display of American contempt. The brutality and obstinacy of the hostage crisis had an irreversibly damaging impact on Iran’s reputation in the United States and the rest of the international community, both in the short-term and to the present day. This discourse will analyze the causes, content, and consequences of the media coverage that triggered this damage.

Before delving into the media coverage of the complex event, it is imperative to briefly provide a background of the events surrounding the Iran hostage crisis. A long-term cause of the hostage crisis was heightened anti-American sentiment in Iran, due to the United States’ constant political,

diplomatic, and economic intervention in Iranian affairs that Iran perceived as imperialistic and colonial in nature.⁴ Two specific instances of American interference that Iranians were most livid about were the 1953 coup, in which the United States overthrew the democratically elected Prime Minister Mossadeq in favor of the monarchical Reza Shah, and the acceptance of the same Shah into the United States for medical treatment in 1979.⁵ The latter cause was the precise impetus for the seizure of the United States embassy, although there had been anti-American demonstrations around the embassy prior to its takeover.⁶ On October 22, 1979, 13 days after President Carter allowed the overthrown shah to receive leukemia treatment in a New York hospital, the Iranians took revenge.⁷ On November 4, 1979, a group of Iranian students

“This is an ABC News Special: The Iran Crisis”

from various universities stormed the American embassy in Tehran, a location they perceived as “an enemy foothold behind the lines of the revolution,” and took its occupants hostage. Although the hostage-takers released 13 women and African Americans two weeks later, 52 Americans remained hostages for over a year.⁸ The United States attempted negotiations with Iran that proved futile, and the American military enacted a rescue mission that miserably failed.⁹ On January 20, 1981, just minutes after President Ronald Reagan was inaugurated, the hostages were released and flown back to the United States.¹⁰ Throughout the 444 days of captivity, journalists and reporters transmitted each development of the hostage crisis to televisions, radios, and newspapers across the United States and the rest of the world, thus transforming the

embassy occupation into an international humanitarian crisis. As a result, the 52 individual hostages became what *Nightline* deemed an entire nation held hostage.¹¹

The first area of analysis in the media coverage of the Iran hostage crisis is why the American press was preoccupied with the crisis and how it became the driving force of marring Iran's reputation in the United States. Broadly speaking, the American media has a keen tendency to overgeneralize news stories, especially when dealing with emotional crises and/or situations in foreign countries. This is because generalizations make sense of complex, foreign situations that Americans could only understand by entirely immersing themselves in another culture.¹² Since the Iran hostage crisis was undoubtedly both a foreign and an emotional situation, the media generalized; it portrayed the entire country of Iran as violent based on the actions of the student hostage takers.

Iran, through the eyes of the United States, was no longer a nation, but a breeding ground for radicalism, extremism, Islamism, and anti-Americanism.¹³ Prior to the hostage crisis, there was little to no coverage in the press about Iran. The hostage crisis was, essentially, the only event that Americans at the time associated with Iran, because it was the only occurrence of the media extensively covering an Iranian event. Therefore, the media singlehandedly filled the public's void of ignorance about Iran with antagonism.¹⁴

Perhaps the most influential reason that the American media was primed to defame Iran is because any media source is necessarily informed by the ideology of its home country, and the time-hon-

ored values of the United States are deeply rooted in its media coverage. Its press coverage is inherently ethnocentric and views events in other countries through the lens of its own liberal, democratic, and free ideals. American journalists "saw Iran through an ideological and cultural haze that distorted the motives of the Iranian people and legitimized the motives and behavior of the shah."¹⁵ Due to the closely held American value of the separation of church and state, the fact that Americans were taken hostage as part of a radical, religious movement was harshly unpalatable to the American public. Because secularism drives American politics and its coverage, American citizens were predisposed to have a visceral aversion to the leakage of religious motivation into political or military endeavors.¹⁶ The American press exploited the dichotomy between the United States' deeply beloved secularism and Iran's theocracy to create an "us versus them"

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scheme to distance Iran from the United States and deem the latter logically and governmentally superior.¹⁷ Furthermore, Americans did and continue to place a significant amount of trust in their media, usually accepting news articles and television reports at face value.¹⁸ Overall, the American media's tendencies of generalizing, failing to cover any foreign events if they do not pose a threat to the United States, covering international events through an ideologically biased lens, and status as a repository of its citizens' trust set the stage for an irrevocable disparagement of Iran in every outlet of communication.

Consistent with the press' tendency to generalize, the American media picked and chose the most

emotionally provocative moments of the Iran hostage crisis to characterize the entire situation as an international humanitarian debacle. This coverage, in turn, spawned a generalized image of the entire Iranian populace that will later be discussed at length. Early on in the 444 days, the mass media turned an impersonal number, 52, into 52 humanized individuals: the hostages became “innocents abroad, caught up in the violence of a chaotic revolution, simple victims of unscrupulous Islamic fanatics.”¹⁹ For example, in December of 1979, the *New York Daily News* and *Newsweek* published articles about each of the 52 hostages that featured pictures of each person and a humanizing biography about him or her.²⁰ Then, as soon as the reports from the Tehran embassy rolled in, media coverage took a turn for the gruesome. Newspapers and television shows reported the everyday routines of the hostage-takers and hostages to evoke sympathy, detailing how the hostages were blindfolded, beaten, handcuffed, interrogated, and isolated.²¹ The first time that the news media displayed footage of a hostage was when several American television networks broadcast “film of hostage Jerry Miele... being led blindfolded to the front gate of the embassy, where the bloodthirsty crowd vented its rage from behind the tall iron gate.”²² Another example of a widely publicized hostage horror story was the mock execution of Al Golacinski, John Limbert, and Rick Kupke:

“[They] were awakened in the middle of the night, forced to strip to their underwear and marched to a room in the basement where their guards made it seem they were about to be executed by firing squad. The guards fired their weapons, but they were not loaded. Then the guards laughed. Why did they do it? Limbert said it was because ‘they thought it would be fun.’”²³

Moreover, the *Edmonton Journal* and CBS News ran another story of terror about how the hostage-takers played Russian roulette with two female hostages in an effort to extract more information from them.²⁴ Some hostages also reported that they were handcuffed or tied to tables for hours at a time.²⁵ Michael Metrinko, a young embassy officer, spent most of the 444 days in solitary confinement, was beaten for insulting Khomeini, and was kept handcuffed for over three weeks--another horror story broadcast to the news media.²⁶ Stories like these countered the Iranian contention that the hostages were treated humanely and justly.²⁷ Although newspapers and radios circulated endless coverage about the hostage crisis, television was the most effective method in communicating the brutality of the hostage-takers and rousing the American public. It disseminated a “constant torrent of demeaning images and disturbing rhetoric from this obscure and exotic land,” to concoct a “story made for television.”²⁸

Americans responded to this coverage with a “fierce, even xenophobic nationalism and emotional bond to their fellow Americans held captive in Iran.”²⁹ They came to perceive Iranians as merciless, evil violators of human rights who were unjustly punishing innocent citizens. The United States could not separate this situation from its commitment to individual rights, and could not reconcile the inhumane treatment of the hostages with their belief that no one should receive cruel and unusual punishment, punishment without a fair trial, and due process. The media purposefully chose to focus on “soft news” or emotional accounts that would aggravate the American public, rather than more technical reports about the negotiations between the United States and Iran, as these traumatizing, pathos-laden stories made for more interesting news than ordinary politics ever would.

In addition to broadcasting the stories of the hostages themselves, American television networks further investigated the lives of the fateful 52 by interviewing their family members as another tactic to generate sympathy for the hostages and their loved ones. The media reports ignored the fact these hostages were professional embassy employees and agents of the United States government, instead emphasizing their role as “a fellow citizen, a regular American with fearful parents, an anxious spouse, and scared children.”³⁰ The kin of hostages became regulars on the nightly news, lamenting the struggles of not knowing what kind of torture their loved ones were experiencing and when they would ever come home: “Every word they uttered, every tear they shed, was suddenly news.”^{31,32} As soon as the identities of the hostages were released, the national issue became localized, as hundreds of city television stations descended upon the sixty-six neighborhoods of the original group of hostages. The American public related to the hostages who had families, hometowns, and hobbies (just like they did!) and became emotionally invested in the crisis.³³ Wives and mothers watched footage of the hostages in front of the news cameras, and often broke down and wept for the entire nation to see.³⁴ *The Washington Post* ignited a national movement when Penne Laingen, the wife of hostage Bruce Laingen, announced that she “tied a yellow ribbon round the old oak tree” in her yard in accordance with the 1973 hit song. Once this story hit the mass media, yellow ribbons appeared all over the country as a symbol of solidarity with the hostages.³⁵ The media portrayal of the hostages as ordinary family members rather than government officials resulted in a “widespread public misunderstanding of American foreign policy,” as the media led the American public to believe that the hostage crisis was an attack on American families rather than



Iranian protestors burn the American flag during the fifty-two days of the hostage crisis. Photo courtesy of Wikimedia Commons.

backlash against a political system that oppressed that of Iran for decades.³⁶

On top of the coverage of the hostages and their families that was integral to provoking an emotional response from the American populace, the reportage of the Iranian people complemented this depiction by making the hostages look even more like helpless victims of extremism and terrorism. Countless television stations featured footage of Iranian protestors thrusting anti-American posters into the air, burning the American flag, and shouting “Death to America!”³⁷ Networks frequently featured footage of mobs rallying outside the embassy both before and during the hostage crisis, and their anti-Americanism was palpable.³⁸ Additionally, televisions, as well as newspapers and radio, used specific terminology to pigeonhole the captors as the enemy. Instead of referring to them as students, the media labeled the perpetrators as militants, extremists, radicals, and Islamists—classifications that carry provocative and adverse connotations. It is also imperative to note what the United States press ignored in its preoccupation with the fanaticism and fundamentalism of the hostage crisis: the true

motivations of the student-captors and the broader revolution.³⁹ As such, Americans failed to realize that the actual reason Iranian students took over the embassy was because they were overwhelmed by their frustration at the United States for supporting a leader they despised and for overthrowing a leader they supported a few decades earlier.⁴⁰ Because the Iranian Revolution that produced the crisis advocated for the dreaded mix of religion and politics, and because the media harbored rampant journalistic ethnocentrism, Americans would have refused to accept the part their own government played in the hostage crisis, placing every ounce of the blame for the tragedy on Islamic radicals.⁴¹ In summation, the American media “[persuaded] Americans to see themselves as victims of ‘terrorists’ who irrationally hate ‘us,’ rather than to recognize that Iranians had attacked the U.S. embassy in response to American policy in Iran.”⁴²

Another important component of the content that the American media presented was thorough and frequent coverage of the Ayatollah Khomeini as a symbol and figurehead of the Islamic radicalism that the hostage crisis epitomized. After Khomeini announced that he supported the students and their takeover of the embassy, he became a prominent scapegoat for the hostage crisis and the recipient of American hatred and disgust.⁴³ A few days after the embassy takeover, Khomeini gave a speech encouraging “all grade-school, university, and theological students to increase their attacks against America,” and the United States was justifiably frightened and angered by this statement.⁴⁴ The American public perceived him as “a crazy fanatic living in a time warp” who irrationally hated the United States.⁴⁵ His religious dress and long beard, pictures of which were featured in American newspapers and television, epitomized the stereotype of a religious, Islamic extremist.⁴⁶ Khomeini

seemed to stand for everything the United States opposed: anti-Americanism, theocracy, religious fanaticism, rejection of the international system and the concept of the nation-state, support of the hostage crisis, and his call for universal Islamism. Media sources capitalized on the contrast between his religious extremism and American ideals of freedom and democracy.⁴⁷ As a result, the United States felt genuinely threatened by him, an “irrational and even insane figure,” and the power he exerted over a significant portion of his country.⁴⁸ His statement that the hostage crisis was not a struggle between two nations, but rather “a struggle between Islam and blasphemy” particularly insulted and infuriated the United States.⁴⁹ The fact that the hostage crisis, at its forefront, featured a visible and striking leader who was easy to stereotype and despise played an important role in the media’s sensationalizing of the Iran hostage crisis.

Now that this discourse has established the causes and content of American media coverage of the hostage crisis, it can assess the consequences that this journalistic assault on Iran had on its reputation in and relationship with the United States. The United States media irreparably damaged Iran’s reputation through coverage of the hostage crisis in its failure to bridge the “cultural gap” between the two nations. The mass media let this event’s capacity to become a tragic news story get the best of it, sacrificing concrete news for emotionalism.⁵⁰ In the defense of the media and the American public, however, the coverage that characterized the hostages as innocent and the captors as evil was not executed with purely malicious motives -- the hostage crisis undoubtedly possessed emotional pull, and Americans were justified in their frustration at the Iranian students who captured their fellow citizens.⁵¹ Nevertheless, the fact that the media portrayed all Iranians as radical Islamic jihadists clad in

long beards and chadors who irrationally hate the United States and burn our flag is less justified.

The American press coverage of the hostage crisis suffered from a serious case of Western bias, falling victim to the “conventional Western equation of Islam with extremism.”⁵² The press was unable to separate militarism and violence from Islamism, and oversimplified the Muslim faith into a proclivity to “mix faith with politics, and to express both through violence.”⁵³ In emphasizing the innocent humanity of the American hostages, the media unfairly denied the captors their of their own humanity. Although taking people hostage is morally incorrect, it is unfair to dismiss the students and Iranians in general as irrational and blindly motivated for their religion when they were advocating for a cause in which they firmly believed.⁵⁴ These Iranian student-captors were fighting for their freedom from imperialism -- something the United States supports, in theory -- and the embassy was a symbol of everything the revolution wanted to eradicate.⁵⁵ The American media, both



Iranian students at the gates of the U.S. Embassy. Photo courtesy of Wikimedia Commons.

unable and unwilling to understand why Iran would reject such sacred institutions of secular, modern democracy, classified the revolution as “an irrational backlash against a generous fatherly attempt to spread modern ways of life and to defend the Iranians from communism.”⁵⁶ The press also failed to acknowledge that not all Iranians supported the seizure of the embassy. In fact, Iranian Prime Minister Bazargan demanded the hostages’ immediate release as it violated international law and “the civilized practices of diplomacy,” but he was entirely ignored and subsequently resigned.⁵⁷ It is clear that Iran violated the human rights of the American hostages, and their brutality and violence remain unjustified, but it is wholly unfair to dismiss their entire revolution as radical fanaticism.

There are several tangible ways in which negative perceptions of Iran affected the United States domestically. One instance is that the Iran hostage crisis was a major factor in President Jimmy Carter’s downfall. Despite his tremendous diplomatic and military efforts to rescue the hostages, American discontent with Iran was so pernicious that citizens made a scapegoat of Carter and took out their frustration in domestic polls.⁵⁸ Another instance occurred on May 17, 1979, when the United States Senate passed Jacob Javitz’s resolution condemning Iran for its human rights violations, a blatant manifestation of the government’s dissatisfaction with Iran’s refusal to release the hostages.⁵⁹ Furthermore, after the failure of the rescue mission, the United States military set up a Counterterrorism Joint Task Force, demonstrating how it viewed Iran’s seizure of the embassy as synonymous with terrorism.⁶⁰ The formal responses by the United States also conveyed Iran’s damaged reputation. Most obviously, the economic sanctions, freezing of Iranian assets, banning the import of Iranian oil, and the break of diplomatic relations with Iran dis-

played governmental condemnation that, in turn, spawned civilian condemnation.^{61,62}

Overall, the hostage crisis “triggered the American containment policy toward the revolutionary regime economically, politically, and militarily.”⁶³ The United States supported Iraq in its war against Iran but condemned Iraq for invading Kuwait just a decade later, then entered into a war in Iraq within the following decade—clear evidence of American desire to exact revenge on Iran.⁶⁴ In 1982, distrust towards Iran resulted in the United States suspicion that Iran assisted in the Beirut suicide bombings.⁶⁵ The United States also put significant pressure on other nations to cease diplomacy with Iran.⁶⁶ President George W. Bush’s inclusion of Iran in the Axis of Evil less than a decade ago evidences the deep distrust the United States harbors towards Iran more presently.⁶⁷ The hostage crisis also damaged Iran’s reputation internationally. In addition to general estrangement from the international community, transnational organizations issued formal disapprobation against Iran. The United Nations Security Council condemned Iran’s human rights violations in a December 1979 resolution, and the International Court of Justice issued a Provisional Order and Judgement that demanded Iran release the hostages immediately.⁶⁸ The damage to Iran’s reputation was thus not limited to the United States. To the present day, the United States continues to harbor suspicious tensions towards Iran, the origins of which lie in the embassy seizure.

The Iran hostage crisis of 1979 to 1981 irreversibly impaired Iran’s reputation in the eyes of the United States, as well as the rest of the world, both immediately and in the long term. The importance of the American media in marring Iran’s image cannot be overstated. Its tendency to generalize and view foreign events through the lens of liberal, secular, Western democracy primed the press to

disseminate defaming coverage about the hostage crisis. The media’s decision to publish individualized horror stories of the hostages and the sob stories of their families was intended to evoke emotion and sympathy throughout the United States, and this tactic was effective in igniting the public’s rage. The resulting image of Iran was a stereotype of the entire nation as anti-American, radical, and extremely religious, and this still lingers in the United States’ relationship with Iran. This damaged image was evident in the American responses to the crisis. Seeing as how weighty friction and hostility persists between the United States and Iran today, studying one origin of this tension is undoubtedly a worthy endeavor.

ENDNOTES

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- ²⁹ Farber, 152.
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³¹Bowden, 191.

³²Ibid., 244.

³³Ibid., 190.

³⁴Ibid., 191.

³⁵Farber, 152-3.

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³⁷Farber, 2.

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⁴¹Ibid.

⁴²Farber, 154.

⁴³Bowden, 555.

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⁴⁷R. K. Ramazani, *Independence Without Freedom: Iran's Foreign Policy* (Richmond: University of Virginia Press, 2013), 77.

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CONGRESSMEN AS CONSTITUENTS

BY MARY LODIGIANI

This research looks at the work of Richard Fenno Jr., author of “U.S House Members in their Constituencies: An Exploration,” as published in the 1977 *American Political Science Review*. This research seeks to expand upon Fenno’s work by exploring a medium unavailable in the late 1970’s – social media and personal web pages. Through a consideration of Facebook and Twitter, this paper explores how representatives use social media to appear as a part of their respective constituencies. This research also uses social media to further explore Fenno’s argument that politicians polish their image at the expense of Congress.

In his journal published by *The American Political Science Review* in 1977, Richard Fenno Jr. drew a number of conclusions regarding the behaviors of members of the United States Congress. While researchers of his time saw a separation between the representative in Washington and his or her constituency back home, Fenno explored representatives' attempts to appear as a part of the constituency.¹ Fenno's research led him to the conclusion that in order to gain trust and votes to achieve re-election, Congressmen attempt to identify with voters. In pursuit of popularity, congressmen portray themselves as one of their constituents.² They use their backgrounds, policy positions, and committee assignments to identify with voters. Congressmen also tend to, in Fenno's terms, "run for Congress by running against Congress."³ Congressmen, therefore, promote their image while damaging that of Congress. In this way, Fenno argues, members of Congress distance themselves from Washington to appear just like the common American people. This paper will consider if, as Fenno observed in the 1970s, congressmen continue to identify personally with voters and how they accomplish this goal. It will also determine if the practice of slandering Congress to promote one's image persists.

This study will examine the behaviors of a sample of Congressmen to determine if and how they attempt to identify with voters as a part of the constituency while differentiating themselves from Congress as a whole. The sample includes Jim Himes of Connecticut's 4th district, Henry Cuellar of Texas's 28th district, G.K. Butterfield of North Carolina's 1st district, Hal Rogers of Kentucky's 5th district, and Peter Roskam of Illinois' 6th district. This sample offers some demographic and ideological variation among districts and representatives. However, as Fenno said of his 1973 study, no claim

is made that the group selected for this study is ideally balanced in any of these respects.

The study will compare congressional districts with their congressmen. Characteristics of each congressional district will be compiled from the U.S. Census Bureau's "My Congressional District" tool, which provides detailed demographic, social, economic, and housing statistics every year. Each district will be compared with information we collect about their member of Congress from his or her website, congressional proceedings, social media, and other news sources. The comparison will give us an understanding of how Congressmen try to identify with voters and how they distinguish themselves from Congress as a whole.

Fenno conducted his research in an era in which congressmen were more open to inspection by journalists and political scientists. While this study did not have the opportunity to follow members

“Through social media, we will observe how members of Congress present themselves to their constituents.”

of Congress in person, it does have access to a new medium – social media. Through social media, we will observe how members of Congress present themselves to their constituents. In a 2014 speech lampooning big government, Senator Ted Cruz joked, “You know, there's an old saying that politics is Hollywood for ugly people.”⁴ This study will attempt to discover what kind of act our members of Congress put on.

Connecticut's 4th district is represented by Jim Himes. The district, in the southwest corner of the state, is 72% white. Of all households, 68% are

families. Most people are well-educated, as 27% of the population over 25 years old has a bachelor's degree, and 22% have graduate degrees. Constituents work in management, professional services, and related occupations like finance. They are largely successful, as the median household income is high at \$88,279.⁵

District 4 has elected Jim Himes as their congressman since 2009.⁶ He is white, and speaks English in his home, as do 72% of his constituents. Voters are likely impressed by his Harvard and Oxford alma maters. Like 68% of those he represents, Himes lives in a house with his wife and children.⁶ His website emphasizes the similarity between him and his constituents by listing his stances on constituent-relevant subjects like the economy and jobs, financial services, and education. It also lists his committee assignments, which include the Financial Services Committee, where he works to support a thriving economy.⁷ A district of investment bankers is sure to appreciate his position on the Financial Services Committee.

While Himes represents a typical District 4 resident, his lifestyle is starkly different from many constituents. In 2015, Himes made just over a million dollars.⁸ The *Greenwich Times* identified Connecticut Democrats as among the richest in Congress, as OpenSecrets.org estimated that Himes is worth \$9 million.⁹ Even so, Governor Dan Malloy came to congressmen's defense. When asked whether members of a wealthy Congress can relate to constituents, Malloy said, "I think the Democratic members identify."¹⁰

Himes also disparages Congress in order to build his own reputation. For example, Himes recently tweeted a self-deprecating joke: "What's the opposite of progress? Congress!"¹¹ On a more serious note, Himes expressed his frustration with Congress in a news release on the anniversary of

the Sandy Hook Massacre, saying, "It is shameful that Congress has failed to take meaningful action to curb this scourge of violence... We must keep pushing Congress to pass common-sense legislation..."¹² In both examples, Himes makes himself seem as though he is different from other congressmen.

Henry Cuellar represents Texas' 28th district, located on the Democratic Mexican border. In this district, 77% of people are Hispanic, and many speak Spanish in their homes.¹³ Agriculture, transportation, and manufacturing are popular industries in this blue-collar district. The median income is \$43,999 and 27% live in poverty. While 70% have graduated high school, just 16% have a bachelor's degree or higher.¹⁴

For over ten years, Democrat Henry Cuellar has represented Texas' 28th district. He is Hispanic and bilingual, like most of his constituents, and serves on the Hispanic Caucus. His upbringing was similar to many constituents, as his parents were migrant farm workers. With five advanced degrees, Cuellar is the most degreed house member and far more educated than his constituents. In order to remedy this difference, Cuellar's website tells his story of washing dishes to afford a Georgetown education. While he is not a farmer, he is a self-described, "staunch advocate" for Texas farms, and, as a member of the Agriculture Committee, has secured drought relief assistance and helped to pass an amendment to address cattle fever ticks.¹⁵ To further identify with constituents, Cuellar holds "office hours."¹⁶ He is pictured among constituents at monthly "office hours" in casual settings with his sleeves rolled up, looking like 'one of the guys.'

Through Facebook and Twitter, Cuellar further promotes his image as a constituent. In his Facebook profile picture, Cuellar, surrounded by school children, sits on the Capitol steps. Several

posts involve students, including a selfie with high schoolers and a picture of Cuellar at a dinner for law students. As a highly educated individual, he connects with voters by encouraging them to reach success through education like he did. To appeal to a bilingual constituency, posts are written in both English and Spanish. Cuellar also identifies with Texas farmers through his Twitter profile picture, in which he poses before a tractor flanked by two farmers in cowboy hats. He tweeted about his recent meetings with the Texas Cattle Feeders back home and the Texas Farm Bureau in D.C. to discuss the importance of agriculture to the economy.

Cuellar distances himself from Congress by disapproving of the institution's response to immigration reform. He recently released an op-ed lashing out against the "partisanship and endless debates" of Congress, citing a need for an ambassador to Mexico.¹⁷ He blames Congress for turning down a potentially bipartisan solution. He is also known for being critical of President Obama in congress-

sional hearings, which is somewhat unusual for the representative of a district that voted democratically in the 2012 election.¹⁸ By critiquing both Congress and Obama, he differentiates himself as more of a constituent than a congressman.

Democrat G. K. Butterfield has represented North Carolina's 1st District since 2004. The district is quite diverse, as 53% is black and 8% is Latino. Those who do not work in healthcare or social services, which are dominant fields across most congressional districts, are involved in blue collar, sales, or office occupations. The median income is just \$33,955, and 25% live in poverty. While 19% do have a bachelor's degree or higher, 12% did not finish high school.¹⁹

Congressman Butterfield's background identifies him as a constituent. As the son of black parents involved in the local civil rights movement, he is familiar with his constituents' struggle for equality. His biography describes his North Carolina upbringing as having taught him values of hard work and responsibility, which is important to a constituency that is 93% native to the state. Butterfield bridges the education gap between himself and his voters by explaining that he studied law so that he could protect people's rights. He is also Baptist, which is the largest religious denomination in North Carolina.²⁰ Furthermore, Butterfield is a part of his district's sizeable veteran population and has served on the House Armed Services Committee. His website lists priorities like growing the economy, ending poverty, and expanding voting rights which would likely be important to District 1. As the chairman of the Black Caucus, Butterfield supports black constituents through anti-poverty programs, economic development and job creation, protecting voting rights, advocating for the appointment of blacks to judgeships, senior administration positions, and corporate leadership



Congressman Henry Cuellar converses with cowboys. Taken from twitter.com.

positions. As a member of the Energy and Commerce committee, Butterfield has helped to reduce energy rates in poor minority communities.²¹

While his website explains how Butterfield meets constituents' needs, his Facebook attempts to show how he is like them. Even though Butterfield had a modest upbringing, he is now making significantly more than most of his constituents. To remedy this difference, Butterfield posts pictures of himself among those he represents – whether it's out on a field with hard-hatted workers, smiling alongside current military men and women, or sitting with schoolchildren on the capitol steps, Butterfield wants voters to know that he gives constituents face time.

Butterfield attempts to separate himself from the 'pack of wolves' that is Congress. His Twitter blasted republicans for missing the deadline to enact a budget. Tweets Butterfield, "This fails the most basic expectations of governance. Hardworking Americans deserve a Congress that invests in their future, not one that can't even be bothered to pass a budget."²² Butterfield also employs the hashtag #doyourjob in reference to the Senate's refusal to hold a hearing on Obama's Supreme Court nomination.²³

House republican Hal Rogers has represented Kentucky's 5th district for over 30 years. Over 97% of constituents are white, and the vast majority are native to the area. In this Appalachian district, poverty is high at 29%, and over half the population has only a high school degree. Industry sectors include mining, manufacturing and agriculture.²⁴ The district struggles with a declining economy and rising drug addiction.²⁵

Like his constituents, Rogers grew up in this poor, rural section of Kentucky and was educated in public schools. His website lists local issues like job creation, fighting illegal drug use, and preserv-

ing the natural resources of Appalachia. As Chairman of the Appropriations Committee, Rogers advocates for his district's coal industry through the budget process, and his website shares several articles stressing the loss of mining jobs in the region. There is also a link to SOAR, (Shaping Our Appalachian Region) which strives to improve lives of the people Rogers grew up with and continues to represent.²⁶

“Rogers comes off as old-fashioned, and his largely unpopular Facebook page is impersonal. Always dressed in a suit and tie, Rogers’ smile often looks forced.”

Rogers comes off as old-fashioned, and his largely unpopular Facebook page is impersonal. Always dressed in a suit and tie, Rogers' smile often looks forced. We do, however, see him showing off his veteran status by posing with current service members. His most frequent posts are shared from the Republican's House Committee on Appropriations page. He posted the release of the 2017 Agricultural Appropriations Bill, which would interest local farmers, as well as the Bill of Military Construction and Veteran's Affairs legislation, which would concern his military constituency. Rogers uses Facebook to highlight his role in fighting his district's drug problem. We see him speaking at the National Rx Drug Abuse Summit, and a post advertising drug disposal information in a national "take back" day. His page has also liked several rural and economic development foundations that serve to benefit constituents.²⁷

On Facebook, Rogers expressed his approval of the Supreme Court's decision to block an EPA car-

bon rule for coal-fired power plants, saying, “The president’s job-killing environmental agenda is unconstitutional and out of touch”.²⁸ This statement is in keeping with his opposition to Obama’s “war on coal.” As the Chairman of the Appropriations Committee and a member of the majority party, he is less critical of Congress. After upholding a continuing resolution in 2011, Rogers stated, “I am proud that the House has returned to a regular and fair democratic process, and look forward to continuing this effort throughout the Appropriations process this year”.²⁹

For almost 10 years, Congressman Doug Lamborn has represented Colorado’s 5th district. Nicknamed the “Evangelical Vatican,” this conservative district is home to a concentrated number of Evangelists and is 80% white. The median household income is \$56,789, and 34% have a bachelor’s degree or higher. Large industry sectors include military, tech, and tourism.³⁰

Lamborn presents his similarities with constituents on his official website. Like most of those he represents, he is a white evangelical Christian. In his biography he explains the “service-before-self” values he learned from his WWII vet father and his son’s military officer career, appealing to veterans. He appeals to family values of evangelical Christians by including a photo of himself with his wife, children, and grandchildren in a local national park, which appeals to those in the tourism industry. His biography also lists his adult children’s accomplishments, further convincing voters of his family values. Lamborn lists his committee positions which serve the interests of his constituents, including the Armed Services Committee and the VA Committee. As the Chairman of the House Natural Resources Committee’s Subcommittee on Energy and Mineral Resources, Lamborn works to best develop public lands— a portion of which are

located in District 5.³¹

In support of Evangelicals and veterans, Lamborn posts a Hill article on his opposition to the removal of bibles from VA facilities. Lamborn also shares an amendment he added to the 2017 National Defense Authorization Act which secures NORTHCOM in its District 5 location. He is seen meeting with constituents both in person and through a radio Town Hall meeting. Lamborn posts in support of 2nd Amendment rights, and pictures show him practicing with targets at a local shooting range. Appealing to the religious, he posted about eternal life on Easter, as well as a picture of him reading from the Bible on the national day of prayer. Many ominous photos of President Obama are shared in opposition to his “tyrannical” administration to appeal to a population that voted republican in both elections.³²

Lamborn’s Facebook posts are critical of Congress and express frustration with Congress’ inability to pass a budget. It is clear that he is not only annoyed with Congress, but with liberal republicans who “accept exorbitant spending levels”.³³ He is also outraged at a food bill Congress rushed through and passed with only a 40 minute debate and no possibility for amendments. He complains, “Backdoor deals and sped-through legislation are not a responsible way to represent the American people”.³⁴ Lamborn is both critical of Congress and praised for being unlike them. Lamborn was awarded the True Blue Award for his perfect voting record in defense of faith, family, and freedom. Lamborn successfully differentiates himself from the pack and receives praise and support as a result.

Peter Roskam is serving his 5th term representing Illinois’ wealthy and white District 6. Constituents are highly educated, and 51% have a bachelor degree or higher. Popular industry sectors are pro-

professional, scientific, and management, and the median household income is \$88,574. Poverty is low at 6%.³⁵

Congressman Peter Roskam shows his similarities with constituents through his website biography. He begins by introducing himself as a “Chicagoland native” who lives in the district with his wife and kids. Like his educated constituents, Roskam graduated from the University of Illinois and later the IIT of Chicago-Kent College of Law. With his J.D., he started a practice and represented his fellow district members in both Illinois House and Senate. His website lists issues such as government oversight, taxes, and foreign affairs. As a member of the House Ways and Means committee, Roskam is able to watch the spending and operations of tax-writing and healthcare programs within federal government, which would appeal to his right-wing constituency.³⁶



Peter Roskam is heavily involved in foreign affairs and national issues, rather than local ones. In order to compensate, Roskam’s Facebook presents an effort to show him among his constituents. We see him sitting down with the Illinois Farm Bureau, reading to children at a local elementary school, and schmoozing with the upper class at an Algonquin Township Republican’s Red Carpet Gala. Identifying with local voters, we find pictures of him speaking at a volunteer fire department, sharing breakfast with local manufacturers, and shaking hands with veterans at the American Legion. And proving himself as a “Chicagoland Native,” Roskam’s page features a photo of himself digging into a deep-dish pizza with an article expressing his nostalgia for “authentic tastes of home on Capitol Hill.”³⁷ Attempts to identify are, thus, evident.

Roskam, as an influential member of Congress, does not make a habit of critiquing the institution. Instead, he uses the system to his advantage. By

gaining support of Congress, Roskam’s anti-BDS (Boycott, Divestment, and Sanctions) legislation was signed by Speaker Ryan in February.³⁸ In a Wall Street Journal op-ed piece, Roskam highlighted Congress’ strengths and potential for bipartisanship, saying “Members of Congress from both parties agree that preserving Israel’s economic stability is a strategic imperative for the U.S.”³⁹ Rather than trying to distinguish himself, Roskam seeks to work with Congress to achieve policy goals which will ultimately make him more popular with constituents.

It is reasonable to conclude from this study that congressmen’s attempt to identify personally with voters, as observed by Richard Fenno Jr., prevails today. After studying 6 constituents and their congressmen, it is clear that representatives identify with their district in diverse ways. While Henry Cuellar’s selfie with students may be a far cry from Hal Roger’s stiff pose with veterans, both congressman had the same goal – to identify with voters. It is also observed that representatives attempt to make up for differences they have with their constituents by highlighting their similarities. Discrepancies between constituents and their representatives are potentially swept under the rug by Congressmen, as information proving their similarity was, to the researcher, more readily available than facts proving otherwise.



There is variation in congressmen’s willingness to build their reputation at the expense of Congress’. Fenno believed that members of Congress “run for Congress by running against Congress,” but this study found that this is not always the case in 2016. The liberal George Butterfield often finds himself at odds with a republican congress and more likely to separate himself as an individual. In a similar way, the tea-party supporter, Doug Lamborn stands apart from a Congress that



is simply not liberal enough for his constituents' taste. Even so, members like Hal Rogers and Peter Roskam, who use the institution to accomplish policy goals, are slower to criticize. The degree of variation with which members of Congress try to separate themselves from Congress does not disprove Fenno's study; it simply complicates it. It will be interesting to see, as Congress becomes more polarized, how this trend progresses in the coming years.

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COLONIAL LEGACIES OF ECONOMIC GROWTH:

A Comparative Analysis of Hong Kong and the Democratic Republic of the Congo

BY CESAR GARCIA

This paper asserts that divergent methods of colonial governance, as exemplified by Britain's liberal imperialism in Hong Kong and Belgium's extractive imperialism in the Democratic Republic of the Congo, have ultimately led to contrasting cases of economic growth. In Hong Kong, the British style of rule fostered good governance through the essence of democracy and upheld a successful blend of laissez-faire and intervention-when-necessary market conditions. In turn, from 1960 to 1995, Hong Kong's average annual GDP per capita grew at a rate of approximately 6.3%. On the other hand, Belgium's rule of the DRC only sought the complete control of the colony's people and natural resources for the purpose of financial gain. This resulted in Congo's average annual income per capita declining at a rate of -2.6% from 1953 to 1997. I will ultimately determine the economic impacts of these two colonial histories through a consideration of various models of economic growth.

It is difficult to find histories of long-run economic growth with a greater degree of polarity than that of Hong Kong and the Democratic Republic of the Congo. While Hong Kong's average annual GDP per capita grew at a rate of approximately 6.3% from 1960 to 1995, the average annual income per capita of the Democratic Republic of the Congo grew, or rather declined, at a rate of -2.6% from 1953 to 1997. Due to this staggering 8.9% difference in growth, by 1997, GDP per capita was estimated to be a healthy USD 26,600 in Hong Kong, but a meager USD 281 in the DR Congo.¹ What is the explanation for this economic divergence? The answer lies in the fact that despite Hong Kong and Congo's common histories of colonial rule, their colonizers governed on the basis of heavily contrasting ideologies.

Up to the point of Hong Kong's transfer of sovereignty to the People's Republic of China in 1997, Britain's liberal imperialism fostered free trade and maintained the conditions that enabled the market to function, while also providing public goods.² Conversely, throughout colonial rule of Congo that ended with Independence in 1960, Belgium's extractive imperialism fully exploited the territory's natural resources for financial gain, providing little for the development of the eventual state. As exemplified by these two distinct imperial attitudes and diverging trends of economic growth, colonial legacies are foundational in determining the long-run economic development of former colonies. It is through a comparative analysis of the contributions, or lack thereof, made by Britain and Belgium to their respective colonies that I will determine the fundamental differences in their periods of dominion. Then, by way of neoclassical growth theory, supplemented with other possible explanations for economic growth, I will establish how the differences in dominion have determined the economic

divergence of Hong Kong and the Democratic Republic of the Congo.

As the conflict of the First Opium War persisted, British naval forces seized Hong Kong Island from China in 1841. With the signing of the Treaty of Nanking in 1842 and the issuing of the Letters Patent by Queen Victoria in the year that followed, the island was officially ceded to Britain and placed under the empire's "Crown colony government" system. A governor was established as the local representative of the Crown, wielding among his powers the ability to make laws, bestow land, and appoint the members of the Legislative Council. To assist the governor in the formulation of policies was a colonial administration of unelected civil servants. Throughout the remainder of the 19th century, the final pieces of what would collectively become the territory of Hong Kong were acquired by Britain: Kowloon Peninsula in the 1860 Convention of Peking and the New Territories through China's leasing following its defeat to Japan in the Sino-Japanese War of 1894-1895.³ By the early 20th century, Hong Kong had become vital to the British as a regional hub for trade, exchange, and financial services.⁴ With the long-term interests of the colony in mind, a simple formula for success was employed for its governance. This combination of "no democracy," *laissez-faire* and selective intervention defined the Crown's rule over Hong Kong.

The practice of "no democracy" was both appropriate to Hong Kong's political situation and successful in maintaining the essence of democracy. Because the colonial government was entirely composed of an unelected governor and administration of civil servants, no popular element existed. In fact, it was not until after the 1984 signing of the Sino-British Joint Declaration that representative changes to the system were introduced.

Upon further consideration of the circumstances surrounding the adherence to this form of rule, the no democracy model is justifiable. In 1892, Hong Kong had 83 English taxpayers and 947 Chinese taxpayers.⁵ At this time, creating a representative government would have served to either overrule the British or alienate the Chinese. On the basis of numbers or taxation, adequate Chinese representation would have outnumbered British representation and threatened the longevity of the established colonial system. Granting exclusive representation to English subjects, on the other hand, would have isolated the majority of the colony's revenue base. After World War II, the threat of Communism prevented the development of popular government in Hong Kong. The People's Republic of China would have never allowed the colony to become an independent state. Additionally, holding elections might have opened the door to the emergence of internal Communist influence.⁶

Despite the absence of popular rule, the colonial government achieved the essence of democracy through its inclusive civil service and trusted British style of law. The civil service, which could be considered the colony's permanent ruling party, produced the administrative officers who comprised the governing administration. Chinese subjects, initially excluded from joining the ranks of service, were first allowed to become administrative officers following World War II. As long as they met the general requirements of having a university degree, an analytical mind, and leadership potential, they could eventually be responsible as heads of certain departments. These departments served for the creation and implementation of government policies, which relied heavily on consensus building with the public.⁷ This inclusivity in the civil service provided quasi-representation in government for the Chinese residents of the colony, even if it could

not be achieved through elections. In conjunction with this representative administrative service, the

“Despite the absence of popular rule, the colonial government achieved the essence of democracy through its inclusive civil service and trusted British style of law.”

common law system contributed to the creation of democracy in essence by upholding the rule of law and protecting personal freedoms. For example, grievances could be taken to an independent judiciary without fear of punishment and decisions were equally binding for the state and individual.⁸ Hong Kong was not a democracy, but it was ultimately still able to deliver good government.

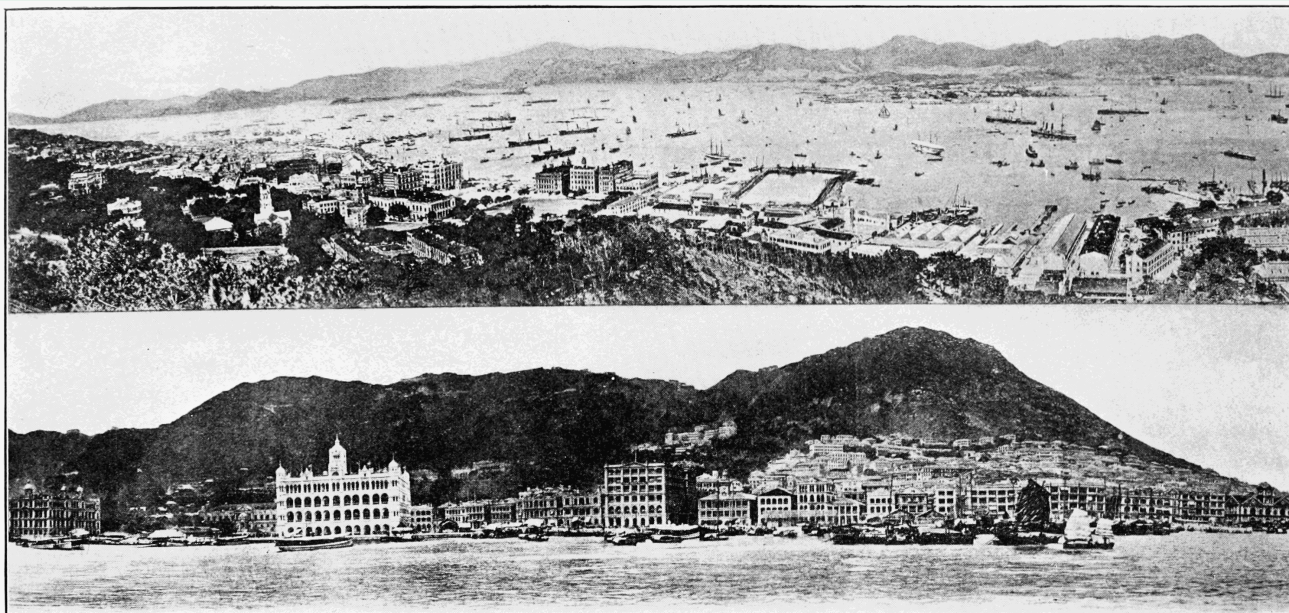
The laissez-faire ethos upheld by the Crown in Hong Kong flourished in practice as a result of the colonial government's combined hands-off and intervention-when-necessary approach to the market. Since the colony's inception, the prevailing policy of the government was to put the economy above all else. This meant exercising tight fiscal discipline. Taxes were able to be kept low, while unemployment benefits, minimum wage legislation, and pension schemes guaranteeing a basic standard of living were non-existent.⁹ The rudimentary nature of medical services and public education in the colony before the 1960s further reflects this preference.¹⁰ People were forced to work hard if they hoped to survive, as the government was providing them with no financial security. Due to a lack of welfare spending, Hong Kong's poor relied on

economic growth and the accompanying dividends paid to individuals and the community to alleviate poverty.¹¹ On the commercial side, absent trade controls meant industries were forced to compete with the free arrival of goods from all over the world. If they could not keep up, the government would do nothing to save them.¹² In the late 1950s, for example, it was the ability of the textile industry to increase the quality and prices of its goods that allowed it to survive foreign pressure to reduce the quantity of its exports. Individual companies emerged from these competing industries with sound structures and the ability to diversify.¹³


Although the colonial government sought to limit its expenditures to the greatest extent possible, post-war demands and deteriorating social conditions could not be ignored. After the destruction caused by the Japanese occupation of Hong Kong from 1941 to 1945, the revival of the colony as a trade hub necessitated government intervention. First on the task list was the immediate provi-


sion of food and fuel for the surviving inhabitants, which was accompanied by the undertaking of a wide housing reconstruction project.¹⁴ Then, having fully backed the Hong Kong dollar to foreign exchange in 1935, the administration sought to get the currency back into circulation by making numerous loans to firms in 1945.¹⁵ This willingness to intervene and make improvements brought about increased confidence in the government's abilities. Due to the government's larger, but still limited, role in the economy during this period, it did not take long for traders and manufacturers to reestablish their businesses. By 1947 the harbor was once again handling a considerable amount of cargo.¹⁶

Following a decade where despite Hong Kong's booming economy, the areas of transportation, housing and education remained in dire need of reform, the 1970s ushered in a more interventionist era meant to pave the way for the colony's future. Under the leadership of Governor Sir Murray MacLehose, government resources were funneled



British Hong Kong's Bustling Port (1905). *Courtesy of Wikimedia Commons.*





to social services in order to improve the overall economic well being of the territory. From 1970 to 1972 government expenditures increased by 50% and continued to rise steadily.¹⁷ In 1971, free primary education was introduced and secondary education became heavily subsidized. All children were required to complete nine years of primary education beginning in 1979 and over 90% of these students were able to complete their secondary education.¹⁸ The government also undertook an urban development project that provided public housing for residents and built a vast network of satellite towns along the coast. By 1997, 40% of the population was living in public rental housing.¹⁹ This development was closely linked to Hong Kong's industrialization scheme. Entrepreneurs were encouraged to buy land for their factories near these areas of public housing so the close proximity of living and working quarters would result in greater productivity.²⁰ In addition to these efforts for the improvement of social services, the colonial government took an active role towards the elimination of corruption. The Independent Commission Against Corruption (ICAC) was established in 1974 to investigate wrongdoings in the police force. Throughout the 1980s the ICAC then worked to root out illegal activity in the financial system and went on to prosecute heads of companies for manipulating share prices.²¹ In total these aforementioned reforms showed Hong Kong as having a responsible government that was willing to uphold high standards of living for its workers and completely reject the persistence of corruption.

While liberal imperialism in Hong Kong resulted in a fundamentally responsible government, the fostering of conditions conducive to free trade and the disbursement of public goods, the imperial rule of Belgium in the Democratic Republic of the Congo left behind a heavily contrasting colonial

legacy. Instead of being founded with constitutional ties to a national body, the Congo Free State (later known as Belgian Congo and DRC) was created through the personal ambition of Belgian King Leopold II. In 1885, as a result of Leopold's promises to uphold free trade and commercial freedom within the Congo basin and estuary, the Congress of Berlin recognized the Free State's international legitimacy.²² Then, in March of the same year, the Parliament of Belgium ratified the Berlin Act which empowered Leopold alone to assume sovereignty of the new state. Having first pledged to bear all the financial responsibilities of the colony, Leopold also ensured the Belgian Parliament that his Free State would benefit the purse of the nation.²³ As time passed and the King successively reneged on his made promises, the one of financial gain would not be tossed to the wayside. In fact, through an ethos of extractive imperialism in complete opposition to that of liberalism, the colony proved immensely profitable to both Leopold and Belgium. Its governing administration was designed for the sole purpose of exploiting natural resources for revenue, while treating the indigenous peoples as nothing more than units of labor for the advancement of this objective. When Belgium assumed direct control of what became the Belgian Congo amidst public denouncement of the extractive system in 1908, again little was done toward the advancement of the eventual state. As described by Franklin D. Roosevelt, "Imperialists don't realize what they can do, what they can create! They've robbed this continent [Africa] of billions, and all because they are too short-sighted to understand that their billions were pennies, compared to the possibilities! Possibilities that must include a better life for the people who inhabit this land."²⁴

In contrast to the colonial government of Hong Kong that was structured to provide the essence

of democracy for its subjects, Leopold's administration in the Free State according to Roger Casement was, "... above all a commercial trust, [with] everything oriented towards commercial gain..."²⁵ Through its involvement in the ivory trade beginning in the latter part of the 19th century, the Free State administration set a precedent of exploitation and resource destruction. As the demand for ivory, needed in items such as billiard balls and piano keys, increased, administrators sought to expand their spheres of influence. They went to war with African middlemen who for years had maintained a monopoly in the trade and applied brutal methods to enforce the collection of tusks by the indigenous peoples.²⁶ Although from 1889 to 1895 ivo-

ry formed more than half of the colony's exports, by the late 1890s most of the territory's elephant herds had been wiped out.²⁷

Attention was then turned to the extraction of rubber, demand for which was rapidly growing due to the invention of the pneumatic tire. To ensure maximum profits the administrators were charged with surveying the population surrounding their posts and determining the size of rubber quotas to be applied. The institutional advancement and commission payments of these individuals depended on the amount of production they achieved, so quotas were raised or expanded to other villages whenever necessary. Women and children were often forced to get involved in order to meet the pressures of these quotas, leaving no time for the care of villages or growing of food.²⁸ If rubber numbers were not met, the administration did not hesitate to hold women, children and tribal chiefs hostage until production was adequate. The only semblance of representation in this system was the hiring of African supervisors to ensure the delivery of goods. However, these individuals turned out to be the most brutal of all, often cutting off hands to force compliance.²⁹ Without a judicial system willing to protect the Congolese, they were left to work for Belgian profit. By 1904, the value of rubber exports was at 43,478,451 francs.³⁰

Contrasting the laissez-faire market conditions upheld in Hong Kong throughout the period of colonial rule, the administration in the Free State, despite King Leopold's promises, moved quickly to remove indigenous traders and establish monopolies. Immediately after realizing the value of the trade the Congolese were involved in, the administration began to push inland past the hostile Africans. This was possible by way of the Force Publique, which was established in 1888 to go to war against inhabitants in rebellion against the State.³¹



IN THE RUBBER COILS.

Source—The Congo "Free" State.

Cartoon Depicting Belgian King Leopold II As A Snake Coiled Around A Congolese Rubber Collector (1906). By Edward Linley Sambourne, courtesy of Wikimedia Commons.

In addition, decrees and orders issued by the colonial government made it illegal for Africans to sell to private bodies, which simultaneously limited the scope of their trade and eliminated outside companies that had joined on the basis of commercial freedom.³² In turn, the trading of the Congolese with foreign merchants was rapidly constrained, largely coming to an end after 1891.³³

In response to foreign pressures condemning his breaking away from promises of free trade and no monopolies, King Leopold was forced to divide the State's territories vacant of African inhabitants into two main zones of trade. In the *Domaine Privé*, which covered most of the country's center, concessions were given to the Anglo-Belgian Rubber Company and the *Société Anversoise du Commerce du Congo*. Despite this portrayed image of open trade, these companies were nothing more than extensions of the Free State. The administration founded their posts and supplied them with arms, while their heads remained close to Leopold. In the second zone of the Kasai Valley, private companies were allowed to engage in trade, but in practice were severely restricted and interfered with by the State. The King managed to amalgamate the companies that survived these pressures into the single *Compagnie du Kasai* by 1901, which was then placed under his effective control³⁴. Leopold managed to get directly into the action by laying claim to a personal area of land ten times the size of Belgium.³⁵ Here he established quotas and levied taxes that earned him about 70 million francs by 1905.³⁶ While the government in Hong Kong sought to strengthen the local economy, it seems the Free State administration did all it could to destroy it.

Contrary to the eventual efforts of the Crown government to provide public goods for the well being of Hong Kong's residents, the Belgian ad-

ministration did next to nothing to develop the Free State and the later Belgian Congo. Rather than directing the massive amounts of wealth acquired from the extractive industries toward the benefit of the Free State or its inhabitants, a vast building program throughout Brussels was undertaken. It is estimated that throughout the existence of the Free State 60 million francs were used for public buildings and other works in the capital city.³⁷ Also, what little infrastructure was built was only for the purpose of more efficient resource extraction. The completion of a railway in the territory for the transportation of product cost 10 million francs and about 1,800 African lives.³⁸ The colonial administration itself lacked the resources and experienced individuals to even govern a landmass of over 900,000 square miles, let alone be involved in development projects. This lack of investment in local infrastructure and the administration is best illustrated by the fact that exports exceeded imports in the colony well into the 1920s. Early on in other colonies the opposite was to be expected as contributions were made to these slow return areas.³⁹

Like the golden era of public spending in Hong Kong throughout the 1970s, the period following Belgium's annexation of the Belgian Congo in 1908 was expected to involve extensive reform throughout the colony. What actually developed, however, was still an extractive and oppressive system, minus the widespread brutalities. Before his Free State was taken, King Leopold attempted to consolidate his financial endeavors in the territory by creating a system of joint venture companies to exploit minerals such as diamonds, cobalt and radium. By 1911 these industries had become highly profitable, and were therefore allowed to remain in place. The policy of vacant land appropriation continued to be used as well, granting land to emerging agricultural enterprises.⁴⁰ To provide these sectors with the

necessary supply of labor, a poll tax was instituted in 1914 to force individuals into paid employment. Some one million Congolese were forced into labor in the agriculture sector alone by 1938.⁴¹ Wages also remained unequivocally discriminatory. In 1958, white salaries in the Belgian Congo were thirty times greater than that of the African average.⁴²

The greatest contribution made by the Belgian administration in the realm of social services was to primary education, which by 1958 had put 94% of the school population at the primary level.⁴³ Nevertheless, this education was generally low quality

“Like the golden era of public spending in Hong Kong throughout the 1970s, the period following Belgium’s annexation of the Belgian Congo in 1908 was expected to involve extensive reform throughout the colony.”

and short in length as it was left to the missions, taught in local languages and normally lasted only two years. Accompanied by a strong bias to avoid the cultivation of a disaffected elite, the result was that at the time of Independence there were only 17 African college graduates in the Democratic Republic of the Congo, and no doctors, lawyers or engineers.⁴⁴ The fact of the matter is that in general the Belgians did not look forward to a time of self-rule for the Congolese. When they gained independence in 1960, they had completed a period of colonial rule without making any significant progress in preparing their African subjects for self-governance.

What have Britain and Belgium’s vastly differing colonial legacies meant for the long-run economic growth of Hong Kong and the Democratic Republic of the Congo? A partial answer to this question can be achieved through a consideration of neo-classical growth theory. According to this model of long-run economic growth, an equilibrium level of output is determined by variance in the labor and capital inputs of the production function. Once at this equilibrium, a steady state level of growth is accomplished through population growth and technological progress. This theory works well when studied in a classroom setting, but ultimately falls short when applied to a tangible example of economic divergence like that of Hong Kong and the Democratic Republic of the Congo. The problem is there is no way to quantify when a country has reached its steady state level. Even so, the first part of this model is still quite useful for our purpose. Holding labor constant to facilitate this analysis, growth in the capital stock becomes the sole determinant of long run economic growth to the point of equilibrium. Level of investment, which is expenditure on new plants and equipment, is what causes the capital stock to rise.⁴⁵ By considering differences in investment we are therefore able to in part explain the economic growth rates of Hong Kong and Congo and understand why they differ. To supplement the limitations of this approach, it will also be crucial to consider other possible determinants such as education and trade structures.

From 1953 to 1997 Congo’s average investment share, as a percentage of GDP was 5.8%, which in 1997 would have been valued at approximately USD 353 million.⁴⁶ On the other hand, the value of loans and advances for use inside Hong Kong in 1995 was about USD 128.2 billion.⁴⁷ How do the colonial legacies of Hong Kong and the Democratic Republic of the Congo account for this ex-


treme contrast in investment? First, it is important to remember that individuals invest for the purpose of ultimately making a profit. The possibility of losing this invested wealth would therefore run counter to the objective of financial gain and dissuade people from investing. Throughout Hong Kong's time under colonial rule, the British maintained a fundamentally representative government and upheld the rule of law. With the existence of an independent judiciary on the basis of common law, subjects knew their rights were being protected. As a result of the government's anti-corruption campaigns, it became clear the administration would not stand for illegal activity. This combined to create an environment people felt safe putting their money into. There was no risk of suddenly losing investments or having them be used to fund illegal activities. Such confidence is highlighted by the increase in the employment of foreign-owned factories from 56,519 in 1971 to 108,000 in 1988.⁴⁸ Conversely, Belgian rule in the Democratic Republic of the Congo relied on an administration with little regard for personal freedoms and the progression of its subjects. When Congolese independence was achieved, no institutional apparatus to uphold the rule of law existed and there were few suitable leaders to choose from. This resulted in the coming to power of Colonel Joseph Mobutu, who engaged in rampant corruption throughout his presidency. In 1973, foreign businesses valued at USD 1 billion were seized by the state.⁴⁹ Unlike the case of Hong Kong, this was clearly not an environment conducive to investment.


The Crown government in Hong Kong sought to encourage economic growth by maintaining its laissez-faire ethos and practicing selective intervention in the market. This made the colony an ideal investment location for two reasons. First, the determination of the government to cultivate the

economy meant to investors a potential for greater returns. Second, public spending projects by the colonial administration called for large amounts of investment in capital. Throughout 1991 and 1992, more than HKD 15 billion poured into the real estate sector alone.⁵⁰ Because the administrators of the Free State and the Belgian Congo did not allocate funds towards the development of the colony, few public services and little infrastructure existed at the time of Independence. When Mobutu took control shortly after, this trend continued. In 1993, government consumption not associated with public investment and schooling peaked at over 40%.⁵¹ Few outlets for investment existed throughout the Democratic Republic of the Congo.

“As a result of the government’s anti-corruption campaigns, it became clear the administration would not stand for illegal activity.”

Due to the opposite conditions for investment that emerged from these colonial legacies, the capital stock of Hong Kong rose at a much more rapid rate than that of the Congo. On the basis of the neoclassical growth model, it therefore makes sense that GDP per capita in Hong Kong grew at a rate of approximately 6.3% from 1960 to 1995, while the income per capita of the Democratic Republic of the Congo grew at a rate of -2.6% from 1953 to 1997. What other factors might have contributed to this economic divergence? For one, level of education has been thought to have a significant impact on the future economic prospects of nations.






According to another model of economic growth known as the two-sector model, knowledge produced by universities determines the efficiency of labor and therefore the manufacturing output of firms.⁵² If this holds true, it should be the case that the fostering of high levels of education will result in greater rates of long run growth. In Hong Kong, where educational attainment was a priority for the colonial government, economic growth has been robust. In the Democratic Republic of the Congo, however, the virtual nonexistence of higher education at the time of Independence has greatly constrained the nation's growth. Furthermore, differences in trade structures must be considered when analyzing the economic growth disparities of Hong Kong and the Congo. While Hong Kong flourished on the basis of free trade, the DRC throughout its history solely relied on the wealth of its natural resources. The economy of Hong Kong was built to be flexible and sustainable, allowing it to avoid extended periods of decline. Conversely, the Democratic Republic of the Congo's abundance of minerals made the entirety of its economy dependent on a single industry, leading to the neglect of broad economic development. Needless to say, those who could gain control of this source of wealth were ultimately able to control the future of the country. The term "conflict minerals" is now used to describe the wars and chaos these resources have brought about within the DRC.

As displayed by the contrasting imperial ideologies of the British and Belgians in Hong Kong and the Democratic Republic of the Congo, colonies were not all treated equally by their rulers. The longest-lasting contribution of these colonial legacies, other than to economic growth, has been to show how impactful nation building can be in molding the present and future conditions of countries. While the liberalism of the British Empire fostered

a responsible government, free market conditions and public services in Hong Kong, the exploitation of the Belgian Empire took everything it could out of the Congo for the purpose of financial gain. Due to these differing colonial legacies, Hong Kong and the DRC have experienced divergent histories of economic growth. In the grand scheme of things, these differing stories are quite telling of the profound impact nation building can have on the futures of countries.



ENDNOTES

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DON'T GO CLIMATE

CHANGING:

Finding a Solution to the Global Climate Agreement Puzzle

BY EMMA HOWE

Since the 1970s, the climate community has worked tirelessly to establish a credible scientific basis for anthropogenic climate change. Though climate change deniers still exist, ever since the International Panel for Climate Change (the IPCC) declared that “observed increase in global average temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations,” there has been increasing global recognition of the issue.¹ Yet, this global consensus has not directly led to the implementation of a singular global climate policy, but rather to several fragmented international agreements each varying in degree of success. These agreements have all failed to adequately address the entire issue, and with the absence of significant international action, the planet is now on track to warm by at least 2.5 degrees this century.² Thus, I seek to investigate the conditions that explain this drastic variation in success. After examining the cases of both a successful climate deal, the Montreal Protocol, and a widely considered failed climate deal, the Kyoto Protocol, I will argue that there is one key method for obtaining a successful climate deal: a “carrots and sticks” approach, including binding emission reductions as well as an enforcement mechanism to incentivize them.

INTRODUCTION

Since the 1970s, the climate community has worked tirelessly to establish a credible scientific basis for anthropogenic climate change. In the early 1990s, the United Nations officially recognized the issue by creating the Intergovernmental Panel for Climate Change, (IPCC) intended as a platform to acquire sufficient enough scientific evidence for global climate policy. Since then, the IPCC has convened five times, concluding that the “observed increase in global average temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations.”³

Many human activities today, especially those driven by economic interests like deforestation and agriculture, have clearly led to quantitative increases in atmospheric concentrations of carbonaceous gases.⁴ These “greenhouse gases” (GHGs) accumulate and remain in the atmosphere, acting as absorbers of UV radiation, thereby warming the Earth. This “global warming,” enhanced by the anthropogenic increases in GHGs, is known to cause severe climatological effects. Changes in climate affect temperature and precipitation patterns, which in turn affect agricultural productivity, the magnitudes and locations of flooding and hurricanes, and the destruction of species habitats.⁵ Though these extreme costs were thought to be future repercussions, they have now become our immediate reality. With 14 of the 15 hottest years on record occurring all within the last 20 years, it has become increasingly more difficult to argue that anthropogenic climate change is not occurring.⁶ In fact, during 2013 and 2014, only 4 of 69,406 authors of peer-reviewed articles on global warming denied its anthropogenic causes, meaning the consensus for anthropogenic climate change among publishing scientists is above 99.99%—verging on unanim-

ity, bringing international attention to the issue.⁷ Therefore, it seems only natural that there would be incentive for policymakers to come to a collective climate deal.

Though there seems to be a growing international consensus that swift, substantial reductions in GHG emissions are necessary to stabilize the climate, this has proved to be a daunting task for policymakers. In fact, instead of collective agreement, there has been rather collective disagreement regarding the implementation of a singular climate policy. On the one hand, the developed world is arguing that emission cuts should be based on current GHG emissions, meaning heavily polluting countries like China and India should make rigid GHG cuts. Whereas developing countries argue that it should be the developed world making the biggest GHG cuts, claiming that since climate change results from the cumulative buildup of GHGs in the atmosphere over time, these countries are most responsible for anthropogenic climate change.⁸

Thus, the world has yet to see a completely successful climate deal—one that creates both an enduring (20+) year framework for international climate cooperation as well as phases down global GHG emissions over 60% by 2050.⁹ Instead, the world has witnessed several fragmented international agreements each varying in degree of success, failing to address both of these issues. And, with the absence of significant international action, the planet is now on track to warm by at least 2.5 degrees during the current century.¹⁰ I seek to investigate what accounts for the variation in success of climate deals and what specific factors lead to success.

In this paper, I will begin by addressing past scholars’ attempts to explain what leads to a successful climate deal, arguing that though these theories may enhance a climate deal’s success post

hoc, they do not serve as the direct causes of that success. Second, I will claim that the most important factor for a successful climate deal is a “carrots and sticks” approach that sets both binding GHG emission cuts as well as provides an enforcement mechanism to increase the deal’s legitimacy and credibility. I will then present an empirical case study, comparing two past climate deals—one widely hailed to be a success and the other a failure—in order to analyze the importance of these competing theories in contrast with the importance of the “carrots and sticks” approach. Finally, I will conclude with implications of and my predictions on whether the recent Paris climate agreement will be successful.

WITH INCREASING TEMPERATURE COMES INCREASING SOLUTIONS FOR SUCCESS

There have been many attempts to connect the climate change conundrum with the broader issues surrounding collective action. Arguably, the three biggest components of this puzzle are free riding, high costs with a lack of selective incentives, and the absence of a leader to bear the costs of initial action. Scholars highlight these issues in the climate policy dialogue by claiming that even though most governments have outlined individual climate policy plans, it is extremely difficult to replicate these actions internationally due to the anarchic nature of the international system.¹¹ This allows nations to take advantage of free riding on the actions of other nations who are reducing their emissions without needing to take action themselves.¹² Also, the very nature of this puzzle suggests that an agreement is more likely to occur when the benefits of the deal are short-term and the costs are minimal and long-term. Thus, in order for a deal to coalesce, there must exist some sort of concentrated short-term benefits and costs to mitigate the diffuse long-term

benefits and costs typically associated with climate change. Scholars have attempted to account for the variation in success for climate deals by highlighting the circumstances that make collective action more and less likely, applying those theories within the climate deal framework.

Scholars such as Kenneth W. Abbott and Duncan Snidal along with economist Nicholas Stern, argue that since there exists no supranational authority to provide coercive sanctions in the area of climate change, collective action requires nations to feel that they are receiving sufficient enough benefits from the deal for each nation to share a common vision of responsible behavior.¹³ These scholars argue that parties must also recognize that without their involvement, international collective action may very well fail. Thus, they claim that a climate agreement will be more successful when it implements “soft law” to make countries’ commitments to reduce emissions more credible to one another, thereby decreasing the free rider problem.¹⁴ Nicolas Stern, in his Stern Review, states that the principles set out in the non-binding 1992 Earth Summit at Rio de Janeiro have been developed in numerous subsequent formal and informal agreements, thus encouraging countries to take on climate obligations they would not otherwise be willing to take. He claims that this occurs because non-binding instruments require an element of good faith that countries will adhere to, perhaps influencing the development of state practices towards actual lawmaking.¹⁵ Abbot and Snidal claim that “soft law” helps deal with climate problems related to uncertainty through arrangements that are precise but not legally binding. They assert that the agreements and principles adopted at the Earth Summit allowed states to see the impact of rules in practice and to gain benefits while retaining flexibility to avoid any unpleasant outcomes the rules may entail.¹⁶

However, this idealistic notion has not directly led to the creation of a credible international framework for climate cooperation. Though the idea of “soft law” may be compelling for countries in a rhetorical sense, the Earth Summit failed to actually commit governments to the actions, targets, timeframes, and financing to which they would be held accountable. The Earth Summit also does not propose any mandatory obligations for nations to reduce their GHG emissions. Instead, the Convention states that the developed nations endorse “the aim of returning ... to ... 1990 levels” by the year 2000, which has evidently failed as the globe is still on track to warm above and beyond 1990 levels as of 2016.¹⁷

In contrast to this top-down “soft law” approach, scholars such as Robert O. Keohane, David G. Victor, and Anthony Giddens have argued that a climate deal’s success is contingent upon a series of “bottom-up” agreements, i.e. unilateral as well as bilateral actions taken by parties to reduce emissions. Anthropologist Anthony Giddens believes that since the world is dominated by power blocs, large countries and groupings of large countries, a climate deal’s success will be contingent upon “what the United States does, what China does, what India and Brazil do, and what the European Union does regarding their individual climate policies.”¹⁸ He argues that there is a lot of potential in bilateral agreements, and that they could have a powerful impact over time. He believes a climate deal will be most successfully reinforced when negotiated at the city-level, pointing to groups of cities such as the C40 Cities Climate Leadership Group, which have come together to serve as a vanguard for transformation to combat climate change.¹⁹ Keohane and Victor believe that this approach helps governments and other critical



“Marrakech Climate Change Conference - November 2016.” Marrakech 2016. Courtesy of Wikimedia Commons.

players determine what is feasible through coordination, “establishing some momentum in negotiations,” so that countries not making serious efforts can be chastised for their lack of effort.²⁰ They believe that countries willing to do more could learn how to connect and integrate their efforts into truly interdependent cooperation surrounding climate change.²¹

Yet this tactic creates a sort of self-fulfilling prophecy for nations: nations seeking to cut GHG emissions unilaterally or bilaterally are the ones who would be most likely to reduce emissions in the first place. Whereas other nations, primarily developing nations that rely heavily on fossil fuel production, will be further deterred from cutting emissions. Consider Russia, for example, where Vladimir Putin recently claimed that “Russia has been contributing actively to addressing global warming,” taking the lead to reduce GHG emissions.²² Even though this sounds compelling, this statement lacks any scientific backing. Russia is still the fourth largest greenhouse gas polluter, and in Russia’s most recent climate change plan, its emission reductions were calculated using an outlier year, thereby skewing the results. Thus, this action may serve as a deterrent for countries entering into bilateral agreements with Russia or any other nation that is heavily reliant on fossil fuels, undermining the capability of bilateral agreements to produce a

successful climate deal.

Therefore, I will argue that though these theories may help to reinforce the success of a climate deal in the long-term, they are not direct causes of its success due to their lack of enforcement and incentivizing capabilities. Thus, I propose that a successful global climate agreement will only transpire when it utilizes a “carrots and sticks” approach. The “carrots” serve as the incentives created by developed countries that agree to incrementally pay for the costs of emission cuts by developing countries. And the “sticks” serve as trade restrictions for a list of specific goods/services that utilize or produce GHGs, which can be amended as markets adapt. This functions as an enforcement and incentivizing mechanism, compelling countries to adhere to binding emission targets. To investigate this theory’s validity as well as the validity of Abbot, Snidal, and Stern’s “soft law” approach; and the Keohane, Victor and Giddens “bottom-up” approach, I will examine these factors in relation to the failed Kyoto Protocol and the successful Montreal Protocol.

FINDING THE PIECES TO THE CLIMATE DEAL PUZZLE

Since 1985, there have been 16 crucial climate agreements each varying in degree of success (seen Figure 1: evaluated by their outcome). In this section, I choose to focus on two specific Climate Protocols: the Kyoto Protocol and the Montreal Protocol. I will evaluate their success based on their ability to serve as a lasting (20+ year) framework and if they were able to phase down global GHG emissions by over 60% by 2050. Based off this, I argue the Kyoto Protocol is the best example of a failed climate deal and the Montreal Protocol is the best example of a successful deal.

Ever since the Kyoto Protocol was signed in 1997, there have been substantial increases in GHG consumption with global emissions of carbon dioxide increasing by almost 50%, growing more quickly between 2000 and 2010 than in the three past decades.²³ Kyoto has also failed to become an enduring framework. In 2009, countries tried to draft a new treaty to replace Kyoto at the Copenhagen talks—just two years after the signing of the protocol (See Figure 1). Overall, since the Protocol was unable to meet its goals, create a lasting framework, or substantially reduce GHG levels; I will consider it a failed deal.²⁴ This lack of success makes the case ideal to study, since the circumstances leading to its failure may now be considered.

On the other hand, I will argue that the Montreal protocol was a success because it was the first Convention of any kind to achieve universal ratification, serving as an international framework for efforts to protect the globe’s ozone layer since its inception in 1987. In fact, by 2009, the Parties to the Protocol had phased out the consumption of 98% of all of the chemicals controlled by the Protocol and it is believed that with implementation of the Protocol’s provisions, the ozone layer will return to pre-1980 levels by the middle of this century.²⁵ And perhaps the biggest component to its success was that by January 2010, all 199 Parties completely phased-out consumption and production of chlorofluorocarbons (CFCs), halons, carbon tetrachloride and other fully hydrogenated ozone depleting substances.²⁶ Therefore, since the framework has lasted over 29 years, and has also led to a complete phase-out of crucial GHGs, I will argue that the Protocol serves as an ideal example of a successful climate deal. Thus, the Montreal Protocol may now be examined for the factors that led to its fruitful outcome.

Figure 1: List of Total Global Climate Agreements and Their Outcomes

Year	Location	Outcome
1985	Vienna	The Vienna Convention for the Protection of the Ozone Layer outlines states' responsibilities for protecting human health and the environment against the adverse effects of ozone depletion, established the framework for the Montreal Protocol.
1987	Montreal	The Montreal Protocol was negotiated and signed by 24 countries and the European Economic Community. The Protocol called for Parties to phase down their use of CFCs, halons, and other manmade ODCs. It has since been ratified by 197 countries (all the United Nation members, as well as Niue, the Cook Islands, the Holy See, and the European Union).
1992	Rio de Janeiro	Negotiations begin with completion of the UN Framework Convention on Climate Change (UNFCCC). Countries agree to voluntarily reduce emissions with "common but differentiated possibilities."
1995	Berlin	This marked the first annual Conference of the Parties to the framework, called the "COP." The U.S. agrees to exempt developing countries from binding emission cuts.
1997	Kyoto	COP-3 diplomats approve the Kyoto Protocol. Mandated developed countries to cut greenhouse gas emissions relative to baseline emissions by 2008-2012 period.
2000	The Hague	Outgoing Clinton administration and Europeans differ on various COP-6 terms, especially over credit for carbon sinks like forest and agriculture. There is also disagreement over the responsibility to cut emissions for developed and developing countries. The talks collapse.
2001	Bonn	A second session of the COP-6 talks works out finance and compliance terms. Since the Bush administration had rejected Kyoto Protocol, and the US was only an "observer" of these talks.
2004	Buenos Aires	The US blocks formal negotiations for a post-Kyoto treaty. COP-10 diplomats try, instead, informal talks.
2007	Bali	COP-13 diplomats approve the schedule for post-Kyoto negotiations to end in 2009.
2009	Copenhagen	COP-15 fails to produce a post-Kyoto binding agreement. Instead, the Copenhagen Accord declares the importance of limiting warming to 2°C, yet without any sort of binding targets or mechanisms. Developed countries pledge to provide financing to developing countries of \$30 billion annually, rising to \$100 billion by 2020.
2010	Cancun	Nations agreed to meet in Copenhagen to work out the details of the "Green Climate Fund."
2011	Durban	COP-17 participating countries agree to adopt a universal legal agreement on climate change "as soon as possible" and no later than 2015, taking effect by 2020.
2012	Doha	Launched a new commitment period under Kyoto, ensuring that the treaty's legal and accounting models remain in place, and underlining the principle that developed countries should lead the action to cut greenhouse gas emissions.
2013	Warsaw	Further advanced the Durban platform, the Green Climate Fund and Long-Term Finance, the Warsaw Framework for REDD and the Warsaw International Mechanism for Loss and Damage.
2014	Lima	Agree to extend the life of Kyoto and set up framework for Paris talks. In principle, all parties commit to emission cuts, but there are no binding agreements.
2015	Paris	Reaffirms the goal of limiting global temperature increase to below 2°C, while urging to keep the increase to 1.5°C. Established binding commitments by all parties to make "nationally determined contributions" NDCs that will be renewed every five years. For the first time asks developing countries to contribute to emission reductions.

WHY MONTREAL HAD IT ALL

"Perhaps the single most successful international environmental agreement to date has been the Montreal Protocol, in which states accepted the need to phase out the use of ozone-depleting substances" stated Kofi Annan, Secretary General of UN at the "Millennial Summit" in September 2000.²⁷ In the early 1970s, when evidence revealed that CFCs were damaging the ozone layer and increasing the amount of UV radiation reaching the Earth's surface, their production became a major potential health hazard. This triggered the global consensus

that a successful international environmental agreement was necessary to mitigate these high costs. In 1997, this became reality with the adoption of the Montreal Protocol. Without the Protocol, the levels of ozone-depleting substances would be five times higher than they are today, and surface-level UV-B radiation would have doubled at mid-latitudes in the Northern Hemisphere.²⁸ But what made the Montreal Protocol so successful? To answer this question it is necessary to examine the Protocol's success with regards to its "soft law," "bottom-up," and "carrots and sticks" components.

A “soft law” approach, though not used in the actual Montreal Protocol, was utilized in the Vienna Convention three years prior. Vienna served as the framework ozone agreement, recognizing that immediate collective action was necessary to prevent further ozone depletion. However, no country made a substantial effort to reduce their emissions under this “soft law” framework. In fact, the convention only mentioned CFC’s by name in an annex.²⁹ The Montreal Protocol was different in that it limited the production and consumptions of the most important CFCs. These limits, though differentiated, applied to all countries that ratified the agreement—developing and industrialized alike. Thus, “soft law,” in this case, did not have much effect in causing the success of the Montreal Protocol. Yet this soft approach did help to deepen countries’ obligations to cut emissions once the actual Protocol was ratified. Stern would argue that this is because non-binding instruments usually entail an element of good faith that they will be adhered to by countries, with the potential to influence the development of state practices towards actual lawmaking.³⁰ Soft frameworks like the Vienna Convention can serve as vehicles for focusing consensus on rules and principles and for mobilizing a more general response on the part of states. Though “soft law” did help elicit general recognition that collective action was necessary to combat ozone depletion, it was unsuccessful in actually producing those results.

In regards to the “bottom-up” approach, it is necessary to note that if all countries reduced their CFC emissions, then all countries would benefit, just at different levels. The higher latitude countries with pale-skinned populations would benefit the most, as ozone depletion is greatest there and light-skinned people are most vulnerable to skin cancer. Also, countries with higher income per cap-

ita would be willing to pay more to avoid the risk of ozone depletion.³¹ Due to these factors, the country that would and has benefited the most from CFC reductions is the U.S., making it no surprise that the U.S. took significant action to cut its production and consumption unilaterally in the 70s. This gave the U.S. a stupendous return on investment, which provoked other countries to reduce their use of CFCs as well. In fact, Belgium, Canada, Norway, and Sweden all banned the use of CFCs in aerosols at the same time as the U.S. Though Giddens would argue that this “bottom-up” approach was responsible for the success of the Montreal Protocol, these actions alone were not sufficient to markedly mitigate anthropogenic ozone depletion.

Though these early bilateral and unilateral agreements were relatively easy and cheap to implement, there was no incentive for many developing nations to take action to reduce their emissions. Since only global resources of CFCs affect the ozone layer, the countries that acted unilaterally or bilaterally were just creating an incentive for CFCs to be produced everywhere else: a marvel known as trade leakage.³² Moreover, India used the Montreal Protocol as an opportunity to expand its CFC production capacity in order to serve the growing market for CFCs in developing countries. Thus, to make a significant and lasting difference, the Montreal Protocol needed to broaden participation while at the same time restricting production and consumption incrementally. To do this, it had to create incentives and punishments; in particular, it needed to apply a combination of “carrots” and “sticks.”

First, “carrots” were needed to encourage the participation of developing countries lacking a direct incentive to participate. During the initial recognition of the Montreal Protocol in 1990, the industrialized nations agreed to pay for the “incremental costs” of implementation by developing

countries under the Multilateral Fund.³³ A simple formula allocated the industrial countries' new burden: each industrialized country was to pay its share in proportion to its own emissions as well as the emissions of its allotted group of developing countries.³⁴ This meant that developing countries could not be made worse off by agreeing, since their costs were covered.³⁵ Even though they would not have benefited as much as the industrialized countries, no country benefits from ozone depletion, since it is a public good and paying to reduce global emissions is widely beneficial.³⁶

Second, "sticks" were needed to create an enforcement mechanism to ensure that all countries would follow the binding emission cuts.³⁷ But enforcement was not easy, since enforcing an agreement to cut back on CFCs proved to be a collective action

"The Montreal Protocol needed to broaden participation while at the same time restricting production and consumption incrementally."

problem in itself. Since countries had incentives to free ride on enforcement, it was necessary to devise credible "sticks" to punish the target country. The Montreal "sticks" were enforced through trade restrictions. Under the agreement, trade was to be restricted between parties and nonparties for both substances controlled by the treaty (the CFCs) and in products containing these substances. Since the participant level was high for the Montreal Protocol, non-participating countries suffered from this lack of market access, which incentivized them to ratify the treaty.³⁸

Thus, the "carrots and sticks" approach seems to be the most important factor leading to the Montreal Protocol's success. As of late 2006, there were only six non-participating countries: Andorra, Holy See, Iraq, San Marino, and Timor Leste, meaning this was not an agreement suffering from the free rider dilemma.³⁹ Most importantly, "based on assumed compliance with the amended and adjusted Protocol by all nations, the Antarctic ozone 'hole,' which was first discerned in the early 1980s, is predicted to disappear by the middle of this century."⁴⁰ The Montreal Protocol was successful because it set binding progressive phase-out obligations for developed and developing countries for all the major ozone depleting substances. It also led to the development of the Multilateral Fund, the first financial mechanism to be created under an international treaty in order to provide financial assistance to developing countries to help them achieve their phase-out obligations.

WHY KYOTO WAS A NO-GO

In 1997, the Third Conference of the Parties (COP) to the U.N. Framework Convention on Climate Change closed with the adoption of the legally binding Kyoto Protocol, under which industrialized countries as a whole were asked to reduce greenhouse gas emissions by 5.2 percent from 1990 levels between a commitment period of 2008 to 2012.⁴⁴ Industrialized nations ratifying the protocol were held accountable for at least 55% of all greenhouse gases emitted by industrialized nations in 1990. However, the deal failed to hold any one country accountable to these standards. In fact, the U.S. Senate even made it clear to the administration that they "would reject any agreement that would seriously hurt the American economy or give Third World countries a free ride."⁴⁵ Thus, it is important to examine Kyoto's failure in conversation with the

Montreal Protocol Strategies Summary

Soft Law:

The “Soft Law” used in the Vienna Convention helped reinforce the need for a binding international agreement reducing CFC use/production, yet it was only an intervening step in achieving a successful ozone treaty.

This was Primarily A Top-Down Approach:

Though nations such as the United States acted unilaterally to cut emissions, this was not enough to combat the issue of ozone depletion from being a public good. Thus, it was clear that an international agreement needed to be implemented in order to induce collective CFC emission cuts.

Carrots And Sticks:

The Multilateral Fund paved the way for the Global Environment Fund and for regime strengthening within the Vienna Convention. Every country was required to cut CFC emissions and consumption, with the added incentive for developing countries to be assisted financially and technically. They were also given more time to implement phase-out.⁴²

The Parties decided to threaten trade sanctions against countries that did not join the Protocol and reward the developing countries that did join with compensation. This threat of trade sanctions and the promise of aid were effective as 196 countries ratified the Protocol.⁴³

“soft law,” “bottom-up,” and “carrots and sticks” theories of success.

In regards to the “soft law” approach, Hiroshi Oki, President of the Conference of the Parties (COP) and Environment Agency Director General, argues that Kyoto “is a combination of common political wills to combat global warming although all these countries have different backgrounds, different economic situations and different choices

and energies. We were able to overcome various differences.”⁴⁶ However, this spreading of social knowledge and capital through the creation of the Clean Development Mechanism (CDM) was not enough to encourage developed countries to reduce their emissions.⁴⁷ Since the Protocol did not make it compulsory for countries with low greenhouse gas emissions to provide support to other countries, these countries did not utilize the CDM.⁴⁸ Thus, this spreading of social and economic capital under the “soft law” of Kyoto was not successful, since countries were not incentivized to participate in the CDM.

Giddens, arguing for the “bottom-up” approach, would say that since the Kyoto Protocol was structured to be a highly centralized, top-down agreement on climate change, it failed due to its lack of reliance on bilateral and unilateral agreements.⁴⁹ For the purpose of GHG emission reduction, the UNFCCC divides the world into Annex I (developed) countries and Non-Annex 1 (primarily developing) countries, but only legally binds Annex I countries to reducing their GHG emissions.⁵⁰ Giddens claims that Kyoto would have been successful if it allowed all the major GHG emitters, irrespective of their GDP, to choose their own emission targets in an incremental fashion. Thus arguing that budding bilateral and regional agreements could therefore have led to a successful UNFCCC/Kyoto Protocol.

Although there were attempts at unilateral and bilateral action, these agreements were all rhetorical in nature. Argentina stood alone in having announced a voluntary target for GHG reductions, and though Kazakhstan and Bolivia “had announced a willingness to do the same,” no new specifications of emissions trading and project credits actually emerged from the negotiating process for them to sign.⁵¹ Also, with the U.S. taking action to not commit itself to greenhouse-gas reductions

unless an international agreement “mandated new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period [as the US],” the Protocol lost further credibility.⁵²

Without taking a “carrots and sticks” approach, Kyoto got it wrong in two ways: at the core of the regime, states did not have incentives to commit to ambitious targets, much less legally binding ones; and the protocol did not have an enforcement mechanism in place to force countries to comply to these standards. The Kyoto Protocol seemed to only include weak “carrots” and no “sticks” by setting forth obligations that were binding but not credible. For example, nations in the European Union were supposed to reduce their average annual emissions of greenhouse gases in the 2008 to 2012 period by 8% compared to their annual emissions in 1990; the corresponding reduction for the United States was 7%; and that for Japan was 6%.⁵³ However, the Kyoto Protocol also authorized, though in very vague terms, a variety of mechanisms to assist countries with these binding reductions at the lowest possible cost. These mechanisms consisted of an emissions-trading scheme among the developed countries, as well as the receipt by developed nations of some sort of credit for sponsoring emission reductions in other countries. Nevertheless, this trading scheme was never clearly developed and lacked any “sticks” to enforce participation, thus industrialized nations did not find these “carrots” credible.

KYOTO IN CONVERSATION WITH MONTREAL

Today, since the most important aggregate effort to mitigate the effects of climate change is the reduction of GHG concentrations, it is important to note that this issue differs from previous policies regard-

ing ozone depletion. Since ozone depletion is more resistant to free riding, as its costs and benefits are immediate, Montreal had an easier time overcoming broader collective action issues. Efforts to reduce GHS emissions are much more vulnerable to free riding, perhaps explaining the reason why trying to limit GHG emissions has been less successful. Yet there is still much that can be learned from the success of the Montreal Protocol, especially when placing it in conversation with Kyoto and the “soft law” “bottom-up,” and “carrots and sticks” theories.

The Montreal Protocol utilizes primarily a “top-down” approach enforced through the use of “carrots” and “sticks” (binding emission cuts, trade restrictions, and a multilateral fund to incentive

Kyoto Protocol Strategies Summary

Soft Law:

Its specificity as to each nation’s percentage reduction of greenhouse-gas emissions

The recognition by over 191 countries that action must be taken to combat climate change

This was a Top-Down Approach:

It says nothing about obligations for developing nations, little about non-compliance, and only sketches the outlines of emissions trading, Joint Implementation, and the Clean Development Mechanism.

Neither Carrots Nor Sticks:

One may thus ascribe the immediate causes of the failure of the tightly binding set of political constraints without any proper enforcement mechanism

The Protocol left entirely open the developing countries’ obligations, and it did nothing more than identify the issues of emissions trading, sinks, and responses to non-compliance.

ratification). Though the effort initially began as a “bottom-up” approach, it was not until the actual treaty was ratified and countries were bound to their emission cuts that the treaty had any success in reducing CFC emissions and fixing the hole in the ozone layer. The treaty did not rely on “soft law,” even though its initial framework did. While the Vienna Convention helped set the stage for the agreement, it did not actually lead to the Protocol’s success as countries had no initial incentive to participate in reducing their emissions.

In contrast, the Kyoto Protocol, in spite of the fact that it had specific binding emission cuts, failed to provide any incentive or enforcement mechanism for countries to participate. Kyoto was also primarily a “top-down” approach, where countries were encouraged to meet the set emission cuts by taking national action. This proved to be ineffective, as countries, especially those who benefitted off the production of GHGs, did not face any repercussions for inaction. Though the Protocol tried to rely on “soft law” with the hope that countries’ commitments would be reinforced through mutual trust and the spread of CFC knowledge, this evidently was not enough to lead to the deal’s success. This treaty proved to be ineffective, since Kyoto had no “carrots” or “sticks” to make the agreement both credible and compelling.

CONCLUSION: WILL PARIS NEED AN HEIRESS?

In this paper, I have addressed past scholars’ attempts to explain what leads to a successful climate deal, arguing that though these theories of “soft law” and “bottom-up” strategies may enhance a climate deal’s success, they do not serve as the direct cause. Second, I claimed that the most important factor for a successful climate deal is a “carrots and sticks” approach that sets both binding GHG

emission cuts as well as provides an enforcement mechanism to increase the deal’s legitimacy and credibility. I then presented an empirical case study, comparing the successful Montreal Protocol to the failed Kyoto Protocol in order to analyze the importance of these competing theories in contrast with the importance of the “carrots and sticks” approach. I have concluded that though the “soft power” and “bottom-up” approaches may serve as intervening factors in a climate deal’s success, it seems that a “carrots and sticks” approach is the most likely factor to lead to a deal’s success. Thus, this theory may now be applied to assess the potential success of the 2015 Paris Agreement.

Though the Paris Agreement was successfully able to tackle some of the issues related to collective action by including selective benefits provisions similar to those in the Montreal Protocol, the Accords also had their limitations, as they did not set specific reductions in emissions or establish a system for the international enforcement of climate policy. The deal set a goal to ensure that the Earth’s warming stays under 2 degrees Celsius, which was a successful “soft law” approach in that all countries agreed to make that initial pledge. The prospects for a successful energy transition are further boosted by a wide range of bottom-up participatory initiatives that are being undertaken by countries, regions, cities, investors and companies across the world to increase the use of clean energies in the post-Paris world.⁵⁴ Yet, to realize the aspirations of the Paris Agreement, much will depend on whether governments of both developed and developing countries will actually commit to these plans over the next five years.⁵⁵ Paris may also be successful because it included a “carrots” provision allocating money and funds from rich countries to developing nations, who had previously claimed their economic concerns were preventing them from taking

action. However, the agreement still has its limits as it is not legally binding, it does have a punishment mechanism (“sticks”), and the current emissions pledges do not meet the goal of reducing emissions to below 2 degrees Celsius.

Thus, even though an agreement was reached, it is likely that a free rider issue will continue, as countries will not be punished for falling short of their initial pledges. However, the added clause of selective benefits for developing nations may make compromise and action more likely, as they will be receiving more short-term benefits and less grave short-term economic costs.

There also may be future cause for collective action as the impacts of climate change become more immediate and dire and the benefits of renewable energies become greater. The UNEP report “Global Trends in Renewable Energy”

stated a new record for overall global investment in renewable power capacity last year of \$285.9 billion. Juxtaposed, the coal and gas-fired electricity generation drew less than half that amount. 2015 also marked the year in which investment in renewables in the developing world, including Brazil, China and India, outpaced that in the developed economies of Europe, Japan and the United States. According to IRENA’s 2015 “Rethinking Energy” report, many of these markets are experiencing a rapid growth in energy demand, and renewable energy is seen as an increasingly important part of the future energy mix. Therefore, in the next five years, countries may be more willing to buy into these incentives, set binding emission cuts, and use trade sanctions to punish climate change cheaters. There may be hope for a successful climate deal after all.



The Arc de Triomphe in Paris is illuminated to celebrate the historic climate change agreement.
Photo by Jean-Baptiste Gurliat/ Mairie de Paris, courtesy of Wikimedia Commons.

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Figure 1: List of Total Global Climate Agreements and Their Outcomes

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THE LEGAL CONTROVERSY SURROUNDING THE CLEAN POWER PLAN:

A History, Overview, and Analysis

BY RYAN DUFFY

In 2014, the Obama Administration unveiled the Clean Power Plan (CPP), an Environmental Protection Agency (EPA) set of regulations aimed at reducing greenhouse gas emissions by targeting power plants. Since its introduction, the plan has faced backlash from Republicans, members of Congress, states, and industry. Multiple parties have challenged the plan's legal basis on the grounds that it is unconstitutional and beyond the scope of the EPA. This paper aims to explore the legal debate surrounding the CPP, which is currently being fought in the U.S. Supreme Court and likely to be scrapped by the incoming Trump administration. The paper starts with a brief legislative and regulatory primer and then explores the verdicts of two related Supreme Court cases. Since the CPP is a directive aimed at reining in greenhouse gas emissions, the paper gives constitutional, political, and legal consideration to the issue of climate change.

Climate change is a difficult issue for the United States: it has no legal or historical precedent, there is no explicit acknowledgment or implicit reference to it in the Constitution, and the process by which empirical data is presented and debated has been politicized. Over the past half-century, as the problem has intensified, the U.S. government has taken various steps to mitigate the harmful effects of climate change.

In 1969, Congress passed the National Environmental Policy Act (NEPA) in order “to assure that all branches of government give proper consideration to the environment prior to undertaking any major federal action that significantly affects the environment.”²¹ In concurrence with NEPA, President Nixon proposed the Environmental Protection Agency (EPA), telling both houses of Congress at the State of the Union that the 1970s would be “a historic period when, by conscious choice, [we] transform our land into what we want it to become.”²² From this point forward, the EPA has promulgated rules and standards that have shaped the regulatory landscape of the United States.

Since its inception, the EPA has proposed and enacted regulations that have been constitutionally challenged as beyond its constitutional scope and statutory authority. The Clean Air Act (CAA), passed in 1970, ordered the EPA to promulgate national air quality standards:

National primary ambient air quality standards, prescribed, under subsection (a) shall be ambient air quality standards the attainment and maintenance of which in the judgment of the Administrator, based on such criteria and allowing an adequate margin of safety, *are requisite to protect the public health.*³

The CAA was Congress’ response to a very timely and pressing problem—the runaway release of carcinogens into the air. The higher the concentra-

tion of these carcinogens—which the CAA refers to as ‘criteria pollutants’—the worse the adverse health impacts, economic costs, and environmental consequences. The CAA had a noticeable effect on reducing criteria pollutants (seen in Figure 1); however, it has become increasingly controversial as the EPA, certain states, and environmentalist groups have used the Act to promulgate standards for Carbon Dioxide (CO₂), a greenhouse gas (GHG) the CAA was not originally designated for.



The Supreme Court is currently hearing oral arguments regarding the CPP. The decision could change how and whether the EPA can regulate hazardous air pollutants. Photo by Duncan Lock, courtesy of Wikimedia Commons.

A landmark Supreme Court case, *Massachusetts v. EPA*, highlights the process whereby the CAA was interpreted as a means to regulate GHGs. In 1999, a group of 19 petitioners filed a rulemaking petition asking the EPA to regulate “greenhouse gas emissions from new motor vehicles” pursuant to § 202 of the Clean Air Act. The petition asserted that GHGs contribute to the anthropogenic (man-made) warming of the planet, that 1998 was “the warmest year on record,” and “that climate change will have serious adverse effects on human health and the environment.”²⁵ Four years later the EPA entered an order denying the rulemaking petition, alleging that the CAA did not give them statutory

authority to address climate change and that even if the Agency had the right to promulgate GHG standards, “it would be unwise to do so at this time.”⁶ The Commonwealth of Massachusetts, citing its susceptibility to climate change-induced sea rise, sued the EPA and contested that the Agency’s denial was arbitrary and capricious as well as a violation of the Administrative Procedure Act (APA). The issue at hand was whether the EPA could set emission standards for new motor vehicles.

The Supreme Court sided with Massachusetts and asserted that the CAA’s “sweeping definition” of air pollutants included “all airborne compounds of whatever stripe,” thus affirming that the Agency’s behavior was at odds with the statute.⁷ Since the CAA’s “sweeping definition” statute was narrow and clear, the Court was able to find that the Agency was acting arbitrarily and capriciously, or not in accordance with the law. At the time of the case, there was broad empirical evidence that corroborated the proposition that air pollutants such as CO₂ were an endangerment to global health and that the coast of Massachusetts was at risk due to global climate change. The Court found that this constituted a redressable injury to the state of Massachusetts, and opined that the “EPA must ground its reasons for action or inaction in the statute.”⁸ The dissenting opinions are indicative of the divisive nature of the issue; Chief Justice Roberts asserted that Massachusetts’s specific injury was not sufficiently direct and that forcing the EPA to enforce automobile emissions would not have any discernible benefits, while the late Justice Scalia contended that the petitioners did not have standing. In the latter case, Scalia’s opinion referred to the decision allowing the EPA to regulate GHGs from new motor vehicles as “the single largest expansion in the scope of the [Act] in its history.”⁹

While this decision expanded the scope of the

EPA, other Supreme Court cases have greatly restricted the rulemaking capabilities of the Agency. In *Utility Air Regulatory Group v. Environmental Protection Agency*, the Court presided over a separate issue—the EPA’s authority to set emission standards for stationary sources of GHGs. Under the Obama Administration, the EPA interpreted the ruling of the previous case to mean that it could also set new requirements for stationary sources of GHGs. The Court unanimously found that the EPA “overstepped its statutory authority when it decided that a source could become subject to PSD or Title V permitting by reason of its greenhouse-gas emissions.”¹⁰ More specifically, the Court found that the CAA’s “sweeping definition” of air pollutants does not require the EPA to regulate all GHGs, that the new standards would impose undue burdens on thousands of additional pollution emitters, and that the EPA acted beyond its authority by modifying Congress-stipulated thresholds.¹¹

Climate change is legally nebulous and complex for a variety of reasons. The legality of various initiatives to mitigate climate change are sound in certain respects: climate change poses significant health, economic, and environmental risks to the nation’s well-being and posterity. However, the government can and often does overstep its statutory authority when attempting to curb climate change. These difficulties are compounded by the issue’s scientific complexity: it is difficult for courts to attribute causation, responsibility, or direct injuries. It is also problematic to legally balance the interests and rights of industries with those of citizens. Lastly, climate change is concurrently a global, national, and local dilemma, so it often provokes difficult sovereignty and federalism disputes.

At the 2015 United Nations Climate Change

Conference (COP21), the international community turned its attention to the pressing issue of climate change. The Conference aimed to achieve cooperation among the world's biggest economies and heaviest polluters by establishing binding emission reduction commitments. The United States, as the world's largest economy and second-largest polluter, had an enormous stake in the negotiations. Without the commitment of the United States, any meaningful prospects for emission reductions were low. The Obama Administration was "at the center of negotiations, cajoling reluctant countries to adopt more ambitious goals, shaping the architecture of a new agreement and trumpeting its own ambitious commitments as an example of climate responsibility."¹² However, the key determinant of the US's ability to lead the world with ambitious emissions reductions was its domestic political environment. To uphold its commitment to the international community, the United States developed an ambitious national emissions reductions plan.

In June 2014, the EPA proposed the Clean



Power plants that emit carbon dioxide and other greenhouse gasses are the primary targets of the Clean Power Plan. Photo by Marco Farouk Basir, courtesy of Wikimedia Commons.

Power Plan (CPP), a set of regulations aimed at reducing CO₂ emissions from power plants by 32 percent within fifteen years relative to 2005 levels.¹³ On August 3rd, 2015, President Barack Obama unveiled the final version of the CPP and stated "the EPA is setting the first-ever nationwide standards to end the limitless dumping of carbon pollution from power plants."¹⁴ The Plan affords each state the opportunity "to put together its own plan for reducing emissions—because every state has a different energy mix."¹⁵ The CPP is a sweeping and ambitious plan that would have a significant effect on fossil fuel industries and certain states in particular—such as Kentucky and West Virginia. As such, the Plan was met with sharp criticism from the coal industry and dozens of states.

The CPP seeks to set standards and individual state targets for CO₂ emissions from existing power plants, pursuant to § 111(d) of the CAA. § 111(d) allows for states to develop their own program to reach targets for existing sources.¹⁶ According to the EPA, the CPP "will maintain an affordable, reliable energy system, while cutting pollution and protecting our health and environment now and for future generations."¹⁷

The proposed Plan's opponents have charged that it is unconstitutional and will threaten consumers, industries, and the reliability of the power grid. There have also been charges of violating the separation of powers doctrine. Sen. James Inhofe (R-Okla.) said of the Plan: "What they have attempted to do is to do through regulations what they can't do through legislation."¹⁸ With West Virginia at the helm, petitioners challenged the new regulations in an U.S. appeals court. West Virginia AG Patrick Morrissey referred to the plan as "one of the most onerous and illegal regulations coming out of Washington D.C., that we've seen in a long time."¹⁹ Lawyers for Murray Energy—a coal pro-

ducer in Ohio also challenging the regulations— chastised the initiative, noting that “transforming an entire industry cannot occur overnight.”²⁰

In the interim, the states and utilities have prevailed over the EPA and Obama Administration. In February the Supreme Court blocked implementation of the plan until a panel of judges on the D.C. Circuit hears each side’s arguments. 24 states, the U.S. Chamber of Commerce, various coal companies, and some electric utilities are among the petitioners, or parties in support of the petition. In opposition, 18 states, environmental organizations, and some power industries have filed briefs in support of the Rule.


“In order for the federal and state governments to develop an effective response, both levels must balance their own interests and considerations with those of the other.”

The controversy surrounding the CPP is a testament to the difficult and divisive nature of environmental law. There are four main legal and political difficulties that the government faces when addressing the issue of climate change: statutory and constitutional authority, federalism, the divergent rights and interests of citizens and industry, and the global nature of the problem. As climate change and the consequences it carries have intensified, the EPA has grappled with the onerous responsibility of mitigating the problem while also operating legally and within its statutory and constitutional mandate. In order for the federal and state governments to develop an effective response, both

levels must balance their own interests and considerations with those of the other. Another equilibrium that government must carefully heed is the rights and interests of industry compared to those of citizens, because the two parties often have antagonistic aims in environmental law. Finally, since the scope of climate change is global in nature and must be confronted multilaterally, the United States has struggled to take action without binding commitments or coordination with other big emitters and economies.

Constitutionally, climate change threatens Americans’ inalienable rights because of the real endangerment of “of life, liberty, and the pursuit of happiness”—safety, freedom, and well-being—that it carries. The Founders looked to protect future generations “by establishing an enduring guide to those principles most relevant to our nation’s fundamental challenges.”²¹ Countering the harmful effects of climate change is a constitutionally-stipulated requirement of the U.S. government. However, the extent to which it may act on the issue has been determined by numerous statutes: NEPA, CAA, and APA—among others. The language in these acts establishes parameters to guide the EPA and other environmental agencies. As Supreme Court decisions have shown, these statutes are a political mechanism to counter climate change (*Mass v EPA*) within specifically-enumerated limits and thresholds (*Utility Air v EPA*).

The EPA must balance the goal of its regulations with the interests and rights of the regulated. Judges and courts use discretion when balancing the interests of Petitioners and Respondents. As Scalia’s majority opinion in the *Utility Air* indicated, if the EPA was free to interpret its statutory authority however it wished, it could levy draconian restrictions on any pollution source. The effect of this would significantly cripple entire industries,



shock the American economy, and by extension, hurt U.S. consumers. Even if a judge yields to agency discretion and determines that an expansion of power such as this is within its statutory authority, this could be inequitable and do more harm—quantified by economic costs, lower GDP, and lost jobs—than good—quantified by increased air quality or reduced emissions.

Some states have embraced the federal government's ambitious environmental laws while others have been recalcitrant and non-cooperative. Historically, states have asserted that under the 10th Amendment, they have significant discretion to determine their own climate regulations. The federal government counters this claim with Article VI of the Constitution, which makes federal law "the supreme law of the land," meaning that if any conflict arises it preempts state laws.²² Moreover, Article I, Section VIII of the U.S. Constitution, gives Congress the power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes."²³ The federal government also maintains that climate change is an issue of interstate commerce that merits national uniformity.

Climate change is a global problem that requires multilateral negotiation, collective action, and binding commitments. In 1997, as international negotiations were well underway at the Kyoto Protocol, the Clinton Administration was negotiating terms for an aggressive domestic reduction in emissions. In response, the Senate passed the Byrd-Hagel resolution unanimously, which would not support a climate change treaty that "seriously" harmed the American economy or exempted developing countries from obligations.²⁴ This law served as a declaration that the United States would not be willing to shoulder the costs unilaterally (despite being responsible for a quarter of world emissions at the time) or adopt a law that did more harm than good.

The international dynamic of climate change introduces another barrier to effective and clear lawmaking: if the U.S. has to act unilaterally it will not. However, COP21 has shown the international community's commitment to collectively tackling the problem of climate change. The success of the treaty will largely be predicated on the US's ability to ambitiously control and reduce its own domestic emissions.

The U.S. government's CPP initiative is a good-faith effort to mitigate the pressing problem of climate change and subsequently protect U.S. citizens from adverse health impacts, economic costs, and environmental consequences. Despite its admirable goal and inherent rationality, the Plan is subject to the same statutory and constitutional scrutiny as any other law of the United States. Pending further judicial review, the Supreme Court has halted the implementation of the Plan and has sided with the petitioners. In effect, the Court is insinuating that the Plan may not proceed because it has a questionable legal foundation. The dubious legitimacy of the Plan means that even if it tremendously helps the U.S. (and the rest of the world), if it is inequitable or beyond the statutory authority of the EPA, it cannot be implemented. Assuming the D.C. circuit judges rule in the petitioners' favor, the United States will have to find another method to counteract and prevent the negative effects of climate change.

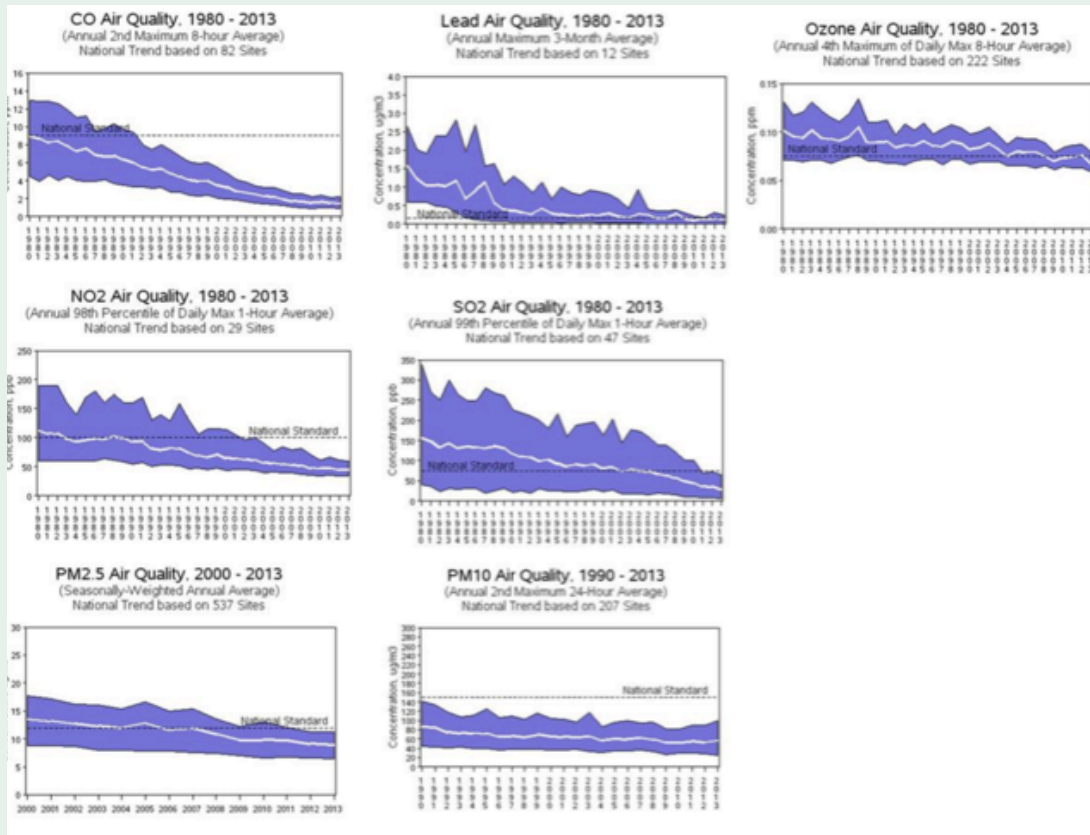


Figure 1: The Concentration of Criteria Pollutants from 1980 to 2013

Taken from 'Ambient Air Quality and Environmental Health,' environmentalscience.org.



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COGNITIVE MISERS:

How People Calculate the Worth of Their Vote

BY OLIVIA McCAFFREY

Each election ushers in a torrent of political analysis venturing to predict what voter turnout will look like— which demographics of people will participate in the highest numbers, and which will stay home. Whether the analysis is based on gender, race, education, age, or level of political awareness, no single attribute can capture the enigma of voter turnout. This piece confronts the question of how people decide that voting is worthwhile. In light of human tendency to act as cognitive misers who seek to minimize effort and maximize reward, voting, as a rational choice and collective action problem, defies logic. The nature of voting is such that costs are incurred at the outset (learning about candidates and registering), but rewards (victory for one’s ideal candidate and feelings of personal virtuosity) cannot be redeemed until Election Day. In examining the social, mental, and objective reasons for voting, this article analyzes voter motivation and examines the paradoxical factors that push citizens to the voting booth.

The decision to vote conflicts with the concept of humans as “cognitive misers” seeking to minimize effort and maximize reward. The nature of voting as a collective action problem provides almost no prospect of reward, but rather, an incentive to free ride on the greater voter turnout. People decide that voting is important to them based on several rational, social, and psychological factors. Their decisions are based on basic norms and heuristics that pertain to self-interest, group loyalty, information gathering, and political efficacy. The decision to vote is also based on several external factors, such as the closeness of the election and gaps between candidate policies. Ultimately, citizens decide that voting is important to them when the confluence of these internal and external factors arrange in such a way to maximize the motivation to vote, while minimizing the costs and difficulties of voting.

The question of why people vote is enigmatic because it defies economic logic. Voting is a rational choice problem, meaning a citizen engages in cost-benefit analysis, voting only after ascertaining a high probability that his or her own vote will determine the outcome of the upcoming election.¹ Voting requires careful thought and patient foresight. The nature of voting is such that the costs, such as learning about candidates and registering, come at the beginning, but the rewards, such as victory for one’s ideal candidate and feelings of personal virtuosity, cannot be redeemed until Election Day.²

Voting is also a collective action problem. If no one votes, it constitutes a deeply troubling problem for democracy, but if a smaller proportion of the population does not vote, the election will probably unravel in the same way and democracy will march forward. When over 60% of the populace can be counted on to turn out for presidential elections,

voters think it is irrational for a citizen to vote. The benefit of ‘cheating,’ or staying home, outweighs the mental cost of skipping out on the vote.

Under the rational choice method of thinking, there are two reasons why people would believe the benefit of voting outweighs the cost. The first reason is that voters make naïve and erroneous assumptions about their political efficacy. They overestimate how much potency their single vote has to sway the election. These are the optimists. The second reason is that voters value the act of voting more than its result.³

People who value the act of voting more than the outcome of the election differentiate between outcome expectations and efficacy expectations. Outcome expectation refers to a person’s calculation that a single action will lead to concrete end

“The decision to vote is further based on three factors: motivation, ability, and difficulty.”

products. Efficacy expectation, however, refers only to a person’s conviction that he or she can successfully carry out the behavior necessary to produce such outcomes.⁴ An outcome expectation voter would not expend effort to vote because he or she knows that a single ballot will not affect the outcome of the race. Efficacy expectation voters, on the other hand, vote because success to them is defined as having the ability to vote, the aggregate of which determines the election.

A related facet of the efficacy expectation is what Blais and Rheault call “external political efficacy.” This refers to how a voter perceives the relationship between government and its constituents.⁵ In some sense it is a continuation of the “benevolent

leader hypothesis” into adulthood. When people believe the government cares for their needs and values their opinions, they are more likely to believe in the efficacy of their vote.

It is important to note how people mentally process the decision to vote. Much of the decision-making process takes place subconsciously. First, a voter “forms an initial view on the matter on the basis of her disposition system, the part

“Informed voters give up hope in their political agency when the outcome of the election is known from the start.”

of the brain that routinely manages daily life decisions.”⁶ This entails an assessment of effort and the prospects of success regarding voting. There are many situations in which people overestimate the potency of their vote. One is among attentive information-gatherers.⁷ Blais and Rheault differentiate between “sophisticated” and “unsophisticated” voters and assert that these two groups, in fact, take essentially different pathways in calculating the worth of their vote. Voters who are privy to campaign information are more likely to believe their vote counts because such exposure “awakens their surveillance system, thus activating belief updates regarding the competitiveness of the electoral race. These more aware respondents become more optimistic about the value of their single vote when there is a close race, while being skeptic when there is little uncertainty about the outcome.”⁸ Belief in casting a pivotal vote, therefore, is a function of long-term predispositions and the situational con-

text of electoral conditions, represented by the formula:

$$E(S_i) = \gamma D_i + \delta(R | A_i) + \sigma \epsilon_i$$

Where $E(S_i)$ represents the expected success of voting (casting the decisive vote), D_i represents the disposition system of efficacious persons, R represents the closeness of the Race, and A_i represents exposure to campaign information. γ and δ represent the magnitudinal impact of their respective variables, while σ represents unexplained voter characteristics. This model shows that the most instrumental factors in inducing a person to believe his or her vote is important are “the person’s disposition, particularly her sense of efficacy, plus objective data about the closeness of the race (competitiveness), conditional on one being exposed to such data (awareness).”⁹ This formula is useful because it allows for the integration of the surveillance system process by making it a perpetually recalibrated part of the function given that R is conditional upon A . In summation, a person is likely to believe in the decisiveness of their vote when $E(S_1)$ is high.

Political awareness (A), however, can have a negative effect on a voter’s belief in the efficacy of her vote. Informed voters give up hope in their political agency when the outcome of the election is known from the start.¹⁰ Conversely, when the race is more competitive, informed voters become optimistic in higher numbers than those who are uninformed. Informed voters, therefore, occupy both extreme ends of the voting spectrum when it comes to decisive optimism. The specifics of each election also have different effects on sophisticated and unsophisticated voters. For inattentive voters, the closeness of the race has essentially no impact on

their perception of voting efficacy.¹¹

One of the most basic formulas explaining voter turnout is proposed by Downs:

$$R = (B)(P) - C + D$$

Where R is the total reward a citizen will gain from casting a ballot, B is the benefit a person believes will materialize from having his or her ideal candidate take office, P is the probability of casting the decisive vote, C is cost of voting in terms of time, money, and effort, and D refers to mental gratification a person earns from voting.¹²

An issue that arises when using this formula to explain voter turnout, which is often between 60 and 70% for presidential elections, is the presence of the “paradox of voting.” The “paradox of voting” describes voting as a collective action problem; according to this theory, voting yields benefits only when it is the product of collective organization. Therefore, a large amount of people should shirk the costs of voting because it can never ensure the acquisition of these benefits from a single ballot. In other words, P is infinitesimally small. The probability that a person’s ballot will be the decisive one is virtually never large enough to produce a positive value of R that would justify voting.¹³

The decision to vote is further based on three factors: motivation, ability, and difficulty. Harder and Krosnick propose that “a person’s likelihood of turning out on election day is a multiplicative function of his or her ability to vote, his or her motivation to vote, and the difficulty of obtaining the needed information and carrying out the behavior of voting.”¹⁴ Turnout, therefore, is a function of the subsets of motivation, ability, and difficulty: social location, psychological disposition, voting pro-

cedure, and election-specific events.

Harder and Krosnick propose a modified formula that relies on their three pillars of voter turnout:

$$\text{Likelihood of Voting} = \frac{(\text{Motivation to vote} \times \text{Ability to Vote})}{\text{Difficulty of Voting}}$$

Wherein motivation and ability are directly proportional to the likelihood of voting, and difficulty is inversely proportional to the likelihood of voting.

A person’s ability to vote refers to his or her capacity to form political opinions by absorbing and synthesizing political information, as well as his or her ability to comprehend and fulfill voting and registration requirements. This is where education functions as a predictor of voter turnout. Each additional year of education a person receives is associated with a higher likelihood they will vote. Education affects a person’s ability to vote because it teaches him or her how the political process works and how to navigate bureaucratic requirements like voter registration. Education fosters interest in the political process and places voters in a social situation where voting is the norm.¹⁵ Income is another demographic factor that impacts a person’s ability to vote. For example, wealthier people vote at higher rates. Some possible reasons for this are that poor, middle, or working-class people tend to have less time to learn about political candidates and go out to vote, or that wealthy people believe they have a higher stake in policy, especially financial policy.

Age is another example of an “ability factor” that influences voters. People are more likely to consider voting important as they progress through adulthood. Since 1986, Americans over 65 have outperformed all other age groups in terms of voter turnout. The rate of turnout for

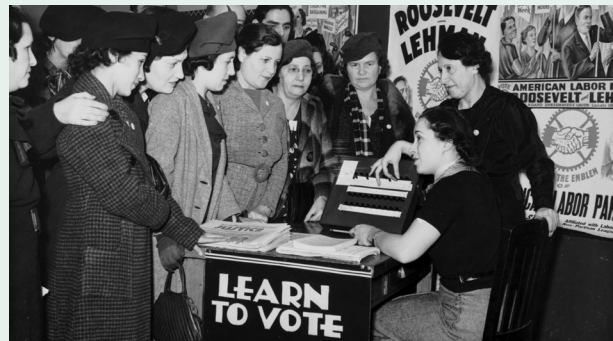
18-34 year olds has had the lowest rank in every Congressional election since 1978.¹⁶ Age is correlated with voter turnout largely because age also correlates with greater ability. Potential reasons for this are that older people have gained more bureaucratic exposure and political knowledge. They can more easily discern which candidate to vote for and how to make sure they meet registration requirements. Aging may diminish the information costs of voting, “because people may become more knowledgeable about the parties and the political process by watching them in action for many years, especially early in adulthood.”¹⁷ Voter turnout decreases only after age 75, when physical ailments become the primary hindrance to the ability to vote.

Motivation to vote is a runoff of several objective and rational components, including strong support for one candidate over the other, commitment to being a responsible citizen, pressure from friends and family, and the particulars of an election. Educational achievement augments motivation, as well as ability, to vote. Education instills a sense of civic duty, and it also creates an environment that is conducive to political participation. Interestingly, educated people show more motivation to vote when their social circle is comprised of those with less education. Disparity in education levels does more to encourage turnout than education itself. People compare themselves to their peers and are motivated to participate in politics if they feel especially qualified to exercise their civic responsibilities.¹⁸

Another example of a motivating factor to vote is profession. Profession generally does not influence voter turnout, except in the case of government employees. Government em-

ployees turn out to vote at a much higher rate because their level of motivation is exceedingly high. In order to retain their jobs, certain candidates must win office. Additionally, the achievement of their political goals may depend on a certain party being in the majority.¹⁹ Similarly, farmers often decide that voting is important because government policy correlates strongly to their welfare in the form of trade policy, environmental regulations, and agricultural subsidies.²⁰

Difficulty associated with voting refers to external constraints on the voter’s ability to transform the desire to vote into the act of casting a ballot. Such constraints include strict registration policies, the ambiguity and location of polling places, and availability of candidate information. As “cognitive misers,” humans are wired to minimize cognitive effort, which can prove especially troublesome for



Women surrounded by posters in Yiddish and English supporting Franklin D. Roosevelt, Herbert H. Lehman, and the American Labor party teach other women how to vote, 1935. *Courtesy of Wikimedia Commons.*

a task like voting, which requires mental effort in the form of political information gathering and physical effort in the form of registering and voting. Voter registration is a powerful barrier to voter turnout. Harder and Krosnick state simply, “Turnout is made more difficult and less likely by onerous registration procedures.”²¹

In terms of cost-benefit analysis, registration is unfavorable. Registration requires that a citizen “expend effort to gain relevant knowledge and then expend effort to comply with registration.” Citizens must set aside time to decide where, when, and for which party to register, which is a cost that cannot be countered until election time with the slight probability of casting a decisive ballot. To register, a person must adhere to rules about how and when to register, as well as have the ability to produce the necessary identification documents and reside in the corresponding location.

Even after registration, voters may calculate that the cost of voting is too high. In landslide elections, for example, voters’ ever-present cost-benefit calculation mechanism tells them that there is nothing they can do to change the outcome. This manifests into decisive apathy; they will reap the benefit without voting if their preferred candidate is in the lead, or they will save time by not voting if they know their preferred candidate is going to lose. There is no change in reward dependent on their ballot. On a related note, the media affects people’s decisions to vote. There is direct evidence that if the news predicts the outcomes of an election before polls have closed, voters discount the efficacy of their ballot, and voter turnout dwindles.

Decisive apathy also occurs when candidates have similar policies and the voter has no preference between candidates.²² Voter preferences in an election increase voter turnout because they modify the cost-benefit analysis of voting. When voters have a higher stake in who wins, it makes the risk of not participating a much more burdensome cost. This is referred to as *minimax regret analysis*.²³ Voters motivated by this risk are those who believe that the risk of staying home when they could have cast the decisive vote is more burdensome than the costs of voting.

Although some inhibiting factors have been outlawed (poll taxes, literacy tests), barriers to registration efforts that remain include limited hours of registration, early cutoff dates, accessibility of physical registration locations, and annual re-registration. Whenever a voter moves, for example, he or she must re-register in the new precinct, a task that often is delayed while higher-priority roots are re-established.²⁴ Of these barriers, early cut-off dates prove the most burdensome; they preclude voters from registering when they are most inclined to do so – around election time. The burden of registration accounts for a 7% to 9% depression in voter turnout.²⁵ Additionally, voters may be placed on an inactive voter roll if they do not respond to their local census. After a certain period of time, this may render them unable to vote. In Massachusetts, for example, citizens are removed from the list of registered voters after having failed to vote in two consecutive biennial state elections.²⁶

“Even after registration, voters may calculate the cost of voting is too high.”

Outside of registration is the need for the voter to engage in information-gathering to decide for which candidate to cast his or her ballot. The greater the effort a person has to expend “in order to determine candidates’ ideological positions, the higher the person’s “information costs” and the less likely he or she is to vote.”²⁷ In California, for example, thousands of precincts were consolidated in 2003, making it harder for voters to both de-

termine their candidates and ascertain the location of their polling place, causing a decrease in voter turnout for that year.

These difficulties may prove fatal to some voting efforts because, as stated above, people are constantly engaged in subconscious cost-benefit analysis. Awareness of the costs of voting accumulate to the point that some voters abandon the effort to cast a ballot. Efforts to combat these difficulties have seen muted results. Registration drives, for example, increase turnout rates, but at a smaller rate than self-registered voters who are more likely to vote anyways.

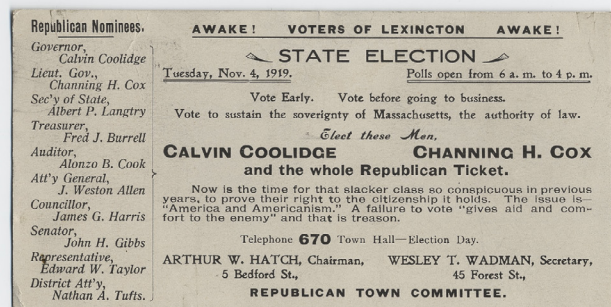
The three factors of motivation, ability, and difficulty are shaped by social and psychological factors that dictate a citizen's belief in his or her value as a voter. As already stated, highly educated individuals vote more frequently because they are confident in their qualification to effect change, especially among those with less education. The motivational undercurrents of these social and psychological factors are evident. African Americans, after controlling for education and income, vote at higher rates than do Caucasians. They capitalize on their efficacy and maximize utility as voters to rectify social, economic, and political disparities.²⁸ Voting produces a greater reward for minority groups because their sense of voting efficacy is boosted by the perception that their groups rely on them to articulate grievances and motivate change.

Another social factor that augments motivational potency is a person's participation in civic organizations.²⁹ The more a person is engaged in collective tasks, the more success he or she believes will come from the collective action of voting. Putnam identifies *social capital* as the network of interpersonal relations and trust-building connections that exist between members of organized society. Social capital, a product of civic engagement, boosts

voter turnout. People who are more trusting of their peers are more likely to vote, and people who possess group loyalties feel responsible to advocate for the interests of their group.³⁰ They engage in in-group favoritism, by which they treat members of their own group more favorably than they do outsiders. This convinces members that their group is worthy of their vote.

Participants in a voting research study were exposed to four electoral cases that featured high electoral competition, global warming, and taxes. Results showed that participants invoked civic duty 22% of the time on issues for the greater good, but only 15% of the time on issues concerning only self-interest. Group loyalty, in this case, accounts for a 7% increase in voter turnout. Additionally, group membership affirms a citizen's belief in their ability to play an effective role as part of a group. Group members are more likely to vote as a function of perceived self-efficacy as well as being mechanistically more prepared to vote in terms of civic knowledge and bureaucratic navigation skills.

A psychological factor impacting voter self-worth is a personal sense of democratic responsibility. This is why door-to-door canvassing is one of the most effective techniques to "get out the vote." When personally asked by campaign workers to vote on Election Day, citizens are prone to take



Coolidge-Cox Postcard, ca. 1919, encouraging people to vote. Courtesy of Wikimedia Commons.

that request to heart, either out of pride or guilt. People know that voting is the norm, so there exists a strong motivation to conform so as to satisfy the social desirability bias. Canvassing is effective because the wellspring of civic duty is the attempt by others to influence individual feelings by appealing to common interests.³²

Canvassing, especially knocking on doors and reminding people to vote, is an effective way to appeal to democratic responsibility. It lowers the cost of voter turnout because “it helps citizens determine where to go to vote, reminds them about the election date to permit advance planning, enables citizens by giving them information about the candidates and issues, or induces citizens to make oral commitments to participating in the election, which can be self-fulfilling.”³³ Canvassing decreases costs associated with voting while increasing motivation to vote. After interacting with a canvasser, voters do not have to engage in as much information gathering, and they also have made a promise to the canvasser that recalibrates their cost-benefit calculation. Citizens do not want to feel as if they are shirking their civic duty, especially after they have been reminded of it, so the cost of not voting becomes more mentally burdensome than the cost of voting. After interacting with a canvasser, citizens reap additional benefits from voting, including preservation of reputation, satisfaction of fulfilling a commitment, and a feeling of civic virtue.

Voters especially those who feel an acute sense of civic duty, “believe they have a moral obligation to participate in politics and are especially likely to vote in elections.”³⁴ A rational voter decides for which candidate or policy to vote based on expected social consequences distinct from self-interest.³⁵ Baron identifies the

“culture of honor,” the idea that voting is a responsibility to defend both self- and group- interests.³⁶ He concedes, however, that the norm of self-interest in relation to voting is a worthless heuristic. He suggests, like many others, that the probability of casting a decisive vote is so miniscule that one’s ballot is a flimsy shield for protecting one’s interests.

In conclusion, citizens decide that voting is important to them when there is a convergence of favorable factors. Since voting is a collective action problem with infinitesimally small prospects that a single ballot will decide the election, people decide that voting is important to them based on both rational and irrational conditions. These factors affect the three personal considerations in cost-benefit analysis: motivation, ability, and difficulty. Voter turnout increases with motivation and ability, and decreases with difficulty. The decision to vote, in terms of rational choice, is a function of reward, cost, probability of casting the decisive vote, closeness of elections, belief in government, group interest, and civic duty. People decide to vote when they are more readily exposed to political motivation, educational incentive, and societal norms. Pursuant to their roles as “cognitive misers,” people decide voting is important to them when it is unchallenging for them to see and understand its importance.

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AZERBAIJAN'S ALIYEV DYNASTY

BY HAGOP TOGHRAMADJIAN

Azerbaijan has been captured by the Aliyev family, which has turned the nation into its personal fiefdom since consolidating power in 1994. Current president Ilham Aliyev operates virtually unconstrained by any form of opposition: in addition to overseeing his father's cult of personality, he has also pocketed hundreds of millions in state funds and changed the constitution to allow himself to stay on as president for life. How has Azerbaijan, a nation with a proud heritage as the first Muslim democracy, fallen into the grip of such a retrograde regime? This paper argues that the Aliyevs have successfully used a cocktail of oil wealth, nationalism and repression to keep themselves in power. But regime tactics are only part of the story: a key factor in Azerbaijan's failure to democratize has been the astounding lack of external pressure and the international community's problematic willingness to accept Aliyev regime narratives. Until this changes, the Azerbaijani people will likely continue to languish in the shadow of Heydar Aliyev and his enormously corrupt son.

In most cities and towns in the Republic of Azerbaijan, the main streets are named for Heydar Aliyev, former president and father of the current leader.¹ His image is everywhere in this nation of 9.5 million, “[glowering] from posters at traffic intersections” and “[staring] from the wall in every office across the country.”^{2,3} The National Academy of Sciences even includes a discipline called “Aliyevshunasliq,” or AlievScience, which is dedicated to studying the deceased president’s life and works.⁴ According to the department’s director, Adalet Qasimov, “There is nothing you could criticize him for. During our investigations we came across nothing of the sort.”⁵

Azerbaijan has been captured by the Aliyev family, which has turned the nation into a personal fiefdom since consolidating power in 1994. Current president Ilham Aliyev operates virtually unconstrained by any form of opposition: in addition to overseeing his father’s cult of personality, he has also pocketed hundreds of millions in state funds and changed the constitution to allow himself to stay on as president for life.⁶ Yet according to Caucasus expert Thomas de Waal, “this building of an even more authoritarian state in Azerbaijan [has] proceeded with public support or at least acquiescence.”⁷ Why do Azerbaijanis tolerate this degree of excess? What are the sources of their remarkable patience with the Aliyev regime?

An analysis of the Aliyevs and their tactics reveal three key answers. First, they have benefitted from Azerbaijan’s enormous oil boom, which began in 1994 and has continued essentially unabated since. Second, they have used Azerbaijani nationalism to unite the population, portraying opposition as unpatriotic and even dangerous. Finally, they have strategically targeted independent media and opposition parties, successfully silencing the small subset of society that remains critical of the regime.

But regime tactics are only part of the story: a key factor in Azerbaijan’s failure to democratize has been the astounding lack of external pressure and the international community’s problematic willingness to accept Aliyev regime narratives. Until this changes, the Azerbaijani people will likely continue to languish in the shadow of Heydar Aliyev and his enormously corrupt son.

Brief Biographical Overview

Born in 1923, Heydar Aliyev grew up in Nakhichevan, an exclave of Soviet Azerbaijan surrounded by Armenia, Turkey and Iran. Though his family was relatively poor, he succeeded at school, and joined the KGB during World War II. He rose rapidly through the ranks, and was named head of the Azerbaijani KGB in 1967. Two years later, he was appointed head of the Azerbaijani Communist Party, and quickly consolidated personal control over the Soviet republic’s affairs, replacing most state officials with personal acquaintances from

“Azerbaijan has been captured by the Aliyev family, which has turned the nation into a personal fiefdom since consolidating power in 1994.”

Nakhichevan and the KGB. Known as a staunch supporter of the Brezhnev regime, he was rewarded with a post on the Politburo in 1982, where he served until 1987. After a fall from grace during

Gorbachev-era reforms, he retreated to Nakhichevan, where he bided his time as newly independent Azerbaijan descended into chaos. In 1994, with the nation on the brink of civil war and losing to Armenia in the conflict over Nagorno-Karabakh, he returned to Baku, portraying himself as an elder statesman, a scolding father above the fray of the country's squabbling politicians. He was named acting president in August, and in October "won" 99.8% of the vote in a national referendum on his rule.⁸

With Azerbaijan exhausted by war and civil strife, Aliyev had a clear opening to clear aside competitors, and he did so "gradually and ruthlessly" clamping down on the media and opposition.⁹ Helped along by oil revenues, he was able to rule-



Ilham Aliyev with his wife Mehriban Aliyeva, who heads a powerful philanthropic organization and is often identified as her husband's likely successor. Courtesy of Wikimedia Commons.

without meaningful opposition for the remainder of his life. With his health failing in 2003, his son Ilham stood for election instead, winning the presidency in a race that was severely marred by intimidation and fraud.¹⁰

Ilham Aliyev entered office lacking experience and known for his "extravagant lifestyle and apparent lack of ambition."¹¹ However, he "gradually established himself," cracking down on media and opposition more harshly than his father had; Azerbaijan's Freedom House ranking declined from

"Partly Free" in 2003 to "Not Free" in 2004.¹² In 2005, Aliyev arrested the ministers of health and economic development, and presided over another round of rigged parliamentary elections. Early predictions that he would pursue a reformist path, or that he would prove an easy target for more experienced politicians, proved completely wrong.

By the 2008 elections, which were boycotted by several opposition groups, Aliyev's position had grown significantly stronger.¹³ He won with 89% of the vote, and in 2009 he felt secure enough to push through a constitutional amendment eliminating presidential term limits. He was re-elected in 2013, and he continues to rule the country today.

How the Aliyevs Stay in Power

Reason One: Oil Wealth

Since the 19th century, Azerbaijan's Caspian coast has been one of the world's key oil-producing regions, and according to Svante Cornell, "oil has been the driving force of post-Soviet Azerbaijan's economic development, as well as its foreign policy."¹⁴ This growth has "enabled Azerbaijan to experience what could be the fastest government revenue growth cycle in recent times."¹⁵ From 1996 to 2014, government expenditures rose almost 23-fold, increasing from \$360 million to \$8.18 billion.¹⁶ The state's sovereign wealth fund, established in 1999, now stands at \$34 billion.¹⁷ This context of rapid expansion is a central reason for the Aliyevs' secure hold on power, and their regime cannot be analyzed independently from it.

In 1994, Heydar Aliyev negotiated the "Contract of the Century," a 30-year production agreement with ten of the world's largest energy companies. The deal, which ensured the development of oil reserves discovered in the 1970s and 80s, "greased Azerbaijan's path out of weakness and

fragility.”¹⁸ Rising prosperity has created a high level of popular tolerance for the regime; according to de Waal, it is the primary reason why the Aliyevs have stayed in power. ¹⁹Some have gone so far as to contend that Azerbaijan has become a “rentier state,” in which resource wealth makes the government independent of public pressures. As an ex-

“Azerbaijan’s private sector is not independent enough to launch a challenge to the regime.”

ample of this independence, Alper Almaz points out that oil revenues are responsible for five times more government income than taxation. Accordingly, the tax system—which is in many countries a vital source of popular leverage—is in Azerbaijan “not of importance to maintenance of current authority and its economy.” ²⁰Because they are not saddled with a large tax burden, citizens have less motivation to agitate for democracy or accountability.²¹ Meanwhile, those who do seek change have less legitimacy vis-à-vis the system.

In addition to undergirding the Aliyevs’ popular legitimacy, the influx of wealth has helped them cement their elite support. Leila Alieva writes that “multinational oil companies...act the same way in Baku as they do in the capital of a Middle Eastern petrostate: Their investments empower the families of key officials, who in turn vie to see who among them can display the largest portrait of the president in his office.”²² Scott Radnitz agrees, arguing that since the early years of Heydar’s rule, money from oil rents has allowed “Aliyev loyalists [to obtain] control of privatized assets, ensuring that possession of economic resources would buttress

political domination.”²³ The 1990s were an especially opportune time for this process to begin; because post-Soviet privatization put many industries “up for grabs,” even a modest sum of money often yielded tremendous returns. As a result, Alieva estimates that by 2000, “the Aliyev regime was running virtually the whole economy.”²⁴

This combination of economic and political power has had a chilling effect on democracy. Unlike in Ukraine and Georgia, where the business community helped fund popular opposition movements, Azerbaijan’s private sector is not independent enough to launch a challenge to the regime. Though private businesses exist, “the ruling clique keeps them dependent in ways that stop them from backing opposition movements.” ²⁵For the past decade and a half, firms hoping to make money in Azerbaijan have had to turn to the state, which controls “access to resources” and “functions as a network for the informal distribution of income.”²⁶ In short, economic realities mean that it is directly contrary to self-interest for either businesses or individuals to oppose the government.

Reason Two: Azerbaijani Nationalism

The Azeris are a Turkic people from the Caucasus region, who speak Turkish but follow Shia Islam, the religion of neighboring Iran. Their national identity developed relatively late; according to Svante Cornell, Pan-Turkism and Pan-Islamism predominated over local nationalism throughout the 19th century.²⁷ It was not until 1891 that the concept of a “distinct Azerbaijani identity” was defined, and even then, “intellectuals were...undecided whether to build a separate Azerbaijani nationalism.”²⁸

The early Soviet years saw efforts by the Communist Party to undermine the efforts that had been made to define a distinct Azerbaijani identity; according to Cornell, Stalin sought to “sever Azerbaijan...from its own history.”²⁹ This policy was reversed under Khrushchev, but it was not until the late 1980s that Azerbaijani nationalism began to take meaningful shape. For the first time in history, members of the general public began to conceive of themselves as specifically “Azerbaijani.”



Thirteen years after his death, Heydar Aliyev still looms large over his son's regime. Courtesy of Wikimedia Commons.

Cornell argues that this change was “very much...a response to the threat of Armenian expansionism,” which centered on the province of Nagorno-Karabakh.³⁰ The majority-Armenian region had been assigned to Azerbaijan under Stalin, but Gorbachev-era glasnost allowed its residents to agitate for reunion with their ethnic compatriots. Azerbaijanis responded to this movement with forceful opposition, forging a “strong sense of national belonging” over the threat to their borders.³¹ The nation's new identity combined “anti-Armenian feelings” with “anger toward the Soviet authorities,” linking the independence movement with enmity toward Armenia.³² From 1990 to 1994, Azerbaijan and Armenia fought a bloody war over Nagorno-Karabakh, which killed approximately 25,000 and created over a million refugees.³³ The

majority of the dead and displaced were Azeri, and Armenia ended the war in control of 14% of Azerbaijan's internationally-recognized territory.³⁴ This defeat has ensured that national identity in modern Azerbaijan has remained fundamentally defined by opposition to Armenia—a fact that is crucial to understanding the Aliyev phenomenon.³⁵

Azerbaijan's national humiliation has proved to be particularly useful for Ilham Aliyev, who, according to *The Economist*, “uses Karabakh to drum up nationalist sentiment and divert attention away from corruption at home.”³⁶ De Waal agrees: “the Karabakh dispute,” he writes, is a useful political instrument for rallying the population around the flag by mobilizing support against an external enemy.”³⁷ He notes that in almost every domestic address, Ilham Aliyev has taken to denigrating Armenia, making use of “dubious historical assertions” that challenge Armenia's right to exist.³⁸ An August 2014 tirade on Twitter exemplified this tactic. His dozens of provocative messages called Armenians “barbarians and vandals,” promising that “the war is not over. Only the first stage of it is. But the second stage may start too.”³⁹

Other examples of Aliyev's appeals to nationalism are even more unsettling. In 2012, he oversaw the lionization Ramil Safarov, an Azerbaijani lieutenant who had beheaded an Armenian officer while attending a NATO training program in Hungary. Sentenced to life in prison, Safarov was only transferred back to Azerbaijan on the condition that he remain incarcerated. However, Aliyev defied international expectations by pardoning him at the airport; the convicted killer was also presented with flowers, promoted to the rank of major, and offered an apartment in Baku.⁴⁰

Aliyev's provocative stance clearly strikes a reso-

nant chord in Azerbaijan. Safarov was greeted by cheering crowds upon his return to the country, and the Twitter rant came at a time when many Azerbaijanis were “[calling] for blood.”⁴¹ The Karabakh issue’s intense public significance makes it Aliyev’s “ace in the hole,” a valuable tool to use when faced with other difficulties. Linking opposition activists to Armenia, for example, is a convenient way to undermine their moral standing in the eyes of the public. Regime critic Rauf Mirkadirov was destroyed in this way in 2014, when he was arrested for supposedly passing military information to Armenia.⁴²

Writing in 2012, de Waal warned that, if faced with a crisis, Aliyev might “play the ‘Karabakh card’ as a diversionary maneuver to mobilize popular support.”⁴³ It appears that this is exactly the course he took in April 2016, when the heaviest fighting since 1994 broke out along the “line of contact.” Faced with plummeting oil prices and significant domestic protests in January of the year, Aliyev likely decided that a re-escalation of the Karabakh conflict was in his interests.⁴⁴ He seems to have calculated correctly, as reports from Baku indicate that patriotic sentiment is on the rise. According to one Azerbaijani, the country has seen “real solidarity... maybe this kind of solidarity can only be compared with 1990s, when the first Karabakh war started.”⁴⁵

Reason Three: Use of Force and Repression

Despite their efforts to win support through the use of nationalism and oil wealth, the Aliyevs have still faced instances of popular opposition. However, the regime has fended these challenges off with great effectiveness. For the past 22 years, the state has gradually asphyxiated independent journalism and political activity.

According to Radnitz, Heydar Aliyev learned

how to “selectively but effectively use repression against his opponents” while working for the KGB.⁴⁶ During the early years of his regime, he concentrated his efforts on gathering *kompromat*, or compromising material, on other prominent officials. Because he made no secret of his use of this tactic, “the threat of arrest and expropriation was a strong deterrent to disloyalty or insubordination, and helped ensure the compliance of subordinates.”⁴⁷ On the occasions when he became aware of a direct challenge, Aliyev made sure to strike first. In 1995, 1996 and 1998, he used a spe-

“Linking opposition activists to Armenia, for example, is a convenient way to undermine their moral standing in the eyes of the public.”

cial battalion of troops from Nakhichevan—which Radnitz calls a “form of a praetorian guard”—to crush potential coups.⁴⁸

Before Azerbaijan’s oil revolution came to full fruition, the nation remained weak and reliant on Western aid. This meant that Heydar Aliyev was “forced to abide, at least superficially, by the international norms of democracy that were now hegemonic globally.”⁴⁹ Combined with “residual pluralism” from the 1991-1994 period, this international pressure forced Aliyev to allow for some activity by independent media, NGOs, and opposition parties.⁵⁰ From 1997-2003, Azerbaijan was ranked as “Partly Free” by Freedom House.

It was during the 2003 handover of power to Ilham Aliyev that Azerbaijan descended into true autocracy. Ilham’s relative lack of popularity and the opposition’s unity made that fall’s election

a challenging one for the regime, which ultimately had to resort to all-out repression to ensure its desired outcome. Though there were instances of police violence against opposition activists before the vote, the key turning point came on the night of the election itself, when the regime took a two-pronged approach to secure victory. First, it engaged in “massive fraud”; the OSCE’s Election Observation Mission reported “significant problems” at 55% of polling stations.⁵¹ Second, the regime diverted attention from these irregularities by provoking post-election violence. The police and army used brutal force to break up opposition rallies, arresting 625 demonstrators, injuring over 300 and killing five. Isa Gambar, the main opposition candidate, was placed under house arrest for 25 days.⁵² According to Sabine Frasier, these measures “succeeded in turning international and Azeri attention away from purely election-related developments... to the need for stability.”⁵³ This meant that the election itself largely escaped scrutiny. This “was a bitter disappoint-

“Democratic opposition was, for all intents and purposes, futile.”

ment to...hopes for democracy in Azerbaijan,” demonstrating the regime’s vast power and the effectiveness with which it could defend itself.⁵⁴

Despite the 2003 disappointment, opposition activists tried again in the run-up to the parliamentary elections of 2005. However, Aliyev cracked down even more concertedly, harassing and detaining more opposition politicians and journalists than ever before. On March 2, regime critic Elmar Huseynov was murdered in Baku; the assassin was never found or prosecuted. In October, the min-

isters of health and economic development, both of whom had been openly critical of Aliyev, were arrested and jailed for allegedly plotting a coup attempt. The November ballot itself was severely marred by irregularities, prompting enough criticism that Aliyev admitted to some problems and promised to punish the offending parties. He eventually invalidated the results in four constituencies and fired several election officials. As Alieva reports, however, the authorities appeared to be targeting for cancellation the results in districts where opposition candidates had been the actual winners, while punishing only officials who had “messed up” by failing to secure victory for the regime-favored candidate altogether, or else by securing victory but doing so in a manner that attracted unwanted attention to the regime’s chicanery.⁵⁵

Taken in combination with the 2003 election aftermath, 2005 sent a clear message that the regime would not peacefully relinquish control. Democratic opposition was, for all intents and purposes, futile.

Azerbaijan’s next election, the 2008 presidential contest, was boycotted by most major opposition parties, and the 2010 parliamentary elections saw low turnout and further allegations of fraud. By 2013—when Aliyev abolished term limits in order to run for a third time—elections had become so meaningless that the state accidentally released results a day early.⁵⁶ Yet the situation has continued to worsen. Since the Arab Spring, and especially since oil prices collapsed in 2014, the regime has significantly increased pressure on independent media and opposition activists. According to a report from Radio Free Europe/Radio Liberty, Azerbaijani civil society has been “decimated” over the past two years: “a wave of arrests has targeted opposition bloggers, human rights defenders, and journalists.”⁵⁷ The list of those in prison has included Ilgar

Mammedov, leader of the Republican Alternative opposition movement, Anar Mammadli, head of Azerbaijan's foremost election monitoring agency, and Khadija Ismayilova, an internationally recognized journalist. All told, hundreds of individuals have been arrested or jailed during the crackdown,

“For a nation where opposition is crushed and democracy remains a distant dream, Azerbaijan enjoys a surprisingly close relationship with Europe and the United States.”

for what Freedom House calls “transparently political reasons.”⁵⁸ The problem goes beyond mere imprisonment: according to Human Rights Watch, there have been hundreds of allegations of torture—not a single one of which has been prosecuted.⁵⁹ Taken together, these factors mean that in 2016 Azerbaijan’s “political rights” ranking reached Freedom House’s worst possible score, a 7. Its overall “freedom” ranking—6.5—was the 13th from the bottom globally.⁶⁰

The story of government repression in Azerbaijan is one of gradual but steady escalation. Though Heydar Aliyev was never a democrat, his son has all but done away with elections and is able to jail opponents with impunity. Twenty-two years into its rule, the ruling party has created a “New Azerbaijan” where political pluralism and freedom of speech do not exist.

For a nation where opposition is crushed and democracy remains a distant dream, Azerbaijan enjoys surprisingly close relationships with Europe and the United States. There are several reasons for this. First, Heydar Aliyev assiduously cultivated partnerships with the West, cooperating on “areas such as security, counterterrorism, and energy.”⁶¹ His willingness to send oil through Turkey and into Europe, as well as to offer Azerbaijan as a staging ground for American operations in the Middle East, helped him craft an image as a pragmatic moderate. As a result, during the 2003 succession process, “Western policymakers felt little desire to see power change hands in Baku”; instead, they praised Ilham Aliyev as “young and well educated” and expressed no more than vague hopes for democracy.⁶²

Yet strategic confluence is not the only reason for Western support of the Aliyev regime. As the case of Putin’s Russia demonstrates, merely providing energy is not enough to spare a regime from criticism.⁶³ Given that Azerbaijan provides Europe with less than one tenth as much energy as Russia, Gerald Knaus argues that additional factors—beyond resource dependence—are aiding Aliyev’s Azerbaijan.

One of these factors is Ilham’s personality; in the words of the New York Times editorial board, “Mr. Aliyev . . . is suave, well dressed and well spoken in English; he is ready to send his country’s ample supplies of oil and gas to Europe and to Israel; his Islam is moderate and modern; and he hosts lavish international events like the Eurovision Song Contest in 2012.”⁶⁴ As a result, Knaus observes, while “other dictators have to lie to their people about the respect that they enjoy abroad,” Ilham Aliyev “can tell the truth.”⁶⁵

The Role of the West

The key factor underwriting Azerbaijan’s suc-

cess with the West, however, is the phenomenon of “caviar diplomacy”—a type of “wining and dining” of foreign officials that comes perilously close to outright bribery.⁶⁶ According to an Azerbaijani source quoted by Knaus,

Similar trends have emerged in Azerbaijan. Many deputies [on the Council of Europe] are regularly invited to Azerbaijan and generously paid. In a normal year, at least 30 to 40 would be invited, some of them repeatedly. People are invited to conferences, events, sometimes for summer vacations. These are real vacations and there are many expensive gifts. Gifts are mostly expensive silk carpets, gold and silver items, drinks, caviar and money.⁶⁷

jan’s dealings with U.S. lawmakers. A 2015 report from the Office of Congressional Ethics found that 10 members of Congress and 32 staff members embarked on an all-expenses-paid trip to Baku in 2013, receiving thousands of dollars worth of scarves, rugs and china.⁶⁸ The Azerbaijani government attempted to hide its involvement in the trip by masking itself under a group of NGOs—a trend of secrecy that has become increasingly common in the Aliyev regime’s lobbying activities.⁶⁹ However, mandatory filings reveal that in 2014, Azerbaijan spent at least \$4 million promoting its agenda in the United States alone.⁷⁰

These trips, as well as related public-relations efforts, have had a noticeable effect. In the United States, the Aliyev regime is routinely backed by groups of loyal lawmakers. In 2015, for example, Foreign Policy reports that,

“Rep. Gene Green (D-Texas) praised Azerbaijan for its “close and important relationship” with the United States, and described it as a “beacon of democracy”; Rep. Ryan Zinke (R-Mont.) said that Azerbaijan and the United States “share the same commitment to freedom and liberty,” Rep. Donald Payne (D-N.J.) lauded Azer-

baijan’s “commitment to the ideals of democracy.”

On the other side of the Atlantic, meanwhile, Azerbaijan’s lobbying efforts won it the chairmanship of the Council of Europe, a human rights organization based in Strasbourg. As Aliyev was beginning his recent crackdown, his nation managed to represent itself internationally as a defender of democracy and human rights.

Western support for the Aliyev regime has had concrete consequences within Azerbaijan. First, in contrast to other Eastern European nations, there has been next to no international support

“Azerbaijan spent at least \$4 million promoting its agenda in the United States alone.”

for Azerbaijani civil society, leaving pro-democracy NGOs at the mercy of the regime.⁷² Second, the government proudly repeats the praise heaped on it by foreign politicians. According to Emin Milli, an opposition activist who spent 17 months in jail, “the effect [of this praise] is devastating, because you have democratically-elected representatives confirming the legitimacy of a mafia. The legitimacy of thugs. The legitimacy of a group of people who kill, torture, and put people in jail just for expressing their opinion.”⁷³ According to Milli, “If one congressman writes a letter or says something positive about Aliyev or his regime, they show it on TV 20 times a day.”⁷⁴ In essence, the Azerbaijani people have been abandoned by their would-be foreign advocates. Beguiled by “caviar diplomacy,” Western leaders have slammed yet another door on



Azerbaijan's stillborn democracy.

Despite the overwhelming confluence of factors working against freedom in Azerbaijan, there are a few hopeful signs for opponents of the Aliyev regime. First, the precipitous drop in oil prices has thrown the dictatorship off balance, forcing it to burn through billions of dollars in reserves, devalue its currency, and slash spending by 15%. Second, the nation's oil reserves have already begun to run out, and the energy boom will likely have run its course by the late 2020s. Stripped of the lifeblood that has sustained it for 22 years, the Aliyev regime will have to contend with expanding popular pressure and attempt to find new incentives to encourage elite support. Given that repression is already employed with abandon and that nationalism is already kept at a fever pitch, further "tightening of the screws" or "rallying around the flag" is unlikely to prove fruitful. Unless the regime can rewrite its playbook and discover new ways to stay in power, its days may be numbered.

ENDNOTES

¹Shahnaz Beylargizi, “Имени Гейдара Алиева,” Radio Free Europe/ Radio Liberty, 11 October 2010.

²Julie Hill, *The Silk Road Revisited: Markets, Merchants and Minarets* (Bloomington Indiana: Author-House, 2006), 220.

³Lutz Kleverman, *The New Great Game: Blood and Oil in Central Asia* 1st ed, (New York: Atlantic Monthly Press, 2003), 22.

⁴Shahla Sultanova and Charles Recknagel, “Inside the Department of AlievScience,” Radio Free Europe/ Radio Liberty, 24 February 2013.

⁵*Ibid.*

⁶According to the Organized Crime and Corruption Reporting Project (OCCRP) the Aliyevs have “systematically [grabbed]...secret ownership stakes in the country’s largest businesses, including banks, construction companies, gold mines and phone companies.” In 2012, the OCCRP, which specializes in Eastern Europe and Central Asia, selected Aliyev as “Corruption’s Person of the Year,” beating out competitors like Vladimir Putin and Islam Karimov. Though the Azerbaijani regime has attempted to keep its excesses secret, some revealing anecdotes have come to light. In 2010, for example, reporters discovered that Ilham’s 11-year old son had been listed as the owner of nine luxury mansions in Dubai, worth a total of \$44 million. In 2015, Transparency International listed Azerbaijan 119th out of 168 countries on its annual “corruption perceptions index”—a figure that was actually an improvement on 2012, when it ranked 139th.

⁷Thomas de Waal, *Black Garden Armenia and Azerbaijan through Peace and War*. 10th-year Anniversary Ed., (New York ; London: New York University Press, 2013), 291

⁸According to de Waal, “the price to be paid” for Aliyev’s ascendancy was the Nagorno-Karabakh war effort, which the acting leader “ignored in favor of the domestic political fight.” During the four-month period before his official election, Aliyev disbanded 33 “Popular Front” battalions, which were critical to the war but posed a threat to his continued rule. Largely as a result, Azerbaijan lost five entire regions from June to October, and over 350,000 people were displaced. These losses added to the sense of chaos, strengthening Aliyev’s case as a political savior. Following his official election, Aliyev did attempt to reverse these defeats, but a spring 1994 offensive led to the deaths of thousands of Azerbaijani soldiers without managing to recapture any territory. He negotiated a ceasefire in May, leaving the Armenians in control of vast swaths of captured land. (See *Black Garden*, p. 176)

⁹De Waal, “Heidar Aliev: A Political Colossus.”

¹⁰De Waal, *Black Garden*, p. 291.

¹¹“Freedom in the World 2004: Azerbaijan,” and “Freedom in the World 2005: Azerbaijan,” Freedom House

¹²De Waal, p. 291

¹³Svante E Cornell, *Azerbaijan since Independence*, Studies of Central Asia and the Caucasus, (Armonk, N.Y.: M.E. Sharpe, 2011), p. 199

¹⁴Ibid.

¹⁵The World Bank, “Azerbaijan general government final consumption expenditure.”

¹⁶Alexander Winning, “Azerbaijan’s anti-crisis defenses larger than dwindling reserves imply,” ¹⁷Reuters, January 26 2016.

¹⁸Scott Radnitz, “Oil in the family: managing presidential succession in Azerbaijan,” *Democratization* 19, no. 1 (2012): 64.

¹⁹De Waal, p.291.

²⁰Alper Almaz, “Testing the Rentier State Theory: The Case of Azerbaijan,” *Journal of Global Analysis* 5, no. 1-2 (2015): 65

²¹Official tax rates are low, and they are poorly enforced and often dodged (see Almaz, p. 65). But taxation is not the only way the regime remains independent of popular pressures. According to Radnitz, “the oil sector [has] provided the putative middle class and ambitious young people with lucrative employment opportunities and a stake in preserving the system,” which “[reduces] the incentive to engage in pro-democracy activism.”

²²Leila Alieva. ‘Azerbaijan’s Frustrating Elections’. *Journal of Democracy* 17 (2006)

²³Radnitz, p. 64

²⁴Alieva, p, 148

²⁵Ibid., 144

²⁶Ibid.

²⁷Svante E Cornell, *Azerbaijan since Independence*, Studies of Central Asia and the Caucasus, (Armonk, N.Y.: M.E. Sharpe, 2011), p. 13

²⁸Ibid., 16

²⁹Cornell, 39.

³⁰Ibid., 46

³¹Ibid., 50

³²Ibid.

³³Thomas de Waal, *Black Garden Armenia and Azerbaijan through Peace and War*. 10th-year Anniversary Ed., (New York ; London: New York University Press, 2013), 326-27

³⁴Ibid., 4

³⁵Joshua Kucera, “Travels in the Former Soviet Union,” *Slate*, May 20, 2008

³⁶“Aliyev’s party,” *The Economist*, May 2, 2015.

³⁷De Waal, p. 313

It is worth noting that de Waal—arguably the most impartial journalist working in the region—feels compelled to mention that “Azerbaijan’s leadership maintains an unhealthy obsession with Armenia and brands their country as an anti-Armenia.”

³⁸Ibid.

³⁹See @presidentaz on Twitter.com

⁴⁰De Waal, p. 304

⁴¹“Aliyev’s party”

⁴²“Azerbaijan accuses journalist of spying for Armenia,” Eurasianet, April 21, 2014.

⁴³De Waal, p. 304

⁴⁴“Scores detained in Azerbaijan amid countrywide protests,” Radio Free Europe/Radio Liberty, January 14, 2016.

⁴⁵Durna Safarova, “Azerbaijan-Armenia conflict: patriotism prevails on both sides,” The Guardian, April 7, 2016.

⁴⁶Radnitz, p. 63

⁴⁷Ibid.

⁴⁸Ibid.

⁴⁹Ibid.

⁵⁰Ibid.

⁵¹Sabine Frasier, “Dynasty and Democracy in Azerbaijan,” Open Democracy, December 5 2003. According to Radnitz, “a coalition of local NGOs conducted a parallel vote count with a limited budget, but it was sufficient to cover 60% of precincts. Its tabulations contradicted the official announcement, coming out instead in favor of opposition candidate Isa Gambar” (66-67).

⁵²Ibid

⁵³Ibid.

⁵⁴Ibid.

⁵⁵Leila Alieva. ‘Azerbaijan’s Frustrating Elections’. Journal of Democracy 17 (2006)

⁵⁶Max Fisher, “Oops: Azerbaijan released election results before voting had even started,” The Washington Post, October 9, 2013.

⁵⁷Charles Recknagel, “Never Been Worse: Opposition, Election Monitors Boycott Azerbaijan Election,” Radio Free Europe/Radio Liberty, October 31, 2015.

⁵⁸Azerbaijan: Release of Political Prisoners Should Lead to More Releases,” Freedom House, March 17, 2016

The regime does not limit itself to imprisoning only those with official sentences. Instead, it often uses pretrial detention to harass potential opponents, often holding individuals for months without trial. See “Third party intervention by the Council of Europe Commissioner for Human Rights,” Council of Europe, February 19, 2015.

⁵⁹“Azerbaijan: UN Criticizes Torture Record,” Human Rights Watch, December 11, 2015

⁶⁰“2016 Freedom in the world rankings,” Freedom House.

⁶¹Alieva, p. 152

⁶²Ibid.

⁶³Gerald Knaus points out that “in 2012, Europe imported 31 percent of its natural gas from or through Russia; this did not stop the EU from criticizing and even imposing sanctions on Russia in 2014.” See Gerald Knaus, “Europe and Azerbaijan: The End of Shame,” *Journal of Democracy* 26, no. 3 (2015): 7

⁶⁴“The two faces of Azerbaijan’s Mr. Aliyev,” *The New York Times*, January 11, 2015.

⁶⁵Knaus, p. 7

⁶⁶This term is used even by Azerbaijan’s own officials.

⁶⁷Knaus, p. 11

⁶⁸Scott Higham, Stevn Rich and Alice Crites, “10 members of Congress took trip secretly funded by foreign government,” *The Washington Post*, May 13, 2015.

⁶⁹This trend of concealed state sponsorship emerges again and again in Azerbaijan’s lobbying activities. One of the more recent occasions is highlighted in *Foreign Policy* magazine. See Bethanie Allen-Ebrahimian, “How I accidentally became a lobbyist for Azerbaijan,” *Foreign Policy*, April 1, 2016.

⁷⁰Ilya Lozovsky, “How Azerbaijan and its lobbyists spin Congress,” *Foreign Policy*, June 11, 2015.

⁷¹*Ibid.* These are just three of the 60 legislators in House Azerbaijan Caucus, and Lozovsky reports that their off-the-record meetings include even more sycophantic praise for the Aliyev regime.

⁷²See Alieva, “Azerbaijan’s Disappointing Elections.”

⁷³*Ibid.*

⁷⁴*Ibid.*



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