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# *The* CLOUGH JOURNAL of CONSTITUTIONAL DEMOCRACY

ISSUE 3 \* 2012

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ANTI-BLASPHEMY LAWS  
IN PAKISTAN

JACKSON'S ASSERTION OF  
PRESIDENTIAL POWER

RADICAL RIGHT-WING  
MOVEMENTS IN EUROPE





*The* **CLOUGH JOURNAL**  
*of* **CONSTITUTIONAL DEMOCRACY**

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The mission of the Clough Journal of Constitutional Democracy is to provide a forum for interdisciplinary reflection on the promise and problems of constitutional democracy both domestically and internationally.

MISSION STATEMENT

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Middle Image: Clark Mills' Andrew Jackson statute in the President's Park, Lafayette Square. A snowy White House is in the background. © William Perry / iStockPhoto

Right Image: Vilnius, Lithuania - March 11, 2012: Around one thousand people gathered in a controversial nationalist rally on Gedimino Avenue in central Vilnius on Re-Establishment of Independence Day. © Birute Vijeikiene / iStockPhoto

### SPECIAL THANKS

*The editors of the Clough Journal of Constitutional Democracy would like to thank the following individuals for their support:*

Chuck and Gloria Clough—Founders of the Clough Center for the Study of Constitutional Democracy

Kenneth Kersch, Keith Ake, Mary Crane, Susan Dunn, Monetta Edwards, Marc Landy, Matt Swaim, Brooke Braswell, Yasmin Nunez, Dan Bairos, and the authors of the articles in the current issue.

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## LETTER FROM THE EDITOR

I am delighted to present the third issue of The Clough Journal of Constitutional Democracy. In these pages, you will find scholarly works that highlight important issues in democracies, and the effect they have on particular groups of people.

As we have seen this year, the functions of constitutional democracies have taken center stage. The U.S. Supreme Court's deliberation over whether the President's healthcare law is constitutional is just one of many examples. This issue's "Pakistan's Anti-Blasphemy Laws and U.S. Foreign Policy" delves into the role of the laws in Pakistani society and their legal standing, including the question of international law. The issue presents an article concerning the relationship between President Calvin Coolidge and the New York Times, demonstrating that even before Twitter and Facebook, the media played an integral role in democracy. Another work retraces the history of Russia, analyzing why a constitutional democracy did not come to fruition after the Time of Troubles. All the submissions offer passionate critical analysis in discussing the most pressing issues of constitutional democracy.

This year, the Clough Journal features three pieces from Georgetown University. Georgetown hosted the annual Tocqueville Forum, which a group of Clough Journal members attended. We look forward to widening our scope to other universities next year, and hope to gather an even

wider diversity of submissions. If you are interested in submitting to the Clough Journal, you can find our Call for Submissions on pg. 79. In addition, you can find more information, as well as our previous issues, on our website, [www.bc.edu/clubs/clough](http://www.bc.edu/clubs/clough).

As my time at the Clough Journal and at Boston College finishes, I would like to use this opportunity to thank Professor Ken Kersch. In 2008, Professor Kersch became the inaugural director of the Clough Center, and used the position to engage undergraduates in thoughtful discussion about constitutional democracy. He created the Clough Junior Fellows, a group which attends lectures, dinners, conferences, and discussions regarding the most important constitutional issues of our age. Many editorial board members, including myself, became involved with the Journal through the Junior Fellows program. Professor Kersch's effort to involve students is one that should be recognized and lauded as he steps down as director of the Clough Center this year. I know I am not alone in thanking Professor Kersch for his outstanding leadership and mentorship.

I hope you enjoy our third issue. Read the articles, and learn the fascinating ways in which constitutional democracies affect the individual, society, and the world.

Daniel H. Martinez  
*Editor-in-Chief*

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## TABLE OF CONTENTS

### COMPARATIVE DEMOCRACY

- 6** The Absence of a Western-Style Constitution after the Times of Troubles

A HISTORICAL PERSPECTIVE AT  
THE PROSPECT OF DEMOCRACY IN  
RUSSIA

*James Marshall*

- 14** Radical Right-Wing Movements in Contemporary Europe

REVEALING THE ELECTORATE AND  
UNRAVELING THEIR MOTIVES

*Thomas Killeen*

### DEVELOPING DEMOCRACY

- 24** Pakistan's Anti-Blasphemy Laws and U.S. Foreign Policy

*Lindsay Kolowich*

- 38** Rising Radical Nationalism & Xenophobia among Russian Youth

THE PROBLEMS, THE CAUSES, AND  
POTENTIAL SOLUTIONS

*Thomas Killeen*

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DOMESTIC DEMOCRACY

50 Born for a Storm

ANDREW JACKSON AND THE  
SHAPING OF THE PRESIDENCY

*Matthew Vigliotta*

58 Washington's Proclamation of  
Neutrality and the First Party  
System

*Christopher Terris*

HISTORICAL DEMOCRACY

66 Is Justice Relative?

ALASDAIR MACINTYRE'S WRITINGS  
AND POLITICAL RELATIVISM

*Daniel Healy*

72 The Man Who Said "No"

THE NEW YORK TIMES' TREATMENT  
OF THE COOLIDGE PRESIDENCY

*Alexander Hoffarth*

78 AUTHOR BIOGRAPHIES

79 CALL FOR SUBMISSIONS

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# The Failure of Liberal Democracy in 17th Century Russia

THE ABSENCE OF A WESTERN-STYLE  
CONSTITUTION AFTER THE TIME OF  
TROUBLES

*By James Marshall*

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**F**or Russia, the 17<sup>th</sup> century began with a vacuum of power. The death of Boris Godunov was followed by the brief reigns of several other rulers as the nation descended into chaos wrought by pretenders and foreign invaders. The resulting national movement to drive out the Poles and Swedes, as well as the election of a native tsar in 1613, would suggest a subsequent diffusion of power. Why did the Russian elite not develop a Western-styled constitution after the Time of Troubles?

It is not unreasonable to expect that there would have been such a development. With the monarchy deriving its power from the public, it seems odd that a constitution failed to develop which would have secured the rights of the electors against the power of the elected. This conclusion would seem all the more obvious when we consider that a sizeable faction of boyars even supported Michael Romanov's Swedish opponent.<sup>1</sup>

When determining why a Western-styled

constitution did not appear in Russia after the Time of Troubles, one must consider a multitude of factors: including the strength of existing institutions, the relationship between landowners and the autocrat, and even the personalities of key figures at the time. Although terms such as autocracy, absolutism and despotism may be used loosely when comparing Russia with the West, clear definitions are necessary. In defining these terms and determining which ones apply to 17<sup>th</sup> century Russia, it is possible to develop a clearer picture of the political environment following the Time of Troubles.

As David Goldfrank's "Aristotle, Bodin, and Montesquieu to the Rescue" indicates, it is helpful to view the Russian political system in the context of Aristotle's second type of royal monarchy. In his *Politics*, Aristotle outlines a form of monarchy similar to tyranny which is also "lawful/constitutional and hereditary and hence stable."<sup>2</sup> The characteristics which Aristotle puts forward help explain the negative traits of the Russian monarchy, such as "the sowing of mutual distrust" in addition to "impoverishment by demands of services," while also taking into account positive characteristics such as the "general image of a steward" as well as the "cultivation of military qualities."<sup>3</sup> This dual nature of Aristotle's second definition helps explain the despotic qualities of Russia's political system while also taking into account its legality and sense of legitimacy.

Furthermore, it is critical to define 17<sup>th</sup> century Russia as an autocratic rather than absolutist state. According to Robert Crummey's "Seventeenth-Century Russia: Theories and Models," autocracy is distinct from absolutism in that the latter is secularly defined. In an absolutist state,

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the ruler's power, although from God, is ultimately justified in essentially secular terms. In absolutism, the power of state is, in theory an end in itself. It is the duty of the monarch to guard law and order and the security and well-being of subjects. No moral strictures or institutions, religious or secular, should deflect the monarch from pursuing these objectives.<sup>4</sup>

Autocracy, although similar to absolutism in that it is an unlimited monarchy, is primarily justified by "medieval Christian notions of imperial power." The Byzantine Christian tradition, as well as the collapse of the Byzantine and Mongol empires, gave the Russian tsars the claim to having "no superiors on earth."<sup>5</sup> The final crucial distinction that Crummey provides is that the Russian autocracy was not restrained by any estates or constituencies, which brings us to the question of why such constitutional limits did not develop after the tsar's power was eroded during the Time of Troubles.<sup>6,7</sup>

The two primary institutions from which one would expect the development of restraints against the autocrat are the Zemsky Sobor and the Boiarskaia Duma. In fact, it was from the Zemsky Sobor that Michael Romanov received his legitimacy to rule in 1613. However, the Sobor at this time has been dubbed a "child of chaos,"<sup>8</sup> a formless assembly that lacked both "fixed procedural rules" as well as "rights *vis-à-vis* the monarch."<sup>9</sup> Furthermore, membership in the Sobor was far from static. Instead it was composed of the "provincial gentry as chanced to be in the capital at the time" in addition to the "ecclesiastical and secular hierarchy."<sup>10</sup> When discussing the practical importance of the Sobor, Crummey also notes that on many occasions meetings were composed "entirely of representatives of the

nobility and merchants who lived in Moscow or happened to be there on business."<sup>11</sup> Therefore, since the membership of the Sobor was determined on an *ad hoc* basis, it is hard to imagine the institution being stable and maintaining any long-term influence. The result was that after 1613 the Zemsky Sobor degenerated into little more than an "administrative commission".<sup>12</sup>

The Zemsky Sobor also continued to function as an advisory body, but under Filaret it functioned "through informal consultations" rather than as an institution.<sup>13</sup> It is safe to conclude that there was a lack of resistance to autocratic rule from the Sobor based on how often it "gave its assent to policies that had already been adopted by the tsar and his advisers."<sup>14</sup> Clearly, the Zemsky Sobor was not a fixed institution which could have created clear constitutional restraints on the monarch, since it lacked any strong institutional elements.

In addition to the Zemsky Sobor, the Boyarskaya Duma can also be viewed as a potential source of opposition to the autocrat. As Robert Crummey thoroughly explains in "The Reconstitution of the Boiar Aristocracy, 1613-1645," aristocratic families were predominant in the Duma.<sup>15</sup> Unlike the Zemsky Sobor, the Boyarskaya Duma originally functioned as "a central part in the legislative process of the Muscovite state."<sup>16</sup> Hence in the years immediately following the Time of Troubles, the Duma was able to function as the "core" of the government under Tsar Michael.<sup>17</sup> Considering the aristocratic nature of the Duma, Russia immediately after the Time of Troubles functioned more as an aristocracy than as an autocracy. Had this arrangement with the Duma lasted, it is conceivable that political power in Russia could have

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been enshrined in a legislative body acting as a counterweight to the autocrat. Yet this opportunity was lost as the Duma increasingly began to act as little more than an administrative body. Although the Duma began the period after 1613 at the center of power, it slowly grew to include increasingly more chanceries. Consequently, as it expanded the Duma “was less and less likely to serve as an effective body directing operations of government.” Instead, the vast majority of the Duma carried out administrative tasks while decision-making occurred at the very top.<sup>18</sup> Yet, in the future, issues of patronage and land distribution would give the autocrat a number of advantages in dealing with powerful individuals.

Another explanation for why neither the Zemsky Sobor nor the Boyarskaya Duma developed constitutional checks against the autocrat is that this was not a priority at the time. As previously stated, the Sobor had no rights *vis-à-vis* the tsar and was not struggling for power with him. Rather, the functionality of the central government was more of a concern for the Sobor’s members than the actual extent of the monarch’s power. The riots of 1648, which in turn led to the great Sobor of that same year, were partially instigated by how “the country continued to be administered with the customary appalling ineptitude.”<sup>19</sup> The driving motivator for the Sobor was clearly the need for an updated law code. Once the Sobor passed The Code, it failed to “consolidate its position of authority,”<sup>20</sup> revealing that limiting the autocrat’s power was simply not a concern for the political elite of seventeenth century Russia.

In fact, there was more conflict amongst landowners struggling to maintain their supply of labor. Under the regime of Filaret, prior to

the great Sobor of 1648, the “most prominent feature of the Russian social landscape” proved to be the “struggle between the various groups of landowners for peasant labour.”<sup>21</sup> This struggle provided not only a distraction for elite landowners but also an opportunity for Filaret to “intervene directly on behalf of his intimates.”<sup>22</sup> Those who should have had the greatest opportunity to oppose the autocrat’s power and possibly develop a constitution were instead busy struggling amongst themselves.

It is critical to understand the government’s influence over the nobility when explaining the absence of a Western-styled constitution after the Time of Troubles. If one defines the nobility as families who owned significant amounts of land, then this group owed its very existence to the state and the pomestye system.<sup>23</sup> Rather than thinking of the nobility as a block with separate interests from the autocrat, it is much better to

Had this arrangement with the Duma lasted, it is conceivable that political power in Russia could have been enshrined in a legislative body acting as a counterweight to the autocrat. Yet this opportunity was lost as the Duma increasingly began to act as little more than an administrative body.

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recognize the interdependent nature the nobility had with regards to the autocrat. The boyars were closely linked to the tsar by “the importance of kinship and patronage relationships.” Citing Nancy Shields Kollmann, Crummey emphasizes that the Russian government was most successful when the monarch and the aristocrats furthered their “mutual interests and those of the realm.”<sup>24</sup>

However, the issue of land ownership and redistribution heavily tilted the balance of power in favor of the autocrat. It explains why the Russian aristocrats were not in a position to create and enshrine their rights in a strong constitution after the destruction and chaos of the Time of Troubles, the central government found itself in a situation where the national records of land ownership were no longer relevant.<sup>25</sup> Consequently, the records of which families owned what and how much they should pay in taxes needed to be determined once again. The subsequent land survey, although far from being capably executed, provided the autocrat with the opportunity to distribute wealth and tax burdens with a bias toward political allies. While verifying ownership, the surveyors could make cuts “where necessary in favour of the state or other owners,” which resulted in certain groups receiving “grants of additional land from the tsar.”<sup>26</sup> It was no coincidence when Filaret made his nephew, Prince I.B. Cherkasskii, the head of a chancellery to “take complaints against boyar tax-exempt property and people in the towns.”<sup>27</sup> Therefore, although the Time of Troubles confronted Russia with a vacuum of power at the very top of the political structure, the subsequent state rebuilding measures provided the autocrat numerous opportunities to preserve his power through patronage.

As the issues of state influence over the nobility and landownership indicated, the rise to power of Filaret in 1613 was a major development in the preservation of Russian autocracy. Having been a Polish prisoner during the Time of Troubles, Filaret had “nothing but disdain for Western culture” to such an extent that he “attempted to isolate Muscovy behind an ideological curtain which retarded the country’s intellectual development.”<sup>28</sup> His personal experience in captivity, his desire for a Russia pure of Western influences and his personal ambition would play a decisive role in ending any movement towards constitutionalism.

There is reason to believe that Russian autocracy would have been more limited had Filaret not seized and centralized power. Some evidence suggests that the Zemsky Sobor enshrined its constitutional rights when it elected Tsar Michael in 1613. The evidence, which Vernadsky judges to be “credible,” consists of an entry on the Pskov chronicle, Grigori Kartoshi-

[A]lthough the Time of Troubles confronted Russia with a vacuum of power at the very top of the political structure, the subsequent state rebuilding measures provided the autocrat numerous opportunities to preserve his power through patronage.

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kin's writings from 1655, and the account of a Swedish prisoner of war almost a century later. Additionally, Vernadsky suggests that a separate agreement was likely reached with the boyars giving them "guarantees of their personal rights and security against the tsar's whim."<sup>29</sup> Yet with the arrival of Filaret, all of these developments were reversed. As previously examined above, the Zemsky Sobor gradually became an advisory and administrative body until finally Filaret called for only "informal consultations."<sup>30</sup> With regards to the boyars, whatever agreement there may have been with Tsar Michael did not prevent Filaret from exiling Duma members as he "brought his own allies and relatives to power."<sup>31</sup> Even if in fact the Zemsky Sobor and the boyars had been moving toward constitutional rights and limitations on power, Filaret's return firmly ensured that Russia would remain autocratic.

After the chaos of the Time of Troubles, it is easy to imagine how attractive a stable autocracy must have been. Even though the Troubles created a political vacuum that was filled temporarily by the Zemsky Sobor and the Boyarskaya Duma, it had also "led to widespread ruin and social disorganization." This stirred a widespread "desire for a return to normality, for peaceful and orderly reconstruction" and explains why the subsequent centralization of power "faced no vocal opposition."<sup>32</sup> In fact, Tsar Michael's government relied less on force to carry out its will than on "the popular support of the task of restoring order in the country."<sup>33</sup> This clearly was not the environment for new experiments in limited government. Under such circumstances, it seems perfectly logical that Russian society preferred a stable rather than limited government.

The recent memory of the Troubles

probably inspired a hesitancy to limit the autocrat for other reasons as well. At this time the closest experience that Russia had had with a constitutionally-limited monarchy was the Polish intervention in the Troubles. The existence of a negotiated agreement with the Polish monarch is less contested than the preconditions to which Tsar Michael may have agreed. The document was also much more extensive, including among its main points that,

"Wladyslaw was to be crowned tsar of Moscow by an Orthodox patriarch; the Orthodox faith was to remain as before; the land estates... were not to be confiscated; a military alliance between Muscovy and the Polish Lithuanian Commonwealth...; no one could be executed without a trial by the Boyar Duma;...the slaves were not to receive freedom."<sup>34</sup>

Although there were other points regarding the future relationship between Russia and Poland, these had the greatest implications for a future monarch. The clauses regarding Orthodoxy, as well as the Polish king's Catholicism, meant that the state would have been legally and practically separated from the Church. Also, the protection of existing land estates provided protection against the government redistributing land among its political favorites. However, the attempt at Polish rule ended disastrously leaving Russians embittered toward their western neighbor. This failed venture very likely inspired contempt for constitutional systems among the ruling elite after 1613.

There is a certain irony about the development of Russia's autocracy during the seventeenth century. The Time of Troubles forced institutions to govern the country in a way that had previously been reserved for the tsars. In

this context it is odd that the political elite failed to maintain its newfound power, specifically through a western-styled constitution placing limits on the autocrat's power. Upon closer examination, it is clear that the major factors were the weakness of these institutions, the autocrat's use of patronage and land redistribution to gain influence, as well as the personality and ambitions of Filaret.\*

#### ENDNOTES

- 1 Vernadsky, George. *A History of Russia Volume V The Tsardom of Moscow 1547-1682 Part I. 5*. Binghamton, NY: The Vail-Ballou Press, 1969. p. 274.
- 2 Goldfrank, David. "Aristotle, Bodin, and Montaigne to the Rescue." *Forschungen zur osteuropäischen Geschichte* 58, no. (2002): pg. 43.
- 3 Ibid. pg. 44-45.
- 4 Crummey, Robert O.. "Seventeenth-Century Russia: Theories and Models." *Forschungen Zur Osteuropäischen Geschichte*. 56. (2000): pg. 119.
- 5 Ibid. pg. 118.
- 6 Ibid. pg. 121.
- 7 As a side note, I will henceforth refer to the "autocrat" rather than the "tsar" largely because of the shift in power to the patriarch Filaret after 1613. I am more concerned with the question of why the Russian nobility failed to limit centralized power, and less so with whether it was in the hands of the tsar or the patriarch
- 8 Keep, John. "The Decline of the Zemsky Sobor." *Slavonic And East European Review*. 36. (1957): pg. 104.
- 9 Ibid. pg. 102.
- 10 Ibid. pg. 111.
- 11 Crummey, "Seventeenth-Century Russia," pg. 120.
- 12 Kliuchevsky, V.O. *A Course In Russian History: The Seventeenth Century*. Chicago: Quadrangle Books, 1968. pg. 90.
- 13 Keep, "The Decline," pg. 109.
- 14 Crummey, "Theories and Models", pg. 120.
- 15 Crummey, Robert O. "The Reconstitution of the Boyar Aristocracy, 1613-45." *Forschungen zur osteuropäischen Geschichte* 18. (1973): pg. 187-220.
- 16 Crummey, Robert O.. *Aristocrats and Servitors: The Boyar Elite in Russia, 1613-1689*. Princeton, NJ: Princeton University Press, 1983. pg. 216.
- 17 Bushkovitch, "The Court of Tsar Michael," pg. 236.
- 18 Ibid. pg. 220.
- 19 Keep, "The Decline," pg. 113.
- 20 Ibid. pg. 116.
- 21 Keep, John. "The Regime of Filaret." *Slavonic And East European Review*. 38. (1959-1960): pg. 353.
- 22 Ibid. pg. 353 .
- 23 Keep, John. "The Muscovite Elite and the Approach to Pluralism." *Slavonic And East European Review*. 48. (1970): pg. 210, 218-19.
- 24 Crummey, "Theories and Models," pg. 119-120.
- 25 Keep, "The Regime," pg. 346.
- 26 Ibid. pg. 350.
- 27 Bushkovitch, Paul. "The Court of Tsar Michael in Swedish Sources, 1619-34." *Forschungen zur osteuropäischen Geschichte* 58, no. (2001): pg. 235-242.
- 28 Keep, "The Regime," pg. 335.
- 29 Vernadsky, "A History of Russia," pg. 278-279.
- 30 Keep, "The Decline," pg. 109.
- 31 Bushkovitch, "The Court of Tsar Michael," pg. 242.
- 32 Keep, "The Regime," pg. 360.
- 33 Vernadsky, *A History of Russia*, pg. 280.
- 34 Ibid. pg. 249-250.



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# Radical Right-wing Movements in Contemporary Europe

REVEALING THE ELECTORATE AND  
UNRAVELING THEIR MOTIVES

*By Thomas Killeen*

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**O**ver the past few decades, European democracies have witnessed a stunning proliferation of parties that have been titled “extreme right,” “radical right,” “far right,” “national populist,” and “right-wing populist.”<sup>1</sup> For the sake of this paper such parties will be titled “radical right parties,” and although disagreement abounds over the parties’ titles, the reality of their presence is indisputable. The modern era of ever-increasing globalization and Europeanization has also seen the evolution of radical right parties and their shift from the margins of society to the mainstream. Over the past decade, election results across Europe demonstrate a rising trend of success for these parties, making it clear that these parties are not a temporary phenomenon, but seem to have evolved into an accepted facet of the European political system. The controversial nature of their politics, as well as their unexpected stamina and success, has stimulated a wealth of academic intrigue in the matter, and numerous books and articles are

available on the subject. This paper will attempt to briefly summarize the trend of radical right parties and their success, and then address the pressing issue of who votes for the extreme right and why.

As mentioned above, the variety of popular titles used to label these parties is symptomatic of a wider lack of academic cooperation in creating a categorical definition for these parties, even though there is a remarkable consensus that they constitute a “single, albeit very heterogeneous, party family.”<sup>2</sup> Cas Mudde, one of the foremost academics in this field, argues that these parties are “populist radical right, itself a combination of nativism, authoritarianism, and populism.”<sup>3</sup> Nativism connotes a brand of nationalism that excites xenophobia through an ‘us versus them’ dichotomy between the ‘natives,’ who are ideologically and rhetorically regarded as a homogeneous group, and ‘foreigners’ who are perceived as corrupting or in some way negatively impacting the nation.<sup>4</sup> Authoritarianism applies to an inclination towards a ‘law and order’ society, and in the case of many parties also concerns a preference for stronger leaders and stricter law enforcement.<sup>5</sup> An important clarification that Mudde glosses over is that the authoritarian tendencies of these parties do not necessarily translate into explicit anti-democratic attitudes, nor do they rule them out, although there are certainly illiberal implications to many of these parties’ views.<sup>6</sup> Populism refers to societal bifurcation between two groups, ‘the elites’ and ‘the people’, and posits that the government should act according to the general will of the people and demands a more accountable form of government. Mudde proposes that the populist element of the radical right may only be a temporary “reflection of the

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Over time, the socio-demographic makeup of the radical right support base has shifted from the primarily ‘petite bourgeoisie’ as well as various members of the middle class, to the working class.

contemporary populist Zeitgeist.”<sup>7</sup> This definition provides a rough framework for handling radical right parties; however, a further explanation of these parties’ relationship to democracy is required.

The heterogeneity of the radical right family means that each party has its own stance, but as a general rule, there is conflict between liberal democracy and the attitudes of radical-right politics. One factor that confuses conclusions regarding this rocky relationship is the lack of consistency between rhetoric and practice. Given the contextual environment of an international society that supports liberal democracy, many leaders claim to be liberal democrats even when their policies are simply inconsistent with the philosophy’s principles. As a general rule, radical right parties are democratic with regard to the notions of “popular sovereignty and majority rule.”<sup>8</sup> However, it is essential to the understanding of these parties that in many ways populism stands in direct opposition to many

of liberal democracy’s principles as explained by Riccardo Marchi: “liberal democracy is about protecting minority rights against the tyranny of the majority, populism is about the power of the people; liberal democracy is elitist, populism is anti-elitist; liberal democracy is about the politics of negotiation and consensus-building, populism is about ‘just’ politics.”<sup>9</sup> These political attitudes are manifest departures from standard liberal democracy in successful radical right parties, but who votes for these parties?

Insight into the demographic support base of the radical right helps understand where support for these parties is coming from and can help shed light upon the evolving political situation in Europe. A wide variety of studies, often using national data or statistics supplied by Eurobarometer surveys, have focused on these areas, yet much of this research led to drastically contradictory conclusions and diverse results. National and broader trans-European studies confirm that distinct socio-demographic factors play a sizeable role in determining the likelihood of an individual to vote for a radical right party.

Gender is an important factor in determining voting preference. Men are far more likely to vote for radical right parties than women. Some studies claim that men are nearly 40% more likely to vote for these parties than women, although there is wide variation by study.<sup>10</sup> Yet next to no scholars refute this claim, and the male domination of the radical right is one of the few widely accepted facts on this topic. This does not simply hold true of the electorate, but the parties themselves have fewer female members, representatives, and leaders, although one must take into account that women are generally underrepresented in politics universally. There is an assort-

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ment of hypotheses regarding the cause of this gender gap, arguing that the hyper-masculinity of the parties drives women away, or that women are more subject to social desirability, or that women favor center parties while men favor extreme parties.<sup>11</sup> Whatever the reason, the gender cap is certainly a reality within the radical right.<sup>12</sup> A notable caveat is that compared to other conservative parties, radical right parties are more likely to promote women to leadership roles.<sup>13</sup>

Another demographic factor of consequence is age. Younger voters are more likely than older voters to support parties of the radical right, although some studies contend that older pensioners are also more likely to cast a radical right vote.<sup>14</sup> Theorists vary in their reasoning but the main hypotheses suppose that younger voters are not yet attached to any one specific party in particular; younger voters have fewer social ties; the youth is more exposed to ethnic competition; young voters are less likely to be influenced by or care about social norms.<sup>15</sup>

Education is another influential factor in understanding the radical right support base. Studies show that college graduates are unlikely to vote for radical right parties, whereas those of lower educational background are more likely to support such parties.<sup>16</sup> As with all of these factors, there are diverging theories as to why this is the case. The major theories are that greater education increases a person's ties to liberal values; another is that competition for low skilled jobs between immigrants and those of lower educational levels encourages radical right voting; finally, college graduates are more swayed by concerns over social desirability.<sup>17</sup>

One of the most fascinating trends has been the shift in the radical right's electoral base over

the past thirty years resulting in a general trend of transformation into 'working class parties'. Over time, the socio-demographic makeup of the radical right support base has shifted from the primarily 'petite bourgeoisie' as well as various members of the middle class, to the working class. This development seems to be counter-intuitive given the traditional left-leaning stance of the working class; however upon further investigation, this socio-demographic evolution makes perfect sense. Ignazi summarizes this trend as part of a wider process among the radical right parties of "proleterization and radicalization." He summarizes this shift as representative of the fact that "extreme right parties are no longer the recipients of the protest votes from those moderate sectors...instead, the present right-extremist voters represent a specific constituency mobilized by feelings of alienation towards the political system and of dissatisfaction towards the socio economic dynamics of post-modernization and globalization."<sup>18</sup> Yet, Ignazi's explanation of the trend oversimplifies an infinitely complex transition, which deserves a closer look.

Surveys seem to reflect that the phobia towards immigration is motivated more by a fear of cultural pollution than it is by economic tension.

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Within the past few years a number of scholars have attempted to address the reasons behind the socio-demographic shift towards the working class. In the past, scholars have dubbed the radical right electorate the “losers of modernity,” however recent trends have shown wide support of the radical right across societal strata, revealing support from both losers and winners.<sup>19</sup> The rise of working class support for radical right parties is due to both changes in the party competition structure of European politics as well as the evolution of attitudes and concerns over the political issues, which has led to non-economic issues achieving a higher priority among workers than economic issues.<sup>20</sup> The working class support of radical right parties can be explained through examining the contradictory policy preferences of this social class, which tends to have left leaning economic interests and right leaning non-economic attitudes.

The wider political trend of dealignment and realignment across Europe together with the steady decline of traditional class voting is extremely relevant to the discussion of rising working class support for radical right parties. The past thirty years have witnessed the rise of other party options, specifically parties of the ‘new left’ and the ‘radical right’ have served to break down and complicate the traditional left/right divide.<sup>21</sup> The choices are no longer a simple left-right but rather far more complicated with parties that represent almost every point on the political spectrum. This, among other factors, has led to a divorce from traditional left/right and social class voting, as more and more options abound.<sup>22,23</sup> Another factor is the notable declining importance of social class with regard to voting preference, which has led to suggestions

among academics that opinions regarding policies are now more determinative in voting.<sup>24</sup> The end result is that changes in the political system and culture have led to various party alternatives to the old left/right as people engage in a more selective process that accounts for the policy issues of voters, as opposed to simply their social class.

While workers’ policy preferences remain

**The success of radical right parties depends not only on the broader cultural climate of the country and the reactions of other major political parties, but also on the administration and strategies of the radical right party itself.**

the same, left for economic and right for non-economic, their increasing support for extreme right parties indicates that today workers are more concerned with non-economic issues. Radical right parties focus primarily on non-economic issues, and economic policy is more of an afterthought to the concerns these parties address. Furthermore, there has been a distinct trend of declining polarization on economic issues following the collapse of the Soviet Union and the correlating failure of communism. As

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Supporters are disillusioned with the major political parties and may harbor Euroskeptic opinions; however, it is their concern over national identity and community that are more significant than government disapproval.

Dennis Spies observes, “decline in polarization of the economic dimension of party competition has influenced the electoral fortunes of ERPs [Extreme Right Parties] by providing these parties a favorable political opportunity structure to mobilize voters on their non-material core issues.”<sup>25</sup> Spies goes on to contend that working class voters “offer representation for their authoritarian attitudes without paying attention to their economic demands” and that as long as economic issues decline in relevance and economic polarization continues to decrease, the right will remain successful among working class voters.<sup>26</sup> However, Spies overemphasizes the divisions between economic and non-economic issues; surely, the non-economic issues, such as immigration, and the proposed policies “have clear economic underpinnings” as Kai Arzheimer points out: “the vast majority of immigrants are unskilled or semi-skilled workers,” and lower-class workers are more likely to feel economically threatened by labor force competition.<sup>27</sup> Furthermore, many

radical right parties have adopted policies that integrate ‘welfare chauvinist’ elements, which is certainly not a market-friendly concept, but rather suggests exclusionary welfare for the ‘native’ population alone, although this is met with varying degrees of success.<sup>28</sup> The effect is that working class voters are more likely nowadays to vote for extreme right parties due to non-economic issues, which may have clear economic implications for them.

Regardless of class or demographic identity, voters for the radical right share common concerns. Country specific case studies do reveal that cultural and social concerns that focus on issues such as “community and identity” are of greater significance to radical right voters than any economic matters.<sup>29</sup> However, these generalizations regarding voters for specific parties within a broader trans-continental radical right movement are not all-encompassing and the specifics vary from country to country.<sup>30</sup> Still, voters are much more concerned with the perceived detrimental effects of immigrants on the cultural identity and existing community of the country.<sup>31</sup> Surveys seem to reflect that the phobia towards immigration is motivated more by a fear of cultural pollution than it is by economic tension.<sup>32</sup>

Members of the electorate supporting radical right parties share similar attitudes. Early on in the evolution of radical right parties, voter attitudes that reflected disenchantment with the political system and the trajectory of the European Union was an important indicator of radical right support. However, as immigration exploded in Europe in the age of globalization, anti-immigration (or anti-immigrant) sentiment has become the central factor in predicting the potential for casting a radical right vote. Although

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Mudde's 'single-issue thesis' of right wing support overstates the critical nature of immigration in unifying these heterogeneous parties, anti-immigration is probably the most important issue for these parties and there are almost no radical right voters "who have a positive view of immigrants and immigration."<sup>33</sup> This is not to say that these voters are necessarily xenophobic or racist (although that certainly does not preclude voters who do have such attitudes), but rather simply that these voters are concerned enough about immigration that it is one of the most important, if not the most important political issue to them. Moreover, studies on Euroskepticism show that while "Euroskepticism...is often characteristic of the extremist and anti-systemic parties" on the right, it does appear that, contrary to some scholarly opinions, "radical right parties do not appear to be particularly led by their electorate in their stance toward the EU."<sup>34</sup> This means that while many radical right voters and parties are indeed Euroskeptic, it is neither a unifying fact in defining the electorate nor is it of vital importance to voters when casting their vote. The personal attitudes of voters, specifically regarding immigration helps to determine the likelihood of voting radical right.

Despite an emerging socio-demographic profile for radical right voters, there are also country specific contextual factors that are likely to affect the success of radical right parties by country. The electoral system can impact the success of radical right parties in a country. Studies illustrate that while local victories are still possible within any system, national success for the radical right is inhibited by a plurality electoral system as well as by higher electoral thresholds for parties, but proportional representation al-

lows for greater national electoral gains.<sup>35</sup>

Additionally, media attention to radical right parties coupled with favorable public agendas have played an important role in influencing the visibility of fledgling radical right parties as well as their legitimacy.<sup>36</sup> However, the media as well as the electoral system are much more noteworthy during the infant stages of radical right parties and does not bear much impact following "electoral breakthroughs;" that is, their relevance to success declines following initial electoral successes.<sup>37</sup> The continued success of radical right parties has more to do with cultural factors as well as party specific determinants.

While institutional and media factors have an impact in the initial success of parties, the sustained vitality of a radical right party's success is influenced by country specific cultural factors and party factors. In many countries the presence of widespread, "large nationalist subcultures" that "exist outside the realm of the dominant populist radical right party" can help to legitimize these parties and establish a more broad and approving political atmosphere for radical right parties.<sup>38</sup> On the contrary, a broader cultural "stigmatization" of nationalist issues has a distinct negative effect on the success of the radical right through the dual indirect processes of attracting extremists to the party and alienating mainstream people.<sup>39</sup> In addition, in countries where mainstream parties co-opt anti-immigration issues, it does not appear to detract from radical right success as van der Brug and Fennema propose, but rather functions to further legitimize the positions and salience of the radical right.<sup>40</sup> As Mudde highlights, there are three internal party, specific elements to the perennial success of a radical right party: efficient organization—with a tactical lo-

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medial focus, propaganda—with an emphasis on media coverage, and effective leadership, combining charisma and competent practicality.<sup>41</sup> The success of radical right parties depends not only on the broader cultural climate of the country and the reactions of other major political parties, but also on the administration and strategies of the radical right party itself. These contextual agents vary by country across Europe and help to explain the complex process of variations in radical right success by country.

An important contextual circumstance that deserves discussion is unemployment. While studies reach differing conclusions, the general consensus among scholars is that high unemployment actually correlates to a decline in radical right success.<sup>42</sup> This supports the claim that the concerns of radical right voters are fundamentally grounded in issues regarding identity and socio-cultural concerns, rather than employment dissatisfaction. While unemployment may be negatively correlated to radical right success, studies show that a lack of social capital is an influential factor in boosting radical right support.<sup>43</sup> On an individual level, social ties of voters affect their propensity for radical right voting. Union membership and church attendance result in a lower tendency to vote for radical right parties.<sup>44</sup> This may offer a potential insight into the motives behind voter support for authoritarian and ‘law-and-order’ policies within the context of perceived societal anomie and social disintegration.<sup>45</sup> Moreover, this also adds support to the claim that radical right voters are often those who are marginalized by society, with low social ties and associations, who have grievances against the system.<sup>46</sup>

Using all of this compiled evidence and

analysis, the socio-demographic profile of a radical right voter is a young male with a relatively low-moderate educational background, who is a member of the working class, is deeply concerned about immigration, and maintains limited social ties. This profile has emerged as the standard radical right supporter as the electoral base of the radical right has recently shifted from predominantly ‘petite bourgeoisie’ to a growing working class majority. Radical right voters share a more authoritarian outlook and desire a stronger ‘law-and-order’ state. Supporters are often disillusioned with the major political parties and may harbor Euroskeptic opinions; however, it is their concern over national identity and community that are more significant than government disapproval. Country specific contextual factors help to resolve the varying success of radical right parties given the relative uniformity of this class across Europe. Initial electoral success is impacted by the nature of the electoral system and the media, but perennial electoral success can be influenced by the presence of nationalist subculture or nationalist stigmatization as well as by the specific construction of party itself (organization, leadership, propaganda) and the broader nature of social capital within the state. These radical right parties have proven their durability and continue to enjoy electoral success in countries across Europe, and while their policies and electoral demographics may change, these parties appear to have become a “pathological normalcy” of the European political scene.<sup>47\*</sup>

#### ENDNOTES

- 1 Cas Mudde, Populist Radical Right Parties in Europe (Cambridge, UK; New York: Cambridge University Press, 2007) pgs. 11-12. In fact, a comprehensive list of the various definitions offered by scholars for categorizing these parties would be roughly a page long of mutations. Almost every work devoted to the subject starts off by fumbling through the cacophonous sea of potential terminologies and then, after wading for a bit, selecting one for the sake of consistency and clarity.
- 2 Kai Arzheimer, "Electoral Sociology: Who Votes for the Extreme Right and Why- and When?" (Strasbourg European Doctoral College Programme: Extreme Right in Europe Conference, 12-14 Nov. 2009) pg 2.
- 3 Cas Mudde, "Radical Right Parties in Europe: What, Who, Why?" (Participation 34.3 page 12, 2011).
- 4 Mudde "Radical Right Parties in Europe: What, Who, Why?"
- 5 Ibid.
- 6 Ibid.
- 7 Mudde Populist Radical Right Parties in Europe Page 31.
- 8 Ibid.
- 9 Riccardo Marchi and Luis de Sousa, "Taking the Right Seriously," Review of Illiberal Politics in Neo-liberal Times, by Mabel Berezin (European Political Science 2010).
- 10 Arzheimer "Electoral Sociology" Pgs. 8-9.
- 11 Mudde Populist Radical Right Parties in Europe; Arzheimer "Electoral Sociology"; Terri Givens, Voting Radical Right in Western Europe (New York: Cambridge University Press, 2005); Sarah Harrison, Mapping Extreme Right Ideology, Ed. Michael Bruter (Basingstoke, Hampshire, UK; New York, NY: Palgrave Macmillan, 2011).
- 12 Mudde Populist Radical Right Parties in Europe; Arzheimer "Electoral Sociology".
- 13 Ibid.
- 14 Ibid.; and Givens all confirm Younger predisposition, while Harrison proposes Youth and Pensioners.
- 15 Arzheimer "Electoral Sociology," Givens; Harrison.
- 16 Arzheimer "Electoral Sociology," Givens; Harrison; Mudde Populist Radical Right Parties in Europe
- 17 Arzheimer "Electoral Sociology," Givens; Harrison.
- 18 Piero Ignazi, Extreme Right Parties in Western Europe (New York: Oxford University Press, 2003) page 217.
- 19 Mudde Populist Radical Right Parties in Europe; Arzheimer "Electoral Sociology"; Wouter van der Brug & Meindert Fennema "The Support Base of Radical Right Parties in the Enlarged European Union" (Journal of European Integration 31.5: 589-608).
- 20 Dennis Oesch, "Explaining Workers' Support for Right-Wing Populist Parties in Western Europe" (International Political Science Review 29.3: 349-73); Arzheimer "Electoral Sociology"; Dennis Spies, "Explaining Working-Class Support for Extreme Right Parties" (GK SOCLIFE Working Paper Series, Cologne Graduate School of Management, Economics and Social Science: Research Training Group SOCLIFE, 2010).
- 21 Kai Arzheimer "Working Class Parties 2.0?" (Work in Progress edition, 2011).
- 22 Van der Brug & Fennema pg. 18.
- 23 Nearly twenty years ago, Kitschelt offered that economic globalization would increase neo-liberal economic preferences among lower class workers, while at the same time maintaining their authoritarian views towards social and cultural issues. Kitschelt 1994.
- 24 Spies pg. 3; Van der Brug & Fennema
- 25 Spies pg. 19.
- 26 Spies pg. 20.
- 27 Arzheimer "Working Class 2.0?" pg. 5.
- 28 Arzheimer "Working Class 2.0?" pg. 5; Givens; Mudde Populist Radical Right Parties in Europe.
- 29 Oesch pg. 369.
- 30 Oesch pgs. 369-370. For instance, Daniel Oesch's comparative country assessment posits that some in Austria and Switzerland radical right parties find success in framing their respective nations as "culturally closed societies," whereas parties in France, Belgium, and Norway "disenchantment with contemporary politics" helps muster votes and radical right parties in these countries capitalize on their role as outsiders.
- 31 Oesch.
- 32 Oesch; Arzheimer "Electoral Sociology"; Mudde Populist Radical Right Parties in Europe.
- 33 Arzheimer "Electoral Sociology" pg. 11; as against Mudde and E. Ivarsflaten "What Unites Right-Wing Populists in Western Europe?" (Comparative Political Studies 41.1:3-23) 2008.

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- 34 Euroscepticism: Images of Europe among Mass Publics and Political Elites. Eds. Dieter Fuchs, Raul Magni-Berton, and Antoine Roger (Opalden; Farmington Hills, MI: Barbara Budrich Publishers, 2009) pg. 294.
- 35 Mudde Populist Radical Right Parties in Europe; Arzheimer “Electoral Sociology.”
- 36 Mudde Populist Radical Right Parties in Europe; Antonis A. Ellinas, The Media and the Far Right in Western Europe: Playing the Nationalist Card (New York: Cambridge University Press, 2010).
- 37 Mudde Populist Radical Right Parties in Europe pg. 254.
- 38 Mudde Populist Radical Right Parties in Europe pg. 245; examples: Austria, Croatia, France, Slovakia, Poland
- 39 Mudde Populist Radical Right Parties in Europe.
- 40 Van der Brug & Fennema; Arzheimer “Electoral Sociology”; Mudde Populist Radical Right Parties in Europe
- 41 Mudde Populist Radical Right Parties in Europe.
- 42 Van der Brug & Fennema; Mudde Populist Radical Right Parties in Europe; Contrary to Arzheimer “Electoral Sociology”.
- 43 David K. Jesuit et al. “Electoral Support for Extreme Right-Wing Parties” Report, (Luxembourg Income Study Working Paper Series Paper No. 486, Vol. 28, June 2008); van der Brug & Fennema.
- 44 Arzheimer “Electoral Sociology”.
- 45 Ibid.
- 46 Arzheimer “Electoral Sociology”; Mudde Populist Radical Right Parties in Europe; Spies.
- 47 Mudde Populist Radical Right Parties in Europe.

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# Pakistan's Anti-Blasphemy Laws and U.S. Foreign Policy

*By Lindsay Kolowich*

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**O**n December 30, 2010, a progressive governor of Pakistan's Punjab province named Salman Taseer was shot and killed by one of his bodyguards in Islamabad. The bodyguard reportedly told police he murdered Taseer because of the governor's opposition to Pakistan's anti-blasphemy law.<sup>1</sup> Governor Taseer had publicly defended a Christian woman who was sentenced to death the previous month for making derogatory comments about the Prophet Mohammad. Shockingly, there was overwhelming support among Pakistani people for the murder. According to one report, "Lawyers greeted the bodyguard in court by showering him with rose petals, pleased that he had killed a man who had dared to criticize the country's anti-blasphemy law."<sup>2</sup>

During the years following Pakistan's independence in 1947, religious freedom was a right guaranteed by the first constitution, as well as subsequent constitutions, and was enforced by the courts despite pressure from religious extremists. However, as Muslim fundamentalists

gained influence in the 1970s and 1980s, the commitment to religious freedom waned and the government began limiting the rights of religious minorities, particularly a minority Muslim community called Ahmadiyya.<sup>3</sup> In 1962, the Repugnancy Clause was added to the Pakistani Constitution, stating that no existing law may contradict the teachings of Islam. In the 1980s, these intolerances "culminated in the passage of five ordinances that make up the blasphemy laws."<sup>4</sup> These ordinances affirm that Islamic law can legally limit the religious freedoms granted by the constitution.

Anti-blasphemy laws violate international human rights because they facilitate intolerance and allow people to target religious minorities without reprisal.<sup>5</sup> In Pakistan, these laws allow the government to "punish minorities for merely preaching their own faith, since such an action can be deemed to be an affront to Islam."<sup>6</sup> Enforcement of these laws violates the rights to be treated equally under the law, to be free from arbitrary arrests, and to fair and speedy trials.<sup>7</sup>

Support for these anti-blasphemy laws is widespread and presents a cultural issue that poses a serious danger for minority religions. Even if individuals are found innocent by the court system, many are forced to hide or flee to escape violence from private citizens.<sup>8</sup> The issue stems from Islam's "prioritization of the community and man's duties to God over all else."<sup>9</sup> Despite the Pakistani Constitution's guarantee of freedom of religion, the Supreme Court of Pakistan holds that Islamic law can limit religious freedom.<sup>10</sup> The widespread support of these laws will be the greatest challenge to the U.S. in persuading the Pakistani government to abolish them.

Anti-blasphemy laws, "though designed to

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curb religious discrimination, result in countless human rights violations. They deny freedom of expression, they protect religion rather than the individual, and they are arbitrarily enforced at the expense of minorities in Pakistan.”<sup>11</sup> They also legalize intolerance and discrimination, and help breed extremism and ultimately, terrorism.

It is critical to American foreign policy to address these issues because eliminating Pakistan’s anti-blasphemy laws would be a crucial step in the effort to prevent the spread of radical fundamentalism. If it is unlawful for people to make arguments which undermine terrorist organizations like the Taliban and Al Qaeda, such as non-Muslims are equal and the Qur’an supports this argument, then it is easy for a country to incubate and export religious-based terrorism. Combating anti-blasphemy laws in Pakistan is important because reemphasizing democratic values like religious freedom in Pakistan will help prevent the spread of terrorism and the threat it poses to the United States.

This paper will examine to what extent Pakistan’s stability and American national interests depend on the elimination of such anti-blasphemy laws.

### HISTORY OF THE ANTI-BLASPHEMY LAWS

Pakistan’s anti-blasphemy laws originated in 1927 with a law established by the British while Pakistan and India were under colonial rule. The law criminalized “deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religious belief.”<sup>12</sup> It did not favor any one religion and its purpose was to curb religious discrimination.<sup>13</sup>

After the British withdrew in 1947, attempts to unite Muslim and Hindu communi-

ties in the territory failed. Pakistan separated from India that same year and became its own autonomous state to serve as an asylum for Muslims. Although Pakistan was created for specifically for Muslims, its founder Mohammad Ali Jinnah insisted on religious tolerance:

“Muslims shall be enabled to order their lives in the individual and collective spheres in accord with the teachings and requirements of Islam as set out in the Holy Qur’an (sic) and Sunna; ... [and] adequate provision shall be made for the minorities freely to profess and practise their religions (sic) and develop their cultures.”<sup>14</sup>

Jinnah was an ardent advocate for democracy in Pakistan and tolerance was a political priority in the Muslim secessionist movement.<sup>15</sup>

In the years following Pakistan’s founding, Pakistani courts “resolutely adhered to the ‘fundamental rights’ granted in the constitution of 1956, stating that a ‘right guaranteed by the Constitution cannot be taken away by law.’”<sup>16</sup> The principle of constitutional rights was undermined by the addition of a repugnancy clause in the 1962 constitution, which stated: “[N]o law shall be repugnant to the teachings and requirements of Islam as set out in the Holy Qur’an and Sunnah, and all existing laws shall be brought into conformity therewith.”<sup>17</sup> The Repugnancy Clause remains in the current Pakistani constitution.

In 1949, Ahrar activists (Pakistan’s General Assembly, the Majlis-e-Ahrar-Islam) began pressuring the government to declare Ahmadiyya a non-Muslim community. Ahmadi are members of a minority Muslim group that Pakistan’s Sunni Muslim majority has deemed heretical to Islam. There are about four million Ahmadi living in Pakistan, and they consider themselves a

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part of the larger Muslim community.<sup>18</sup> There is no significant difference between Ahmadiyya and mainstream Muslim worship and practices. The fundamental difference between Ahmadis and the Sunni Muslim majority is that the Ahmadis believe there was a prophet after the Prophet Muhammad named Murza Ghulam Ahmad. Although many mainstream Muslims considered this proclamation to be profane, Ahmadis were afforded protection and religious freedom under the law until the 1970s.

It was not until Zulfikar Ali Bhutto became Prime Minister in 1973 that Ahmadis were legally deprived of their identity as Muslims. Bhutto allowed fundamentalists and Islamist organizations to gain political influence in order to consolidate his own power. Under his rule, Articles 260(3)(a) and (b), “which defined the term ‘Muslim’ in the Pakistani context and listed groups that were, legally speaking, non-Muslim” were introduced into Pakistan’s constitution.<sup>19</sup> These articles established a dangerous precedent: the institutionalization of limits on religious freedom in Pakistan. They had the intended effect on the Ahmadiyya community: “For fear of being charged with ‘indirectly or directly posing as a Muslim,’ Ahmadis could no longer profess their faith, whether verbally or in writing.”<sup>20</sup>

The 1973 Pakistani constitution explicitly designates constitutional rights not as stable and fundamental, as the early Pakistani courts interpreted them, but as open to regulation and even change by the government. The 1973 constitution stated: “Subject to law, public order and morality,—(a) every citizen shall have the right to profess, practise and propagate his religion; and (b) every religious denomination and every sect thereof shall have the right to establish, main-

tain and manage its religious institutions.”<sup>21</sup> That something can be a “constitutional right” yet also “subject to law” contradicts the very idea that constitutional rights cannot be legally rejected by a government.<sup>22</sup> Furthermore, the circumstances of “public order” and “morality” have high potential for legal ambiguity.

Pakistan’s next president was a military dictator named Mohammad Zia-ul-Haq who wanted Islam to govern all aspects of Pakistani life.<sup>23</sup> In 1980, he ordered the establishment of a Federal Shariat Court to scrutinize all laws that were contrary to Islamic values. This institution, unique to Pakistan, became the “legal instrument” used to “affirm that sovereignty over the entire universe belongs to Almighty Allah alone, and the authority exercised by the people of Pakistan within the limits prescribed by Him is a sacred trust.”<sup>24</sup>

Pressure from Islamist fundamentalists in the mid-1980s to limit the freedoms of religious minorities led the Federal Shariat Court to legitimize the five ordinances that make up the anti-blasphemy laws: “a law against blasphemy; a law punishing the defiling of the Qur’an; a prohibition against insulting the wives, family, or companions of the Prophet of Islam; and two laws specifically restricting the activities of Ahmadis.”<sup>25</sup> Section 295C of the penal code states that “derogatory remarks, etc., in respect of the Holy Prophet ... either spoken or written, or by visible representation, or by any imputation, innuendo or insinuation, directly or indirectly ... shall be punished with death, or imprisonment for life, and shall also be liable to fine.”<sup>26</sup> These ordinances allowed the interpretation of Islamic law to limit the religious freedoms granted by the constitution.

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## ANTI-BLASPHEMY LAWS VIOLATE INTERNATIONAL HUMAN RIGHTS STANDARDS

Religious freedom is a human right protected by Article 18 of the Universal Declaration of Human Rights. Human rights are the basic, fundamental rights and freedoms to which all humans are entitled. They should not be taken away by any legislature or any act of government, and are often set out in a state's constitution.<sup>27</sup> The Repugnancy Clause in Pakistan's constitution abridges the opportunity for religious freedom because it allows constitutional rights to be subject to law—specifically Islamic law—which is contrary to the very purpose of having constitutional rights.<sup>28</sup> Defending human rights is an important priority for U.S. foreign policy.

Although Pakistani courts upheld the constitutional rights of all citizens during the years following the state's founding, there was not complete religious freedom. Freedom of religion requires more than the mere toleration of minority religions. The Pakistani courts' dedication to religious freedom was short-lived because of pressure from extremists. Poor trust in and adherence to constitutional rights is a sign of government instability.

The primary reason Pakistan's anti-blasphemy laws violate international human rights is because they facilitate intolerance and allow people to legally target religious minorities.<sup>29</sup> They have become "a weapon against religious minorities in Pakistan."<sup>30</sup>

Pakistan's anti-blasphemy laws are distinctive from those of other countries like Saudi Arabia and Afghanistan because they exist not only to prevent social disorder, but also to deliberately punish anyone who deviates from the

government's interpretation of Islam:

In [other] countries, [blasphemy] laws are justified on the grounds that they protect individuals from religious violence and other threats to public order. In Pakistan, however, the laws do not necessarily involve the rights of individuals or the potential violence that might result, but rather merely the actions that insult Islam itself. Thus, even if no violence could result, Pakistan's blasphemy laws allow the government to punish minorities for merely preaching their own faith, since such an action can be deemed to be an affront to Islam.<sup>31</sup>

Groups that are prone to persecution under these laws include Ahmadis, "Christians, Hindus, journalists, human rights advocates, attorneys who defend alleged blasphemers, and even Muslims with moderate beliefs."<sup>32</sup> There is no room for the human right of religious freedom, nor for the advocacy of religious freedom, under these laws.

In addition to falling short of religious freedom standards, anti-blasphemy laws violate the universal rights to equal treatment under the law, to freedom from arbitrary arrests, and to fair and speedy trials.<sup>33</sup>

Equal treatment under the law – Article 7 of the Universal Declaration of Human Rights states: "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."<sup>34</sup> Pakistan's government deliberately rejects this right by not offering legal protection to religious minorities, and in some cases by condoning discrimination against them evidenced by the arbitrary enforcement of the

anti-blasphemy laws.<sup>35</sup>

Freedom from arbitrary arrests – Article 9 of the Universal Declaration of Human Rights states: “No one shall be subjected to arbitrary arrest, detention or exile.”<sup>36</sup> The legal ambiguity of what constitutes as blasphemy combined with a prejudiced attitude toward religious minorities leads to arbitrary enforcement of anti-blasphemy laws. In Pakistan, “[a] judgment of whether someone has committed a discriminatory act against Islam is entirely subjective and privy to the state officials’ personal biases.”<sup>37</sup> A 2005 law required police investigation of each charge, but this was never enforced.<sup>38</sup> These laws are considered a “weapon” because the laws’ vague terminology has led to their misuse. Government officials often accept accusations of blasphemy without regard to the accusers’ motivations.<sup>39</sup> In fact, anti-blasphemy laws have been known to immunize private acts of religious vengeance from legal liability.<sup>40</sup>

The majority of the abuse of these laws takes place in the rural areas of Pakistan where judges tend to be biased and easily influenced,<sup>41</sup> not unlike Aasia Bibi’s village where she was accused of defiling the name of the Prophet Mohammad. Some claim Bibi did not even make derogatory comments, but had simply resisted conversion to Islam.<sup>42</sup> Unfortunately, no one will specify what was actually said since repeating her words would itself be blasphemy, so her death sentence rests entirely on hearsay.<sup>43</sup> There is little local controversy over the account that her co-workers provoked her by calling her “unclean” for being a Christian.

Higher court judges are aware of these abuses and are more likely to set free individuals convicted of blasphemy; however, this means

the accused can sit in jail for weeks or months before going to court. Aasia Bibi was in jail for over a year before she received her sentence to be hanged in October 2010.<sup>44</sup>

Right to a fair and speedy trial – Articles 10 of the Universal Declaration of Human Rights states: “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.”<sup>45</sup> The prevalence of personal biases makes it possible for anyone involved in the accusation and charge of an individual for blasphemy to bring these biases to trial. The root of this problem is cultural, which will be discussed in more depth in the next section.

Along similar lines, Part 1 of Article 9 states: “Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.”<sup>46</sup> Pakistan boasts the philosophy that individuals accused of blasphemy are considered guilty until proven innocent, which presents a serious danger for the accused and creates powerful incentives for false accusations. Alleged blasphemers are also often prohibited from bail.<sup>47</sup> For fear of their own safety, many lawyers refuse to defend those accused of blasphemy and judges hesitate to take up those cases.<sup>48</sup> These delays mean individuals could sit in jail for months before seeing a courtroom.

For those found innocent and released, being in jail without bail for long periods is inhumane and has a profoundly negative effect on their lives and dignity. Even if a person is innocent, or is arrested and detained simply for professing a faith other than mainstream Islam, their time

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in jail will define them for the rest of their lives. Peter Jacob, executive secretary of the Episcopal Justice and Peace Commission, said in 2007, “If someone is accused as a blasphemer, even if the court acquits him, his life becomes miserable in Pakistan and he has to live in hiding and poverty.”<sup>49</sup> Many individuals have similar experiences because most individuals arrested for blasphemy are eventually set free, especially if they are seen by higher courts.<sup>50</sup>

#### **ANTI-BLASPHEMY LAWS REPRESENT A CULTURAL ISSUE**

The inclusion of the Repugnancy Clause in Pakistan’s constitution in the 1960s, the implementation of anti-blasphemy laws in the 1980s, and the overwhelming support for the murder of Governor Salman Taseer are all indicative of a cultural issue within the Islamic world. The issue stems from Islam’s fundamental rejection of humanism and its prioritization of man’s duties to God over other men: “In Islam, no rights are said to exist other than those provided by God. The idea that there are some rights that exist that are created by man and not God is inconsistent with some of the basic tenets of Islam.”<sup>51</sup> As a result, although Pakistan’s constitution guarantees freedom of religion, the Supreme Court of Pakistan holds that Islamic law exceeds common law and can limit religious freedom.<sup>52</sup> The Repugnancy Clause allows Pakistan’s government to reject the distinction between positive law and Islamic law.<sup>53</sup>

Islamic governments tend to reject human rights principles because they see human rights as “rights owned by man against the rest of the world” – more specifically, “owned” by the West.<sup>54</sup> International human rights standards are considered a Western phenomenon and many in the

East suspect they exist with the intention of Western cultural domination.

What skeptics in the East fail to understand is that because morality has historically been associated with religious belief, religious beliefs have contributed to the development of international human rights in the West. In his “Call to Renewal” keynote address in 2006, then-Senator Barack Obama said, “Democracy demands that the religiously motivated translate their concerns into universal, rather than religion-specific, values.”<sup>55</sup> So, although human rights are “derived from, and are dependent upon, the transcendent principles that religious traditions, more than any other group, continue to cultivate,” they are also “aimed universally at the common good of all peoples.”<sup>56</sup> The universality of religious conviction is integral to democracy in the West.

That being said, U.S. foreign policy must not attempt to secularize Middle Eastern politics because this strategy will fail and will serve only to intensify anti-American sentiment. An Islamic version of democracy will and should differ from Western-style democracy. What Islamic democracy must demand is that governments guarantee every one — Muslims and non-Muslims — equal treatment under the law because that is the single most fundamental tenet of democracy.

Perhaps if human rights were redefined as limitations on government power, then “[m]an would not be seen as owning these protections, rather the government would have merely agreed to limit its own power to punish certain offenses and utilize certain modes of punishment.”<sup>57</sup> While Islamic governments are required by God to punish people who do not abide by Islamic law, neither are they forbidden to cooperate with other groups and enter into international agree-

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ments.<sup>58</sup> That Pakistan lawfully enacted the anti-blasphemy laws does not mean they have the right to treat individuals contrary to current human rights standards.<sup>59</sup>

This cultural issue also manifests itself in the fear, violence, and isolation from society for those who are accused or charged with blasphemy.<sup>60</sup> Even those who are found innocent must go into hiding or flee because of death threats against them and their families.<sup>61</sup> Since 1980, lynch mobs have killed more than thirty people accused of blasphemy.<sup>62</sup> A few years ago, a man named Shahid Masih from the Punjab province in Pakistan was charged with blasphemy and spent a long time in prison before he was found innocent and released. He said of life after prison: “The real tragedy is this. I was in prison and I was released because the court found me innocent but my life is over. No one wants to hire me and I am afraid to go out because people think I am a blasphemer who must die.”<sup>63</sup>

Pakistan’s guilty-until-proven-innocent philosophy for accused blasphemers needlessly destroys lives, damages public morale, and weakens an already struggling economy because victims are refused employment. The U.S. government should address the issue of anti-blasphemy laws as an opportunity to affect cultural, social and economic change. Although doing this would represent a case of treating the symptoms of the problem rather than the cause, approaching it in this manner might be an easier, more acceptable, short-term route for U.S. foreign policy.

Some Pakistanis argue anti-blasphemy laws are a part of their national identity, and that “international calls for [Pakistan] to modify its blasphemy laws violate [its] sovereignty as an independent nation.”<sup>64</sup> If Pakistan was created

for Muslims and most Pakistanis agree with the laws, what right does the U.S. have to interfere with Pakistan’s internal decisions?<sup>65</sup>

The assumption that anti-blasphemy laws are part of Pakistan’s national identity since its independence is incorrect. Pakistan has undergone a dramatic national identity transformation since 1947, when the government first introduced democratic values such as religious freedom to a political climate characterized by Islamization and intolerance. Mohammad Ali Jinnah founded Pakistan on the basis of religious freedom, declaring: “You are free; you are free to go to your temples, you are free to go to your mosques or to any other place or worship in this State of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the State.”<sup>66</sup> With each new leader, Pakistan’s identity has slowly devolved from its origin.<sup>67</sup> The anti-blasphemy laws represent everything Jinnah condemned when he said, “In any case, Pakistan is not going to be a theocratic State to be ruled by priests with a divine mission.”<sup>68</sup> Although Pakistan was created for Muslims, Jinnah recognized that every state has minority groups and democracy demands they be granted equal rights. The murder of Governor Taseer has shown “Pakistan has embraced a foreign identity—one frighteningly destructive to its founding principles.”<sup>69</sup>

#### **THE ELIMINATION OF ANTI-BLASPHEMY LAWS IS ESSENTIAL TO PAKISTAN’S STABILITY**

The elimination of anti-blasphemy laws is more than a humanitarian issue; it is directly connected with the stability of the state.<sup>70</sup> This is especially true for a state like Pakistan where religion greatly influences political affairs. The great

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irony of anti-blasphemy laws is that they were created because blasphemy causes social unrest which threatens public order. However, allowing for freedom of religious practice and worship exclusively in private is not true religious freedom, and it facilitates a cultural narrow-mindedness that breeds extremism and religious-based terrorism. Religious-based terrorism is an alarming and urgent dilemma not only for American national security but also for Pakistan's own stability.

Anti-blasphemy legislation allows for the development, cultivation, and profligacy of Islamic extremism in Pakistan. American diplomat Thomas Farr's comments about Afghanistan's constitution applies perfectly to Pakistan's: "The constitution had created a window through which extremism could lawfully enter, contend with the reformers and the moderates, and stand an excellent chance of defeating them."<sup>71</sup> The combination of the Repugnancy Clause and the five ordinances that make up the anti-blasphemy law create a wide window through which Pakistan allows extremism to enter and thrive. Although this was not the purpose of these laws, it is their inevitable consequence. Pakistan is not a stable and unified state, and the powerful political influence extremists have on its government weakens it further. These dangerous windows in Pakistani law need to be closed for good. The anti-terrorism effort is the most important U.S. national interest in Pakistan, both because Pakistan possesses nuclear weapons and because fundamentalists have high levels of political influence.

#### **AMERICAN INTERESTS IN PAKISTAN**

American national interests in Pakistan include advocating for human rights, strengthening Pakistan's democratic institutions, and most

importantly, preventing the spread of terrorism.

Preventing religious-based terrorism is the United States' most urgent and critical objective in Pakistan. After meeting with Pakistani foreign minister Mahmood Qureshi in October 2010, U.S. Secretary of State Hillary Clinton remarked that both governments are working toward eradicating terrorism.<sup>72</sup> However, there is much doubt surrounding Pakistan's commitment to the anti-terrorism effort.

Pakistan's President Asif Ali Zardari has called Pakistan "the world's greatest victim of terrorism," a fact that he has used to defend Pakistan's tenuous position in the wake of the discovery of Osama bin Laden's compound in Abbottabad in May 2011.<sup>73</sup> Although government elites like Prime Minister Syed Yousaf Raza Gilani claim that "[o]ur institutions are working and democracy is functional,"<sup>74</sup> other Pakistani officials worry Pakistan is as susceptible to revolt as Egypt and Tunisia were due to a weakening economy, rising unemployment rate, corruption, and escalating Islamic religious fervor.<sup>75</sup> Many victims of rising unemployment graduated from madrasahs, schools run by radical clerics who teach anti-Western doctrines, and many of their graduates are picked up by terrorist organizations like the Taliban.<sup>76</sup> Frustrated by a failing democracy, Pakistanis—especially those who are unemployed—are prone to respond to extremist propaganda.<sup>77</sup>

Although it appears that a short-term solution to these issues may be to offer Pakistan more financial assistance until the economic situation improves, the U.S. has been bailing out Pakistan for years assuming that the state is "too big to fail." But we have not seen progress. Pakistan is no longer just "too big to fail"; it is now the "nu-

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clear-armed version of ‘too big to fail.’<sup>78</sup> The issue is rooted in Pakistani culture and no amount of financial aid alone can fix that.

There is a sense of urgency in encouraging Pakistan to stop giving in to pressure from extremists and to begin adopting democratic values like religious freedom. Doing so would significantly help to prevent the spread of radical fundamentalism.

#### **ROLE OF U.S. FOREIGN POLICY IN INFLUENCING EFFECTS**

Convincing Pakistan that it is in their interest to eliminate anti-blasphemy laws is a seemingly impossible task. Not only is there widespread public support in Pakistan for these laws, but also the traditionally democratic, pluralistic Pakistan People’s Party has been fighting for political survival by appeasing extremists and practically disowning members and activists who want to amend or repeal these laws.<sup>79</sup> The U.S. must endeavor to persuade Pakistani lawmakers that if the welfare of the Pakistani people is their priority, they cannot appeal to groups that use violence against their citizens and they must guarantee religious freedom in their constitution.<sup>80</sup>

For religious freedom to gain support, change needs to come from both the top down and from the bottom up. On the one hand, if the Pakistani government does not push for religious freedom by removing anti-blasphemy laws and eliminating the repugnancy clause, cultural change is not likely to follow. These judicial changes must be supplemented by extrajudicial, cultural changes, which can only come from within the country. “[C]ultural groundwork must be laid before a nation can achieve the kind of durable self-government sought by the [U.S. government] as an antidote to Islamist extrem-

ism.”<sup>81</sup> The U.S. can help this effort by empowering Pakistanis who believe in religious freedom. Farr writes of the importance of this objective:

Amid all the strategies adopted by the United States to undermine Islamist terrorism and to encourage stable liberal governments in the Muslim world, we have thus far failed to credit a critical objective: the religious rationale for violence must be turned on its head. Mainstream Muslims who reject violence and coercion not in spite of Islam, but because of it, must move to the fore.<sup>82</sup>

This could mean giving aid to groups like the Pakistan Institute of Legislative Development and Transparency who work on strengthening the state’s democratic institutions. The U.S.’s Ambassador-at-Large for International Religious Freedom Dr. Suzan Johnson Cook and her team could design programs that give young Pakistanis affordable education options to curb the number of youth receiving their education in extremist madrasahs. This could also mean helping to empower religious leaders in the state who are more broad-minded and progressive.

The most crucial part of this argument is that change must happen “not in spite of Islam, but because of it.” Pakistani culture does not distinguish between politics and religion, and the U.S. should not see secularization as an ultimate goal. U.S. policymakers must not write off political theology as irrational and frustrating, but rather, they must familiarize themselves with it, learn how to “understand why religious convictions so often lead to political conflicts[,] and then perhaps find a way to contain the potential for violence.”<sup>83</sup>

Along these lines, it is important that the U.S. does not portray religious freedom as a

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Western phenomenon. Doing so would lead to a criticism that human rights are a form of cultural domination. As discussed earlier, if U.S. foreign policy can portray human rights as limitations on government power rather than as man owning a set of rights and imposing them on the international community, perhaps Pakistanis can rework their impressions of human rights standards.<sup>84</sup> Cooperating with other groups and entering into international agreements is not contrary to Islamic law.<sup>85</sup>

Improving the treatment of those accused of blasphemy might be the first step toward helping the situations of the accused. The U.S. should articulate to the Pakistani government the disadvantages of considering individuals accused of blasphemy guilty until proven innocent. It is unfair, inhumane, and puts the accused and their families in serious danger.

Although President Zardari claims that “democracy is functional” in Pakistan, in order to declare their state a democracy, the Pakistani government must eliminate anti-blasphemy laws.<sup>86</sup> Such discriminatory legislation is impermissible in a democracy because the fundamental basis thereof is equality under the law. Western democracy and Islamic democracy will inevitably differ in many ways, but no democracy can forgo the obligation to adhere to certain standards of human rights. Otherwise, “the state could democratically enact laws that allow torture and genocide, and justify them under the will of a religious majority.”<sup>87</sup> Islamic democracies will likely integrate Islamic values with fairly conservative platforms that focus beyond exclusively religious issues.<sup>88</sup>

In addition to grappling with Pakistani law, the U.S. should also encourage Pakistan’s govern-

ment to build a deeper connection with its people by investing in infrastructure development. The Pakistani government does not take much in taxes, and therefore they provide little infrastructure and services.<sup>89</sup> Electricity, gas, and water can be hard to come by in an agricultural society that has not adopted many modern systems of technology. Farrukh Saleem, a risk analyst and columnist for a Pakistani newspaper called *The News*, says, “Ninety-nine percent of Pakistanis are not affected by the state—it doesn’t deliver anything for them. People are looking for alternatives. So were the Iranians in 1979.”<sup>90</sup> Many think the current government system benefits only the elite, which analysts say has been known to motivate “disaffected” young men to join Muslim militant organizations.<sup>91</sup> It is in both Pakistan’s and the U.S.’s interest to invest in infrastructure development because creating jobs and raising the standard of living reduces the appeal of terrorism and insurgency.

### CONCLUSION

Anti-blasphemy laws facilitate intolerance and allow people to lawfully target religious minorities. Members of the minority Ahmadiyya Muslim community, which number four million in Pakistan, have endured most of this prejudice, especially with the passage of a law that declares them non-Muslims. Lawful discrimination of these groups is inconsistent not only with current international human rights standards, but also with the vision of Pakistan’s founding father, Mohammad Ali Jinnah.

Asia Bibi’s death sentence and Governor Taseer’s murder in her defense exemplify how Pakistan’s anti-blasphemy laws allow one person’s indiscretion to turn into another’s act of moral compulsion.<sup>92</sup> People have taken advan-

tage of the ambiguous wording of these laws to criminalize members of religious minorities or to settle personal issues. That religious freedom is “subject to law” in Pakistan’s constitution completely undermines the idea that a constitutional right is protected from any legislation or act of government.

Islamic democracy will differ from Western democracy, but both must guarantee the most fundamental principle thereof: equal treatment under the law for all citizens. In Pakistan, this means removing legislation that discriminates against non-Muslim citizens. The most important thing the Pakistani government can do to instigate tolerance (and someday religious freedom in full) amongst its people is to remove the state from the position of policing individuals who blaspheme.

The U.S. can give aid, support institutions that reinforce democratic values, and encourage Pakistan to make changes, but lasting change must ultimately come from within Pakistani culture. Constitutional guarantees are only as good as their actual practice.<sup>93</sup> For Pakistan to achieve stability and fight terrorism, the government must make efforts to earn the trust of its citizens.

## ENDNOTES

- 1 “Punjab Governor’s Salman Taseer assassinated in Islamabad,” January 4, 2011, BBC News, accessed March 26, 2011, <http://www.bbc.co.uk/news/world-south-asia-12111831>.
- 2 Matt J. Duffy, “Pakistan Media ‘Mainstreaming’ Extremism,” *MidEastPosts*, Jan 27, 2011, accessed April 20, 2011, <http://mideastposts.com/2011/01/27/pakistan-media-helping-to-mainstream-extremism/>.
- 3 Rebecca J. Dobras, “Is the United Nations Endorsing Human Rights Violations?: An Analysis of the United Nations’ Combating Defamation of Religions Resolutions and Pakistan’s Blasphemy Laws,” *Ga. J. Int’l & Comp. L.*, 2008–2009, HeinOnline Law Journal Library, accessed March 25, 2011, [http://heinonline.org/HOL/Page?handle=hein.journals/gjic137&div=14&collection=journals&set\\_as\\_cursor=2&men\\_tab=srchresults&terms=2002%20BYU%20L.%20Rev.%20283&type=matchall](http://heinonline.org/HOL/Page?handle=hein.journals/gjic137&div=14&collection=journals&set_as_cursor=2&men_tab=srchresults&terms=2002%20BYU%20L.%20Rev.%20283&type=matchall), pg. 348.
- 4 *Ibid.*
- 5 *Ibid.*, pg. 355.
- 6 *Ibid.*, pg. 356.
- 7 *Ibid.*, pg. 356.
- 8 *Ibid.*, pg. 358–359.
- 9 David A. Jordan, “The Dark Ages of Islam: Ijtihad, Apostasy, and Human Rights in Contemporary Islamic Jurisprudence,” *Washington & Lee Race & Ethnic Anc Law Journal*, 2003, HeinOnline Law Journal Library, accessed March 25, 2011, [http://heinonline.org/HOL/Page?handle=hein.journals/walee9&div=9&collection=journals&set\\_as\\_cursor=11&men\\_tab=srchresults&terms=10%20Conn.%20J.%20Int, 69](http://heinonline.org/HOL/Page?handle=hein.journals/walee9&div=9&collection=journals&set_as_cursor=11&men_tab=srchresults&terms=10%20Conn.%20J.%20Int, 69).
- 10 Dobras, “Is the United Nations Endorsing Human Rights Violations?” pg. 349
- 11 *Ibid.*, pg. 393.
- 12 AFP, “The History of the Blasphemy Law,” *The Express Tribune*, Jan 5, 2011, accessed April 29, 2011, <http://tribune.com.pk/story/99414/the-history-of-the-blasphemy-law/>.
- 13 *Ibid.*
- 14 Hassan Farooq, “Religious Liberty in Pakistan: Law, Reality, and Perception (A Brief Synopsis),” *Brigham Young University Law Review*, 2002, HeinOnline Law Journal Library, accessed March 26, 2011, [http://heinonline.org/HOL/Page?handle=hein.journals/byulr2002&div=18&collection=journals&set\\_as\\_cursor=5&men\\_tab=srchresults&terms=10%20Conn.%20J.%20Int, pg. 285](http://heinonline.org/HOL/Page?handle=hein.journals/byulr2002&div=18&collection=journals&set_as_cursor=5&men_tab=srchresults&terms=10%20Conn.%20J.%20Int, pg. 285).
- 15 Amjad Mahmood Khan, “Persecution of the Ahmadiyya Community in Pakistan: An Analysis Under International Law and International Relations,” *Harvard Human Rights Journal*, 2003, HeinOnline Law Journal Library, accessed April 13, 2011, [http://heinonline.org/HOL/Page?handle=hein.journals/hhrj16&div=14&collection=journals&set\\_as\\_cursor=4&men\\_tab=srchresults&terms=10%20Conn.%20J.%20Int, 220](http://heinonline.org/HOL/Page?handle=hein.journals/hhrj16&div=14&collection=journals&set_as_cursor=4&men_tab=srchresults&terms=10%20Conn.%20J.%20Int, 220).
- 16 Dobras, “Is the United Nations Endorsing Human Rights Violations?” pg. 347.
- 17 Farooq, “Religious Liberty in Pakistan,” pg. 287.

- 18 Khan, "Persecution of the Ahmadiyya Community in Pakistan," pg. 218.
- 19 Ibid., pg. 225.
- 20 Ibid., pg. 227.
- 21 Farooq, "Religious Liberty in Pakistan," pg. 287.
- 22 Ibid.
- 23 Dobras, "Is the United Nations Endorsing Human Rights Violations?" pg. 348.
- 24 "Federal Shariat Court of Pakistan," accessed May 1, 2011, <http://federalshariatcourt.gov.pk/>.
- 25 Khan, "Persecution of the Ahmadiyya Community in Pakistan," pg. 227.
- 26 Saroop Ijaz, "The real blasphemy," Los Angeles Times, Jan 5, 2011, accessed May 3, 2011, <http://articles.latimes.com/2011/jan/05/opinion/la-oe-ijaz-blasphemy-20110105>.
- 27 Muhammad Ramzan, "International Human Rights," PakistanLaw, Aug 31, 2010, accessed May 3, 2011, <http://www.pakistanlaw.net/law-articles/law-definition/international-human-rights/>.
- 28 Farooq, "Religious Liberty in Pakistan," pg. 287.
- 29 Dobras, pg. 355.
- 30 David F. Forte, "Apostasy and Blasphemy in Pakistan," Connecticut Journal of International Law, 1994-1995, HeinOnline Law Journal Library, accessed March 25, 2011, [http://heinonline.org/HOL/Page?handle=hein.journals/conjil10&div=7&g\\_sent=1&collection=journals](http://heinonline.org/HOL/Page?handle=hein.journals/conjil10&div=7&g_sent=1&collection=journals), pg. 28.
- 31 Dobras, "Is the United Nations Endorsing Human Rights Violations?" pg. 355.
- 32 Ibid., pg. 349.
- 33 Ibid., pg. 356.
- 34 "Universal Declaration of Human Rights," United Nations, accessed May 6, 2011, <http://www.un.org/en/documents/udhr/index.shtml>.
- 35 Dobras, "Is the United Nations Endorsing Human Rights Violations?" pg. 356.
- 36 "Universal Declaration of Human Rights."
- 37 Dobras, "Is the United Nations Endorsing Human Rights Violations?", pg. 357.
- 38 U.S. Department of State, "Pakistan: International Religious Freedom Report 2010," Nov 17, 2010, accessed March 30, 2011, <http://www.state.gov/g/drl/rls/irf/2010/148800.htm>.
- 39 Dobras, "Is the United Nations Endorsing Human Rights Violations?", pg. 357.
- 40 Forte, "Apostasy and Blasphemy in Pakistan," 28.
- 41 Dobras, "Is the United Nations Endorsing Human Rights Violations?", pg. 358.
- 42 Declan Walsh, "Salman Taseer, Aasia Bibi, and Pakistan's struggle with extremism," The Guardian, Jan 8, 2011, accessed May 6, 2011, <http://www.guardian.co.uk/world/2011/jan/08/salmaan-taseer-blasphemy-pakistan-bibi>.
- 43 Walsh, "Salman Taseer, Aasia Bibi, and Pakistan's struggle with extremism."
- 44 Dobras, pg. 358.
- 45 "Universal Declaration of Human Rights."
- 46 Ibid.
- 47 Dobras, pg. 357.
- 48 Ibid.
- 49 Qaiser Felix, "Fear, violence, ostracism face innocent 'blasphemers of Islam,'" AsiaNews, Feb 16, 2007, accessed May 6, 2011, <http://www.asianews.it/news-en/Fear,-violence,-ostracism-face-innocent-'blasphemers-of-Islam'-8512.html>.
- 50 Dobras, pg. 358.
- 51 Jordan, "The Dark Ages of Islam," pg. 69.
- 52 Dobras, "Is the United Nations Endorsing Human Rights Violations?", pg. 349.
- 53 Tayyab Mahmud, "Freedom of Religion & Religious Minorities in Pakistan: A Study of Judicial Practice," Fordham International Law Journal, 1995-1996, HeinOnline Law Journal Library, accessed May 4, 2011, [http://heinonline.org/HOL/Page?handle=hein.journals/frdint19&div=14&g\\_sent=1&collection=journals](http://heinonline.org/HOL/Page?handle=hein.journals/frdint19&div=14&g_sent=1&collection=journals), pg. 48.
- 54 Jordan, "The Dark Ages of Islam," pg. 69.
- 55 Barack Obama, "'Call to Renewal' Keynote Address," Washington, DC, June 28, 2006.
- 56 John Witte Jr. and M. Christian Green, "Religious Freedom, Democracy, and International Human Rights," Emory International Law Review, 2009, HeinOnline Law Journal Library, accessed March 26, 2011, [http://heinonline.org/HOL/Page?handle=hein.journals/emint23&div=25&collection=journals&et\\_as\\_cursor=0&men\\_tab=srchresults&terms=37%20Ga.%20J.%20Int](http://heinonline.org/HOL/Page?handle=hein.journals/emint23&div=25&collection=journals&et_as_cursor=0&men_tab=srchresults&terms=37%20Ga.%20J.%20Int), pg. 589.
- 57 Jordan, "The Dark Ages of Islam," pg. 70.
- 58 Ibid.
- 59 Dobras, pg. 362.
- 60 Felix, "Fear, violence, ostracism face innocent 'blas-

- phemers of Islam.”
- 61 Dobras, pg. 358-9.
- 62 Eric Rassbach and Ashley Samelson McGuire, “How the U.N. Encourages Religious Murder,” *The Wall Street Journal*, Feb 7, 2011, accessed May 8, 2011, [http://online.wsj.com/article/SB10001424052748703960804576120563715501694.html?mod=googlenews\\_wsj](http://online.wsj.com/article/SB10001424052748703960804576120563715501694.html?mod=googlenews_wsj).
- 63 Felix, “Fear, violence, ostracism face innocent ‘blasphemers of Islam.’”
- 64 Dobras, pg. 360.
- 65 Ibid., pg. 361.
- 66 Mohammad Ali Jinnah, “Address at the Karachi Club,” Aug. 11, 1947, accessed April 13, 2011, [http://www.pakistani.org/pakistan/legislation/constituent\\_address\\_11aug1947.html](http://www.pakistani.org/pakistan/legislation/constituent_address_11aug1947.html).
- 67 Qasim Rashid, “Anti-Blasphemy Laws Assassinate Governor Taseer—and Pakistan,” *Ahmadiyya Times*, Jan 20, 2011, accessed May 7, 2011, <http://ahmadiyyatimes.blogspot.com/2011/01/anti-blasphemy-laws-assassinate.html>.
- 68 Rashid, “Anti-Blasphemy Laws Assassinate Governor Taseer—and Pakistan.”
- 69 Ibid.
- 70 Thomas Farr, *World of Faith and Freedom*, (New York: Oxford University Press, 2008), pg. 9.
- 71 Farr, *World of Faith and Freedom*, pg. 7.
- 72 U.S. Department of State, “Remarks with Pakistani Foreign Minister Mahmood Qureshi After Their Meeting,” Oct 22, 2010, accessed May 8, 2011, <http://www.state.gov/secretary/rm/2010/10/149856.htm>.
- 73 Asif Ali Zardari, “Pakistan did its part,” *The Washington Post*, May 2, 2011, accessed May 7, 2011, [http://www.washingtonpost.com/opinions/pakistan-did-its-part/2011/05/02/AFHxmybF\\_story.html?hpid=z4](http://www.washingtonpost.com/opinions/pakistan-did-its-part/2011/05/02/AFHxmybF_story.html?hpid=z4).
- 74 Jane Perlez, “Many in Pakistan Fear Unrest at Home,” *The New York Times*, Feb 3, 2011, accessed May 7, 2011, <http://www.nytimes.com/2011/02/04/world/asia/04pakistan.html?pagewanted=1&r=1>.
- 75 Perlez, “Many in Pakistan Fear Unrest at Home.”
- 76 Ibid.
- 77 Ibid.
- 78 Ibid.
- 79 Wajahat Ali, “Pakistan’s Blasphemy Law Strikes Again,” *The Asia Foundation*, March 9, 2011, accessed May 5, 2011, <http://asiafoundation.org/in-asia/2011/03/09/pakistan-s-blasphemy-law-strikes-again/>.
- 80 Ali, “Pakistan’s Blasphemy Law Strikes Again.”
- 81 Farr, *World of Faith and Freedom*, pg. 7.
- 82 Ibid., pg. 9.
- 83 Mark Lilla, “The Politics of God,” *The New York Times*, Aug 19, 2007, accessed January 26, 2011, <http://www.nytimes.com/2007/08/19/magazine/19Religion-t.html>.
- 84 Jordan, “The Dark Ages of Islam,” pg. 70.
- 85 Ibid.
- 86 Perlez, “Many in Pakistan Fear Unrest at Home.”
- 87 Dobras, pg. 361.
- 88 Vali Nasr, “The Rise of ‘Muslim Democracy,’” *Journal of Democracy*, vol. 16 number 2, (April 2005), pg. 14.
- 89 Perlez, “Many in Pakistan Fear Unrest at Home.”
- 90 Ibid.
- 91 AFP, “Pakistan govt leaves villages wallowing in neglect,” *The Peninsula*, Oct 29, 2010, accessed May 8, 2011, <http://www.thepeninsulaqatar.com/pakistan/afghanistan/130765-pakistan-govt-leaves-villages-wallowing-in-neglect.html>.
- 92 Mishal Khan, “Islam and Human Rights: Reimagining a Space for Dialogue Between Islamism and Secularism in Pakistan,” Honors Thesis, Macalester College, 2010, accessed May 8, 2011, [http://digitalcommons.macalester.edu/intlstudies\\_honors/12](http://digitalcommons.macalester.edu/intlstudies_honors/12).
- 93 Mahmud, “Freedom of Religion & Religious Minorities in Pakistan: A Study of Judicial Practice,” pg. 41.

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# Rising Radical Nationalism & Xenophobia among Russian Youth

THE PROBLEMS, THE CAUSES, AND POTENTIAL SOLUTIONS

*By Thomas Killeen*

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**T**his past December, ethnic tensions reached a boiling point when violent riots broke out in Manezh Square in downtown Moscow. The death of a Russian at the hands of Caucasians following a soccer-related scuffle, and the subsequent release of the detained suspect, incited outrage from the ethnic Russian community and inspired widespread armed inter-ethnic conflict.<sup>1</sup> Although the violence has since subsided, the incident is a reflection of a deeper endemic issue in Russian society. Contemporary Russia faces a serious problem: nationalist sentiment among the youth is spiraling out of control. While nationalism is certainly nothing new in Russia, the last decade has seen a considerable rise in radical organizations and violent extremism. Radical sentiment is transforming from the fringe to mainstream Russian society, and these radical organizations recruit their members from the youth in particular. Although there have been efforts by the Kremlin to crackdown on extremist nationalist groups, the

regime's treatment of the ideological basis has been largely ineffective. Youth organizations have sprung up over the last decade, many of which foster highly radical views and propagate brands of exclusionist Russian nationalism. The Kremlin itself has founded its own youth groups, *Nasbi* a prime example, in an attempt to channel the youth in a pro-regime direction. Over the past two decades, nationalism and radicalism have become part of mainstream society in Russia and the Russian youth are increasingly extremist, as witnessed in the attitudes as well as the direction of youth groups. Putin's regime treats these symptoms but refuses to address the disease itself, while it simultaneously attempts to harness the youth for its own purposes.

Nationalism is nothing new to the people of the Russian Federation, but the modern brand of popular Russian nationalism is indeed original. This change is due to various contextual factors that together provide a foundation for the emergence of ethnocentric Russian nationalism. The collapse of the USSR necessitated a complete overhaul of society in all spheres, including economic, social, political, and cultural. First, the Russians needed to reinvent themselves in a period of tumultuous transition.<sup>2</sup> Emil Pain describes the relationship of this phenomenon with xenophobia, arguing that,

“The desire to overcome such crises generates a number of consequences, which in turn develop into preconditions for political extremism. People gradually become more and more interested in consolidating within primary, natural or, as there are sometimes called, “primordial” (such as ethnic or confessional) communities. In this context traditionalism is intensified, and manifestations of xenophobia become commonplace.”<sup>3</sup>

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Secondly, this consolidation added to the inferiority complex of Russians due to their “perception...of recent history as one of national defeat and humiliation or as historical trauma” in the Soviet collapse.<sup>4</sup> Thirdly, during this crisis, the desire for stability drove the Russian people to focus on the past and to mythologize and romanticize their national history. Finally, all of these factors occurred within the context of the Chechen war, the terrorist threats, and the promulgation of ethnic stereotyping which became typical of daily Russian life.<sup>5</sup> These elements, combined with the state’s employment of nationalism as a tool and its denial of popular empowerment (to be discussed further on), provided a more than generous environment to foster an ethnocentric breed of Russian nationalism.

“With the collapse of the Communist regime, a whole set of perspectives and values at the heart of Russian life for centuries have come into question as never before in Russian history, leaving in its wake a sense of profound moral crisis.”<sup>6</sup> The ideological vacuum created in the wake of the USSR’s collapse has allowed a rise of Russian nationalism that stresses homogeneity, unity, and anti-Western feeling. “Russianness was always defined in opposition to something else,” and in this case that something else is the United States, as well as ethnic minorities within the country.<sup>7</sup>

The collapse of the Soviet Union awakened and subsequently reinvented the concept of Russian nationalism, but there is concern over the ethnocentricity that this breed of exclusivist Russian nationalism fosters. In modern Russia, nationalism is characterized primarily by impassioned patriotism. Xenophobia has become a part of mainstream society. The Levada Center

reports that “approximately 60 percent of respondents 18-to-25 and 57 percent of respondents 40-and-over expressed complete or partial support for the ‘Russia is for Russians’ slogan” and over 30 percent expressed complete support in both age brackets.<sup>8</sup> These figures suggest that nationalist sentiments are widespread and transcend societal divisions. In addition, the country has witnessed a steady rise of extremist crimes—making the criminal and violent side effects of this trend evident. According to Russian Investigative Committee chief Alexander Bastrykin in February 2011, “the number of extremism-related crimes in Russia has grown by 20%...to 656 crimes.”<sup>9</sup> Bastrykin went on to blame this trend on the increasing number of “crimes committed by immigrants” which acts as a “fomenter of ethnic enmity.”<sup>10</sup> As though the increase of ethnic tensions and nationalism was not clear enough from the data, the violent implications of radicalism are confirmed by statistics from SOVA (Russia’s Center for Information and Analysis, the main function of which is to monitor xenophobia and extremism). They show that from “2004 to 2009, racists killed on average between one and two persons a week— a death rate that has no equivalent, in any comparable country.”<sup>11</sup> Both the Levada and SOVA Centers’ findings indicate an alarming trend of increasing extremist violence in Russia, as well as the wider pattern of radical nationalist acceptance in Russian society.

Clearly, intolerant Russian nationalism has taken a noticeable turn towards mainstream acceptance, indicating that radicalism is becoming the accepted norm. It is most particularly the youth that are radicalized and instilled with this potent and toxic brand of Russian nationalism.

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Radicalism among the Russian youth has been on the rise over the course of the past decade. In August 2011, a government-orchestrated survey revealed that “fully one quarter of high school students support ultranationalist and fascist views,” a “sobering statistic” to say the least.<sup>12</sup> In fact, the majority of the aforementioned violent crimes against minorities and hate crimes are committed by youth groups with extremist ideological bases. Scholars claim that this is due to a Russian “racist youth subculture’ that encourages violence toward outsiders through peer pressure and group norms.”<sup>13</sup> Surveys show that Russian youth are more likely to deny that political extremists are a threat to society, which points toward a “sense of normalization of violence and, hence, a social climate in which inter-group violence is more likely.”<sup>14</sup>

The youth in today’s Russia is the first generation of post-Soviet Russians, and the attitudes that they hold present an insight into the present day motivations for extremism. At present, there is widespread intolerance towards Caucasian nationalities. The war and political turmoil in the Caucasus, as well as state policy and media, have worked to excite and foster a strong anti-Caucasian attitude.<sup>15</sup> An issue arises immediately from the fact that many Caucasian nations are *part of the Russian Federation*-- meaning that the ethnic violence is often aimed at other Russian citizens. One motivating factor of radicalism is the lack of trust in the Russian state and general disillusionment regarding the direction and future of Russia. This is combined with a “striking...feeling of insecurity on the socio-political level,” high levels of unemployment (especially in more rural provinces), and a relatively nonexistent civil society structure to provide a breeding ground for

nationalism and radicalism-- through frustration and a desire for belonging, stability, and self-respect.<sup>16</sup> Studies, such as the 2009 Swiss Academy for Development report, stress the importance of anomie as a contributing factor to radicalism and extremism among Russian youths.<sup>17</sup> Anomie “stimulates innovation and creativity, but it can also lead to apathy, risky behaviour (substance abuse), violence, a shift towards radical (but direction-giving) ideologies, instability and the destruction of social institutions or even whole societies.”<sup>18</sup> It is clear that the anomic sociopolitical environment in Russia is correlated to the rise in radicalism. Findings also reveal a socio-economic correspondence-- young Russians in lower socio-economic brackets are much more inclined to have extremist and/or nationalist opinions. Teens of lower socioeconomic status are “more likely to approve of radical groupings and to back violent measures to deal with marginalized social groups.”<sup>19</sup> These statistics paint a stark picture of a generation that bears distinct features, circumstantial or environmental or both, which contribute to sub-cultural acceptance of radicalism and nationalism.

The state’s role in the current situation and over the last decade is not to be overlooked. Putin has used Russian nationalism as a tool for his own personal gain since his rise to power in the late 1990s. Putin used nationalism as a means of legitimizing the steady transition towards a competitive authoritarian regime. Putin “purposefully instrumentalized Russian imperial nostalgia, national pride and ethnocentric thinking” in order to justify the consolidation and centralization of state power and the installation of a strict vertical power structure.<sup>20</sup> Nationalist rhetoric has taken various forms under Putin. First, Putin’s regime

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focuses on Russia's past with a concentration on military and imperial force and the glorification of Russia's historic accomplishments. Secondly, the Kremlin and Putin often use fear tactics to muster support, framing Russia as beset on all sides by enemies. Thirdly, the state's "suppression of the national movements of ethnic minorities," primarily through the use of force via the power ministries, is another form of social consolidation.<sup>21</sup> The state does not hesitate to crush any forms of resistance or nationalism in the Caucasus—from separatists or Islamic extremists. The Russian people are "officially referred [to] as the 'native' population."<sup>22</sup> Putin re-implemented "National Unity Day," a holiday from the Russian Empire, to replace the commemorative holiday of the October Revolution.<sup>23</sup> The underlying theme is that of state sponsorship and employment of nationalism, as a device to strengthen and subsequently support the rise of a semi-authoritarian regime.

The Kremlin has encouraged and has fostered Russian nationalism through rhetoric, fear, and force. However, Putin's regime has also created a monster that it can no longer control. The regime thoroughly underestimated the capacity of nationalism as a self-sustaining force among the Russian people. While the regime has successfully managed to manipulate the democratic process in Russia, it is much harder to control nationalism while maintaining stability and democratic suppression within the context of a multi-national, multi-ethnic federation in a globalized society. As Emil Pain notes, Putin's regime is "gravely mistaken to think so, however, since nationalism has a different nature and possesses a logic of its own;" in this way "nationalism is easily excitable, but difficult to control."<sup>24</sup>

Russian nationalism is quickly growing into something the Kremlin cannot suppress and manipulate to its own advantage.

Nationalism has become self-fulfilling and radicalizing and examples can be seen across Russia. "National Unity Day" has quickly transformed over its six year existence into a holiday dominated by Russian nationalist and radical right organizations, with countrywide demonstrations spiked with violent outbursts. The *Rodina* ('Motherland') coalition, which was originally "created as a 'clone' to draw working class votes away from the KPRF" by the Kremlin in the 2003 parliamentary elections, quickly gained its own momentum and began to prove itself as a force in politics.<sup>25</sup> *Rodina* staged a number of demonstrations and advertising campaigns that focused on anti-immigration and ethnocentric patriotic messages. The youth branch of the coalition changed their title to 'Patriotic Greenpeace' and "demanded that markets in Moscow be 'cleansed of garbage' (by which they meant non-Russian traders)."<sup>26</sup> To an outsider, such intolerant messages are alarming in themselves but what is truly concerning is that the coalition's campaign strategy was effective in garnering support among Russians. In fact, *Rodina* was so effective that during its election campaign the Kremlin felt threatened enough to take action against the party, eventually banning it from elections in 2005 and forcing it to join the *Spravedlivaya Rossiya* (A Just Russia) coalition in 2006-- only three years after its creation. *Rodina* was technically banned for its use of racist and hateful rhetoric, even though other parties such as Zhirinovskii's LDPF frequently engage in such tactics, which points to the Kremlin's concern over *Rodina's* popularity as a motive

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for its dissolution. These cases demonstrate the Kremlin's inability to control the powerful force of nationalism.

With membership numbering in the hundreds of thousands, the pro-regime, state-sponsored youth group *Nashi* (Youth Democratic Anti-fascist organization 'Ours!') is the powerhouse of youth organizations.<sup>27,28</sup> Amidst growing speculation of a potential for a Russian 'colored revolution' in the wake of the 'Orange' and 'Rose' revolutions, the regime devised a strategy to prevent such an occurrence. Robert Horvath explains that "the cornerstone of the Putin regime's 'counter-revolutionary technology' was *Nashi* ('Ours'), a Kremlin-sponsored youth organization that was intended as an antidote to potential pro-democracy youth groups that had spearheaded the Ukrainian and Georgian upheavals.<sup>29</sup> The group was formed following the failure of the *Idushchee vmeste* ('Moving Together'), Putin's original youth organization. The youth organization glorifies Soviet style propaganda, using a Soviet Internet domain and bestowing officers with the title "commissar," and rhetorically nominates almost all anti-establishment organizations as 'fascist.'<sup>30</sup> The group claims to be 'anti-fascist' and 'non-nationalist,' although its action indicate otherwise.

As the group has evolved, critics have drawn comparisons between *Nashi* and the Soviet *Komsomol* as well as the *Hitlerjugend*.<sup>31</sup> The group periodically ships in members by the tens of thousands for massive rallies for patriotic, pro-regime causes. Following United Russia's victory in 2008, "30,000 red-clad *Nashi* youth... blocked traffic in the capital with a demonstration, as children aged 8 to 15 held up signs with slogans like, 'Thank you Putin for stability in our

future!' jarringly reminiscent of days gone by."<sup>32</sup> Furthermore, the state sponsors a yearly *Nashi* camp to teach members patriotism and instill in them proper political values, values that are coincidentally pro-regime.<sup>33</sup> Within the past month, the group drew international attention for allegedly plagiarizing Goebbels.<sup>34</sup> At the 2010 youth camp, there was a stir caused by "the scandalous installation of 'impaled enemies of Russia,' which displayed 'anti-Russian' politicians impaled."<sup>35</sup> In fact, the extremist, radical right-wing suspect in this year's Norwegian terrorist attack praises *Nashi* in his manifesto, in reference to setting an example for others in rejecting immigrants and multiculturalism.<sup>36</sup> The group undergoes paramilitary training in preparation for the imminent conflict between Russia and her 'enemies,' and calls for procreation for the sake of the Motherland.<sup>37</sup> These similarities present a foreboding image of the state of affairs regarding nationalism among the youth, but there is hope as well.

*Nashi* suffers from a fundamental internal division-- a conflict between the pro-regime ideology of the group and the group's desire to attract young Russians. In this way, *Nashi* faced an obstacle from its foundation, that is, how to create a "distinctive conformism," meaning how to attract and to excite the youth to participate in a group that serves to essentially promote the political status quo.<sup>38</sup> *Nashi* has sought to harness the "patriotic potential" of the youth which has been on the rise over the past decade and reconcile this with the general apolitical and anomic attitudes prevailing among Russian youth.<sup>39</sup> The group was consciously formed in part to curb rebellious youth energy into non-threatening channels and assimilate potentially mutinous teens.<sup>40</sup> *Nashi* maintains close ties to this day

with the regime, which is particularly evident in Yakemenko's personal relationship with Vladislav Surkov and also in the funding and resources provided to the group by the state which acts as the group's support base.<sup>41</sup> However, despite *Nasbi's* identity as a top-down organization that serves the regime by inoculating potentially rebellious youth and fostering pro-Putin patriotism, these approaches deny the Russian youth agency of their own.<sup>42</sup>

However, despite the many accounts of *Nasbi* which highlight its ties with the regime and draw comparisons to the *Hitlerjugend* or *Komsomol*, the organization has in fact gained a great deal of independence from the Kremlin. Many scholars and journalists simply cast *Nasbi* aside as another political arm of the state and a means for Putin to control and maintain his political regime with greater force.<sup>43</sup> While it is true that *Nasbi* relies on state funding and Kremlin support, it is equally true that even though the Kremlin has the power to shut down the group, it cannot control the group's development or trajectory. Once connecting *Nasbi's* activists and their "emergence as politically autonomous beings renders them capable, should they so choose, of sustaining the movement with or without state support."<sup>44</sup> The desire for maintaining participation and high levels of youth mobilization compels the *Nasbi* leadership to cater to the evolving demands and dynamic interests of *Nasbi's* base supporters.<sup>45</sup> In this way, *Nasbi's* reorganization in 2007 further enabled activist autonomy by decentralizing power from Moscow to regional and local headquarters, further removing the state from the organization and impeding oversight.<sup>46</sup> *Nasbi* represents a far more balanced, dynamic, and complex relationship between the state and

Russian youth activists, revealing that the group is more than simply a top-down, state-controlled tool as many academics perceive it to be.<sup>47</sup>

There are other highly active and visible organizations that offer alternatives to the state-sponsored, pro-Kremlin counterparts and employ highly nationalist rhetoric. The National Bolshevik Party (NBP; colloquially 'Natsbol') and the Dvizheniye Protiv Nelegalnoy Immigratsii (DPNI; 'Movement against Illegal Immigration') have both become major players in Russian society at large.<sup>48</sup> While none of these groups are explicitly youth groups, all of them attract youth extremists and have a very young support base.<sup>49</sup> Founded by Eduard Limonov in the early 1990s and ideologically driven by the infamous Aleksandr Dugin, the NBP frames itself as a patriotic organization opposed to the current political regime.<sup>50</sup> The NBP encourages militant nationalism and activists engage in street protests and violent public scenes, which help it promote itself through the resultant media attention and publicity. The specialization in militant activism and stylized brand of politics that NBP represents helps explain its success among younger Russians.<sup>51</sup> The DPNI, which emerged portraying itself as a populist volunteer organization to assist authorities in dealing with illegal immigration and preserving 'law and order,' has proven to be more of a militia that promotes anti-immigrant sentiment and action.<sup>52</sup> The DPNI has been successful among the country's youth and promotes a notion of 'us versus them,' which indiscriminately "packages all non-Russians by appearance into one group of undesired 'others.'"<sup>53</sup> The organization is infamously known to target "skinheads" for recruitment. Co-opting "skinheads" into the DPNI essentially provides these politi-

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cal extremists, most of whom are young males-- usually teenagers-- with the resources to carry out violence such as better organizational capabilities and networking.<sup>54</sup> The organization is not explicitly fascist or anti-Semitic, "thus it can carry on recruiting neo-Nazi skinheads while spreading its message through more respectable public media."<sup>55</sup> The DPNI's current "political significance...is in its function of political incendiary and mobiliser which through available means involves youth."<sup>56</sup> Both the NBP and DPNI have recently been outlawed in Russia which may impinge any future aspirations, but the groups have still been able to organize protests mainly through online communication, meaning that the legality of these groups may have little overall effect, especially given their nature.<sup>57</sup>

The state's policies are completely inconsistent in their treatment of nationalism; on the one hand, radical nationalism and conservative extremism are encouraged via political opportunity structures, while on the other hand the government discredits violence and radical actions. Mihai Varga describes how the creation of government-sponsored nationalist events provides radical nationalist organizations with specific reasons for mobilizing.<sup>58</sup> In this way, the adoption of National Unity Day and the nationalist rhetoric surrounding the event attracted radical nationalist organizations and extremists from across the country to Moscow.<sup>59</sup> Similarly, during the 2006 crisis with Georgia, "the official campaign sounded eerily similar to the DPNI discourse," eventually resulting in the deportation of many Georgians from Russia, and encouraging vicious anti-Georgian sentiment across Russia.<sup>60</sup>

The state has played an essential role by allowing youth extremism and radical nationalism

to develop. Police officials often overlook small protests and the ethnic violence perpetrated by radical nationalist organizations. The Russian youth are becoming increasingly radical and violent in their words and their actions.<sup>61</sup> Given the absence of a proper response from the state, this is especially problematic. Over the past decade, the state has constantly overlooked the rising youth xenophobic violence and mislabeled radical nationalist activities as "mass hooliganism" or 'public disorder.'<sup>62</sup> It is clear from the statistics that nationalist violence is not subsiding and that youth radicalism is on the rise and becoming increasingly accepted. These anarchic protests and violent xenophobic attacks are not, as this scholar calls them, merely "impetuous forms of opposition that are not always appropriate," rather they are symptomatic of a radical, nationalist youth culture endemic of Russian society.<sup>63</sup>

Only recently has the Russian government started addressing radical nationalism. However, the response has led to a new problem. The extremist legislation passed by the Duma allows rampant abuse at all levels of the government. SOVA reports explain that the broad definition of extremism means that "virtually anyone can be labeled an extremist," creating opportunities for widespread abuse. Such a broad definition has allowed the Kremlin to suppress of 'enemies of the state' and pursue easy criminal targets to bolster statistics.<sup>64</sup> Ironically, the groups most likely to suffer the abuses of these laws are minorities and opposition groups.<sup>65</sup> Another concern is the rising number of suspended or conditional sentences for the youth perpetrators of ethnic violence.<sup>66</sup> This flawed legislation further allows radical nationalists to criticize their punitive sentences by claiming, for example, to be "an unfairly

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victimized prisoner of conscience.”<sup>67</sup> As a result, law enforcement officials “often manifest ‘indulgence’ and even ‘sympathy’” for youth perpetrators which can potentially have serious effects on the entire legal process.<sup>68</sup> And while the violent offenders may face legal action, “dangerous propagators who regularly spread propaganda and call for violence remain outside the attention of the law enforcement agencies.”<sup>69</sup> In recent years, the ‘war on extremism’ has become a common political issue for Kremlin officials, however little has been done regarding Russian extremism besides passing seriously flawed legislation that has exacerbated the situation.<sup>70</sup>

Nationalist-inspired violence and rising nationalism among the Russian youth have real, erosive effects on Russian society, as well as negative implications for Russia’s future. Extremist violence undermines the order of society at large and poses a security threat to the state. The personal safety of Russian citizens, specifically minority groups and immigrants, is primarily at risk but eventually it will spread to “the erosion of societal security, that is, of the peaceful coexistence of various ethnic, religious and political groups in contemporary Russia” and evolve into widespread turmoil if left unchecked. In order to combat the ethnic violence that is rampant throughout Russia, the Duma must amend its past legislation so that it is an effective means of prosecuting intolerance and extremism and close the gaping loopholes that allow for widespread abuse. First and foremost, the extremist legislation must present a less elastic definition of ‘extremism’ and a more comprehensive and explicit list of what qualifies as ‘extremist.’

Rising xenophobic nationalism and the mainstream acceptance of radical nationalism

among the Russian youth is a startling trend. As this generation ages, it could lead to violence and conflict that could potentially tear apart the diverse Russian Federation in the future. The government cannot simultaneously suppress and manipulate nationalism for its own purposes. The Kremlin must adopt a more tolerant and inclusive political and rhetorical stance and recognize the diverse composition of the Russian Federation. The media and government officials must demonstrate that ardent nationalism is not the only discourse available to Russians and must end the proliferation of nationalist rhetoric. The government should further end the patronage-style adoption of nationalism and xenophobia by those seeking state approval. In addition, the Kremlin could lessen its restrictions on NGOs and INGOs (particularly those that involve the youth) that help improve civil society and relax ethnic tensions. Instead of taking a wary, apprehensive stance, the state could cooperate with these organizations to “raise public awareness of the risks to Russia’s social cohesion stemming from xenophobic extremist groups.”<sup>71</sup> Furthermore, Russia’s high rate of youth unemployment certainly does not help ethnic tensions; as an appropriate response, the government should undertake youth employment projects.<sup>72</sup> Almost all scholars and critics agree that the most effective method to improve youth attitudes and tolerance should come from public education reforms and investments. The low quality and accessibility of Russia’s public education contribute to “lack of sophistication, insecurity and isolation,” which all serve to create a breeding ground for intolerance and the normalization of extremism.<sup>73</sup> Public education reform must cease the systematic glorification of Russia’s history and legacy and focus

more on civic education to promote harmony in Russian society.<sup>74</sup> In short, the government must reverse course and stop using rhetoric that only serves to divide its citizens against each other. Ella Pamfilova, the former head of the Kremlin's Civil Society Institution and Human Rights Council, summarizes, "You must not divide the young into 'ours' and 'not ours'...and allow some to do practically everything while hampering the development of others."<sup>75</sup>

Radical nationalism and extremism are on the rise in contemporary Russia, as indicated by several surveys and increasing incidents of ethnic violence. This trend is especially prevalent among the Russian youth. As this paper has shown, the Kremlin itself has manipulated this nationalism growing for its own interests. More often than not, the state has been complicit in creating space for radical nationalism and xenophobia through its rhetoric and actions and creating the political opportunities for such attitudes to thrive. Reforms to the existing 'anti-extremist' legislation and the entire judicial process would help to increase the overall effectiveness of combating extremism and ethnic violence. Youth organizations may encourage civic engagement and, as Medvedev puts it, "the maturity of civic society," but this has been hindered by Kremlin domination and the normalization of radical ideas.<sup>76</sup> The long term security and social cohesion of the diverse Russian Federation necessitate changes in policy and rhetoric. Moreover, the state must soften its limitations on NGOs to allow a cohesive civil society to grow and promote social capital. Increasing public education funding and emphasizing civic education and tolerance of minorities would go a long way towards transforming the cultural environment of Russian youth.<sup>77</sup>

The Kremlin must acknowledge that the current radicalism and intolerance flourishing among the younger Russian generation is a real problem. Failure to act by the government to fight these endemic problems could result in growing radicalism and ethnic turmoil across Russia, and certainly threatens the country's future well-being. The government has the tools to solve this problem, but what remains to be seen is whether it will take the necessary actions.\*

#### ENDNOTES

- 1 Vladimir Frolov et al. "Are the Moscow Riots Symptoms of Larger Political Trouble?" 24 Dec. 2010 Vol. JRL 2010-235-17, Russia Profile Weekly Experts Panel, 2010. Johnson's Russia List.
- 2 Emil A. Pain, "Xenophobia and Ethnopolitical Extremism in Post-Soviet Russia: Dynamics and Growth Factors" (*Nationalities Papers* 25.5: 895-911).
- 3 Pain pg. 902.
- 4 Pain pg. 903.
- 5 Pain pg. 903.
- 6 Tim McDaniel, *The Agony of the Russian Idea*. (Princeton NJ: Princeton University Press, 1996) page 23.
- 7 McDaniel pg. 28.
- 8 Mikhail Alekseev, "Xenophobia in Russia: Are the Young Driving it?" *Program on New Approaches to Russian Security (PONARS)* (Policy Memo No. 367, December 2005) pg. 4.
- 9 "Number of Extremism-Related Crimes Growing Dramatically in Russia," Interfax, 17 Feb. 2011, Johnson's Russia List, <<http://www.cdi.org/russia/johnson/russia-population-feb-403.cfm>>
- 10 Ibid.
- 11 Andreas Umland, "Russia: Nationalism's Revenge," *Foreign Policy Journal*. 17 Dec. 2010. <<http://www.foreignpolicyjournal.com/2010/12/17/russia-nationalisms-revenge/>>
- 12 Lidia Okorokova, "Teachers Fret Over Racism in Schools." *Moscow News*. 4563.66: 1.

- 13 Alekseev pg. 2.
- 14 Ibid., pg. 5
- 15 E. Omel'chenko & N. Goncharova, "Xenophobic Attitudes and New Russian Patriotism: A Case Study of Youth in Krasnodar Territory," (*Anthropology of East Europe Review* 26.1, 2010) page 71. According to studies on xenophobic beliefs in Russia, "the nationalities that provoked particular antipathy were all from the Caucasus (Azerbaijanis, Chechens and Armenians or, even more frequently, those 'from the Caucasus' in general)."
- 16 Denis Dafflon, "Youth in Russia- the Portrait of a Generation in Transition," Swiss Academy for Development 2009, pg. 44.
- 17 Dafflon page 45; G. V. Panina, "The Educational Environment as a Means for Overcoming Youth Extremism" (*Russian Education and Society* 52.10:3-18); Maya Atwal and University of Birmingham, "Investigating the Democratic Effects of State-Sponsored Youth Participation in Russia"; Defined as "Disregard of law, lawlessness; also the absence of accepted social standards or values; the state or condition of an individual or society lacking such standards" by the Oxford English Dictionary
- 18 Dafflon pg. 4.
- 19 Ibid., pg. 46
- 20 Umland.
- 21 Omel'chenko & Goncharova pg. 906.
- 22 Ibid.
- 23 National Unity Day commemorates the Empire's defeat of Polish forces in Moscow in 1612.
- 24 Omelchenko & Goncharova pg. 907.
- 25 Robert Horvath, "Putin's 'Preventive Counter-Revolution'" (*Europe-Asia Studies* 63.1, 2011: 1-25) page 8; The allegation of Kremlin creation of the *Rodina* Coalition seems to be widely accepted as fact among scholars (Robert Horvath, Mihai Varga, Emil Pain, Maya Atwal, etc.).
- 26 Mihai Varga, "How Political Opportunity Structures Strengthen the Far Right" (*Europe-Asia Studies* 60.4: 561-79) pg. 570.
- 27 *Nasbi* boasts over 100,000 members, of ages 17-25 According to the Historical Dictionary of the Russian Federation by Saunders Strukov.
- 28 Other state-sponsored youth groups *Stal* ('Steel') and *Molodaia Gvardiia Edinnoi Rossii* ('Young Guard of United Russia') represent similar cases to *Nasbi*, however *Nasbi* is the most prominent and (arguably) the most active of this category and provide the most valuable representative case. *Stal* tends to be more controversial and radical as compared to *Nasbi*, and used to be a wing of *Nasbi* itself before gaining autonomy; *Molodaya Gvardiya* is more of a smaller scale political entity whereas *Nasbi* is more of a youth mass-mobilization group.
- 29 Varga pg. 15.
- 30 See <[www.nashi.su](http://www.nashi.su)>; Varga pg. 16.
- 31 See <[http://www.boston.com/news/globe/editorial\\_opinion/oped/articles/2007/08/10/putins\\_young\\_brownshirts/](http://www.boston.com/news/globe/editorial_opinion/oped/articles/2007/08/10/putins_young_brownshirts/)>; or <<http://www.spiegel.de/international/world/0,1518,514891,00.html>>.
- 32 See "Nashi Mishki" <[www.russianlife.com](http://www.russianlife.com)> Jan/Feb 2008.
- 33 See <[http://www.time.com/time/photogallery/0,29307,1646809\\_1416345,00.html](http://www.time.com/time/photogallery/0,29307,1646809_1416345,00.html)>.
- 34 See <<http://www.telegraph.co.uk/news/worldnews/europe/russia/8134688/Pro-Kremlin-youth-group-accused-of-plagiarising-Goebbels.html>>.
- 35 Jussi Lassila, "Making Sense of Nashi's Political Style" (*Demokratizatsiya* 19.3, 2011: 253) page 271.
- 36 Andrew E Kramer "Russia Youth Group and Putin Distance Themselves from Killer's Compliments" New York Times 26 July 2011, 13 Nov. 2011.
- 37 <<http://www.spiegel.de/international/world/0,1518,514891-2,00.html>>.
- 38 Lassila pg. 269.
- 39 Lassila pg. 270.
- 40 Horvath pg. 16.
- 41 Maya Atwal, "Democratic Effects" pg. 86.
- 42 Maya Atwal "Evaluating Nashi's Sustainability" (*Europe-Asia Studies* 61.5, 2009: 743-58) pg. 744.
- 43 Seemingly every aforementioned political newspaper article referenced in this paper that addresses *Nasbi*.
- 44 Atwal "Evaluating Nashi's Sustainability" pg. 757.
- 45 Atwal "Evaluating Nashi's Sustainability"; Atwal "Democratic Effects".
- 46 Atwal "Democratic Effects".
- 47 Atwal "Evaluating Nashi's Sustainability"; Atwal "Democratic Effects".
- 48 Omel'chenko & Goncharova; Umland; Dennis Zuev, "The Movement Against Illegal Immigration" (*Nations and Nationalism* 16.2, 2010: 261-84).
- 49 Omel'chenko & Goncharova; Umland; Dennis Zuev, "The Movement Against Illegal Immigration" (*Nations*

- and *Nationalism* 16.2, 2010: 261-84).
- 50 Omel'chenko & Goncharova.
- 51 Marlene Laruelle, In the Name of the Nation: Nationalism and Politics in Contemporary Russia (New York: Palgrave MacMillan, 2009).
- 52 Zuev; Laruelle.
- 53 Zuev pg. 270.
- 54 Varga pgs. 571-572.
- 55 Ibid.
- 56 Varga; Zuev pg. 279
- 57 Zuev; Laruelle; the DPNI was only outlawed a few weeks ago, and while the NBP was outlawed over a year ago it still organizes protests and actions- such as the incident at the Serbian Embassy in May, 2011
- 58 Varga pg. 574.
- 59 Varga pg. 574-5. National Unity Day also enabled the creation of the radical nationalist 'Russian March' on the same day-
- 60 Varga pg. 575.
- 61 SOVA Center Statistics. See the SOVA website for Extensive Information- including charts, figures, etc.
- 62 Omel'chenko & Goncharova pg. 72.
- 63 Educational Environment as a Means for Overcoming Extremism Panina pg. 17
- 64 The prosecution of state 'enemies' entails journalists, media outlets, activists, political parties, etc that threaten state power, while the 'easy targets' are often schools, libraries and internet bloggers. Maria Rozalskaya, Misuse of Anti Extremism Legislation in the First Half of 2011, Ed. Alexander Verkhivsky (SOVA Center for Information and Analysis, 2011SOVA, SOVA Center Online, <<http://www.sova-center.ru/en/misuse/reports-analyses/2011/10/d22796/>>).
- 65 Maria Rozalskaya, Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2010, Ed. Alexander Verkhivsky (SOVA Center for Information and Analysis, 2011SOVA, SOVA Center Online, <<http://www.sova-center.ru/en/misuse/reports-analyses/2011/04/d21360/>>).
- 66 Natalia Yudina & Vera Alperovich, Winter 2010-2011: December and its Consequences, Ed. Alexander Verkhivsky (SOVA Center for Information and Analysis, 2011SOVA, SOVA Center Online, <<http://www.sova-center.ru/en/xenophobia/reports-analyses/2011/05/d21571/>>); and Varga
- 67 Rozalskaya Inappropriate Enforcement of Anti-Extremist Legislation in Russia SOVA, for a poignant example see the piece regarding the Evgenia Khasis in the Stanislav Markelov and Anastasia Baburova case.
- 68 Varga pg. 573.
- 69 Natalia Yudina & Vera Alperovich, Summer 2011 New Batch of Neo-Nazi Convicts, Ed. Alexander Verkhivsky (SOVA Center for Information and Analysis, 2011SOVA, SOVA Center Online, <<http://www.sova-center.ru/en/xenophobia/reports-analyses/2011/11/d22976/>>).
- 70 Natalia Yudina & Vera Alperovich, Spring 2011: Causes Celebres and New Ultra-Right Formations, Ed. Alexander Verkhivsky (SOVA Center for Information and Analysis, 2011SOVA, SOVA Center Online, <<http://www.sova-center.ru/en/xenophobia/reports-analyses/2011/07/d22101/>>).
- 71 Alexseev page 5.
- 72 Dafflon page 47.
- 73 Varga pg. 565.
- 74 Ibid.
- 75 Nikolaus von Twickel, "Kremlin Aide Slams Youth Policy," *Moscow Times* (16 Oct. 2009, 2009 Johnson's Russia List, 13 Nov. 2011).
- 76 "Visit To Dozhd (Rain) Television Channel's Studios" State News Service, Medvedev Interview.
- 77 Varga. pg. 565.

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# Born for a Storm

ANDREW JACKSON AND THE SHAPING OF THE PRESIDENCY

*By Matthew Vigliotta*

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**T**he office of the President of the United States, as outlined in the Constitution, has never been clearly defined. There were debates among even the framers of the Constitution, most notably James Madison and Alexander Hamilton, about what the President is constitutionally permitted to do. The story of the American Presidency from George Washington through Barrack Obama is a narrative which illustrates an office defined and shaped by the men who occupy it. Each President has interpreted his office differently and yet, on a whole, the office has evolved over time. President Andrew Jackson, elected the seventh President of the United States in 1828, played a formidable role in shaping the Presidency during the early days of the republic. A President's predecessors shape the office which he occupies and in doing so set the parameters of the office. Andrew Jackson inherited a Presidency defined in the Constitution and shaped by towering figures, George Washington and Thomas Jefferson.

Jackson shares similarities with both Jefferson and Washington; like Washington, he had led a major military victory against the British military. However, unlike the first President he was neither socially refined nor aristocratic. He commanded the respect of others despite his colloquial language and rash personality. His persona was not one of an aloof military officer, but of the common man's crusader. Affectionately called "Old Hickory," he was the first president since Jefferson to connect with the common man.

Jackson with Jefferson championed the common man against the social elites. Jackson had garnered mass popularity leading up to his Presidential election in 1828, the likes of which the nation had not seen since George Washington. Like Jefferson, Jackson believed in limited government and states' rights. While both men believed in limited government, as President they expanded the power of the Presidency and thus asserted the power of the federal government. For Jefferson, the Louisiana Purchase was constitutionally questionable, and certainly his decision to go ahead with it conflicted with his personal view of limited presidential and federal power. While Jackson also flexed his presidential muscle during his tenure, he did so without necessarily compromising his own belief in limited government. In the nullification crisis and the bank veto, Jackson acted decisively in defense of his principles; consequently, leaving an indelible mark on the Presidential office.

Andrew Jackson took office in 1828 at a time when Presidential authority was receding amid public distrust and disdain for the federal government. As "in the election of 1824, Jackson believed he was the people's choice. He received a plurality of the popular vote, 153,000 out of

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361,000, and of the electoral vote, 99 out of the 131 needed to win. The Constitution threw the election into the House of Representatives, where Henry Clay, who had come in fourth, was Speaker of the House. Clay, master of the House if there has ever been one, influenced the House to choose John Quincy Adams, who had received eighty-four electoral votes. Adams picked Clay to be Secretary of State, the position then seen as the stepping-stone to the Presidency.”<sup>1</sup> Jackson saw this dirty deal and accused Henry Clay and John Quincy Adams of striking a “corrupt bargain.” While this deal kept Jackson out of the White House for four years, it only delayed his inevitable rise as it emboldened supporters. Jackson kept his attacks on the Adams administration vigorous, culminating in Jackson’s run against Adams in 1828. To win, Jackson had to build a network, a true political party like Jefferson had done:

Jackson understood himself to be a faithful follower of Jefferson. He inherited Jefferson’s commitment to limited and decentralized government. That, combined with his great military fame, enabled him to win over Jefferson’s political following. But he went beyond Jefferson in two ways, both of which redound to his credit as a democratic leader. His forthright utterances in defense of the Federal Union in the nullification controversy and his championing not only of party but also a party system both constitute powerful and enduring acts of civic education.<sup>2</sup>

Jackson’s rise to power was unique; he was a popular leader, popular in the sense that he was seen as a champion of the common man. This popularity could be translated into political power since, “Before Jackson came to power, suffrage qualifications in the several states had been

sufficiently liberalized.”<sup>3</sup> These political developments contributed to the broader movement of Jacksonian Democracy because it enfranchised almost all white males in the United States for the first time, opening the door to a popular leader like Jackson who could harness the support of the masses to rise to power. Jackson was able to rally Jefferson’s old party because he spoke to them with many of the same sentiments as Jefferson. “The first principle of America, Jackson believed, was that the “the majority is to govern,” His belief in mass democracy and appeal both as a true democrat and military hero enabled Jackson to build a grassroots political organization to overthrow Adams.<sup>4</sup>

With Adams’ appointment of Henry Clay as Secretary of State after the election in 1824, the election of 1828 began. Thomas Richie, a leading American Journalist from Virginia, formed an alliance with Martin Van Buren, a New Yorker and key Democratic political party organizer. Through Van Buren’s brilliant organization and his alliance with Richie, Jackson was able to claim the electoral votes of New York and Pennsylvania for Jackson in 1828. The Presidential election of 1828 saw a sweeping victory for Andrew Jackson and the Democratic Party. Jackson claimed almost 70% of the vote and entered the White House with a mandate. He built a broad coalition of “supporters, the Jacksonian Democrats,” which “included rich and poor, abolitionists and slaveholders, and came from all regions of the country; they were united by suspicion of special privilege and large business corporations, belief in freedom of economic opportunity and political freedom (for white males), the conviction that ordinary citizens could perform the tasks of government, and support for states’ rights.”<sup>5</sup>

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Thus the scene was set for Jackson's inaugural address on March 4<sup>th</sup> 1829. He told a massive mob of supporters whom he had energized, "In administering the laws of Congress I shall keep steadily in view the limitations as well as the extent of the Executive power, trusting thereby to discharge the functions of my office without transcending its authority."<sup>6</sup> He signaled that he was serious about limiting federal authority where necessary but asserted he would also act to the fullest extent of the powers granted to him. Jackson's presidency would be bold in defense of principles but restrained in the expansion of federal authority.

Jackson idealized Jefferson. While Secretary of State in the Washington administration, Jefferson went head to head with Alexander Hamilton over the charter of the first national bank. Jefferson argued that the federal government had no constitutional grounds to charter a bank and that it was outside its authority. Jefferson wrote, "The incorporation of a bank, and other powers assumed by this bill, have not, in my opinion, been delegated to the United States by the constitution: I. They are not among the powers specially enumerated..."<sup>7</sup> Jefferson's objection to the chartering of a national bank was on constitutional grounds. He reasoned that "It has been much urged that a bank will give great facility or convenience, in the collection of taxes. Suppose this were true, yet the Constitution allows only the means which are 'necessary,' not those which are merely 'convenient' for effecting the enumerated powers. If such a latitude of construction be allowed to this phrase as to give any non enumerated power, it will go to every one; for there is not one, which ingenuity may not torture into a convenience, in some way or other, to some one

of so long a list of enumerated powers..."<sup>8</sup>

Jefferson's words, coupled with his tendencies towards mass democracy and sympathies with the common man had a profound impact on Jackson, who saw himself as the inheritor of Jefferson's legacy.

When the time came for the re-chartering of the national bank, Jackson had a decision to make. Would he follow in the steps of Jefferson? He had a re-election campaign to worry about that same year and many, including bank president Nicholas Biddle, were betting that Jackson would not block the bank's charter to protect his re-election chances, "If Jackson *did* veto the bill, he might lose the critical votes of Pennsylvania, the home of the bank, and other states with a strong commercial interest. Or, as Biddle might see it, at least bring in a veto proof majority in Congress for the bank."<sup>9</sup> Biddle was not afraid of Jackson. As the President of the Bank of the United States he worked to keep the bank out of politics. He asserted, "We believe that the prosperity of the Bank and its usefulness to the country depend on its being entirely free from the control of the officers of the Government ... and never become a partisan of any set of politicians."<sup>10</sup>

Henry Clay, like Biddle, wanted the 2<sup>nd</sup> Bank of the United States to be chartered. The brilliant legislator that he was, he schemed to make that happen. "In the autumn of 1830 Biddle received a letter from Henry Clay suggesting an early renewal of the bank's charter. Clay had done some vote counting and believed that a renewal of the bill would pass both houses of Congress. The measure would then go to the president."<sup>11</sup> Clay speculated that Jackson would reject the Bank and that the issue of the bank,

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by the fall of 1832 would become the “controlling question in American politics.”<sup>12</sup> In this calculation, we see Clay’s political brilliance. He saw the danger a re-elected Jackson would pose to the bank when its 20-year charter was up for renewal in Jackson’s second term. Clay choreographed an offensive approach which made the election of 1832, not about the corrupt bargain, but about Jackson’s opposition to the bank. Jackson’s opposition to the bank therefore put his chances of winning Pennsylvania (the home of the bank) in jeopardy. Yet, as the election of 1832 neared, it seemed increasingly assured that Jackson would be re-elected by a large margin. Biddle was nervous.

A Jackson re-election coupled with a bank veto was Biddle’s worst nightmare; it would mean the end of the bank. Yet, Clay disagreed; he thought the last, best chance for the bank would be applying for its charter before the election while they still could. In that case, Jackson might be more likely to sign the bill since after the election he would be free of electoral pressures. Biddle was convinced, and he garnered the support from some of the greatest politicians of the era including Clay, Quincy Adams (the former President and now current congressman from Massachusetts) and, to the surprise of many, Daniel Webster.

Clay, Webster, and Biddle underestimated Andrew Jackson. They misunderstood Jackson’s political tenacity and innovative use of the Presidency. Jackson was the champion of the people while acting, not as a legislator, but as the President. He brought a new depth and dimension to the oval office as a direct consequence of his new form of party organization. The people felt that Jackson was *their* President. He was a national

representative in a way that no legislator could be. Jacksonian mass democracy not only changed the way Presidents were elected in America, it altered the way they governed. He could reach over Congress and speak directly to the people. In short, Jackson popularized the Presidency.

In *Presidential Greatness*, Marc Landy and Sidney Milkis explain, “To achieve his victory, Jackson deployed the two greatest resources of a democratic leader. He used rhetoric to educate the public about the virtue and importance of his cause, and he mobilized his party to provide the organizational resources needed to translate popular support into legislative victory.”<sup>13</sup> Jackson’s bank veto to congress was long, well-crafted, and pointed. Jackson asked, “Is there no danger to our liberty and independence in a bank that in its nature has so little to bind it to our country?”<sup>14</sup> He continued expressing his concern that private investors could own stock in the national bank saying, “Should the stock of the bank principally pass into the hands of the subjects of a foreign country, and we should unfortunately become involved in a war with that country, what would be our condition?”<sup>15</sup> This objection to the bank was serious and important. Jackson was thinking as the Commander-in-Chief. That stock in the national bank could be owned by foreign investors posed a serious challenge to the country’s security. Foreign investors could exert serious and substantial influence on the American government, economy, and military.

Next, Jackson argued the constitutionality of the bank: “It is maintained by the advocates of the bank [that] its constitutionality in all its features ought to be considered as settled by precedent and by the decision of the Supreme Court. To this conclusion I cannot assent.”<sup>16</sup>

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Jackson railed against the bank's legal precedent, pointing out that congress had passed the bank in 1791 and then another congress had decided against it in 1811. Jackson further challenged the authority of the Supreme Court: "The Congress, the Executive, and the Court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others."<sup>17</sup> This statement is a stunning attack on the court and its ability to decide the constitutionality of a law. His argument, like Jefferson before him, contained elements of strict constructionism. "Jackson thought Congress had overstepped in establishing the bank "It can not be 'necessary' or 'proper' for Congress to barter away or divest themselves of any of the powers vested in them by the Constitution to be exercised for the public good"—which it had done in giving the bank de facto control of the currency."<sup>18</sup> Brands continues to point out that, Jackson's sometimes extreme reasoning for vetoing the bank was also more nuanced than often portrayed, "There was much more to Jackson's opposition than strict construction. Like Benton and the other anti-bankers, the president feared the emergence of a monopoly of money."<sup>19</sup> His fear was real, and it resonated with Jackson's supports as well.

Jackson's bank veto contained elements of class warfare, "...when the laws undertake to add to ... make the rich richer and the potent more powerful, the humble members of society - the farmers, mechanics, and laborers ... have a right to complain of the injustice of their Government."<sup>20</sup> Jackson's bank veto made important arguments against the bank, but it was also rash as

it questioned the very authority of the Supreme Court. The bank veto worked to inform the public and was a powerful tool in his re-election campaign. While the Whigs had re-assured bank president Biddle that Jackson would sign the re-charter because he could not afford to do something controversial like vetoing the national bank during his re-election year, they were proven wrong. They underestimated Jackson's conviction and boldness. Jackson told his confidant Martin Van Buren, "The bank, Mr. Van Buren, is trying to kill me but I will kill it." Kill the bank he did.

Jackson once said, "I was born for a storm and a clam does not suit me."<sup>21</sup> In looking at the year 1832, one can see the accuracy in such a statement. On July 10<sup>th</sup> of 1832, Andrew Jackson sent his veto message on the bill of the bank of the United States to congress. That fall he defeated Henry Clay in a sweeping victory, 219 electoral votes to 49 (with William Writ on the Anti-Masonic party taking 7 electoral votes). Yet, as if the year had not already been enough for Jackson, he was handed one of the greatest crises of the 19<sup>th</sup> century: the nullification crisis.

Jackson's Vice President during his first term, John C. Calhoun of South Carolina, began to have serious disagreements with President Jackson concerning the tariff. South Carolina, at the time, was suffering economically and the tariff on imports (designed to protect American manufacturing, which was largely done in northern states) caused foreign nations to raise a tariff on American exports, which included the cash crops coming out of South Carolina. By the time Jackson took office the tariff was a central issue in South Carolina politics and the people of the state looked to John C. Calhoun to take a stand.

Calhoun resigned as Vice President so that

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he could run for Senate in his home state of South Carolina, so as to better lead the charge in nullification: "Jackson's own vice president, John C. Calhoun, had resigned and taken up South Carolina's cause. Though the immediate issue was money—South Carolina felt oppressed by federal tariffs, which it wanted to lower—the real question, everyone knew, was about power, and ultimately about slavery... a stronger Washington meant a greater threat to the future of what Calhoun called 'the peculiar domestic institution of the Southern states.'<sup>22</sup> State elections in South Carolina "had produced a strong majority for nullification, whose sponsors proceeded to call a convention."<sup>23</sup> The convention in the state of South Carolina decided to pass a resolution which declared the federal tariff laws "null and void." This crisis, to the common observer, would put Jackson in a precarious position. Jackson was a known defender of limited government and of states' rights. This was the same President who had vetoed the 2<sup>nd</sup> Bank of the United States because he did not think the necessary and proper clause was substantial grounds for chartering a bank. Yet, Jackson's view that the federal government was both limited *and* supreme in its governmental functions led Jackson to take a hard stance against nullification.

Jackson was the General who defeated the British at New Orleans in 1815, he, more than many other Presidents, was well equipped to handle this situation: "Jackson had no choice but to act. He started by gathering intelligence from behind the enemy lines. Joel Poinsett had been minister to Mexico and was back at his home in Charleston. A Unionist and a Jacksonian, Poinsett informed the president that the nullifiers had the bit in their teeth and were determined

to run."<sup>24</sup> Jackson was a keen observer; he knew what he was dealing with. As soon as he read the state election results in South Carolina, he directed the Secretary of War, Lewis Cass, "to prepare for trouble.... The president simultaneously dispatched his own secret agent to Charleston."<sup>25</sup> Jackson acted with brilliance and mastery. He was bold and unapologetic in proclaiming and defending federal authority. Jackson again acted as educator and issued a proclamation regarding nullification to the people saying, "The Constitution has given expressly to Congress the right of raising revenue, and of determining the sum the public exigencies will require. The States have no control over the exercise of this right other than that which the results from the power of changing the representatives who abuse it, and thus procure redress."<sup>26</sup>

Jackson went to the people as educator in chief, so as to explain the virtue and truth of his position. Jackson also postured himself with a ferocity that practically begged South Carolina to test him. "A congressman from South Carolina called at the White House returning home from his constituents. He asked if the president had a message for them. "Yes, I have," Jackson replied. "Please give my compliments to my friends in your state, and say to them, that if a single drop of blood shall be shed there in opposition to the laws of the United States, I will hang the first man I can lay my hand on engaged in such treasonable conduct, upon the first tree I can reach."<sup>27</sup> Jackson did not parse words; he was direct and meant it. Yet, he was not hoping for a civil war. He was determined to keep the union, and his hope was that the nullifiers would back down. Ultimately, South Carolina deferred the date nullification would actually go into ef-

fect; with the work of Henry Clay, the Compromise Tariff of 1833 was passed. Jackson skillfully averted civil war and kept the peace. He was able to compromise without backing down to the demands of South Carolina. In doing so, he preserved federal supremacy.

Andrew Jackson is often written off as an impulsive radical. Some of this criticism is true. Yet, as the leader of Jacksonian Democracy, which built the second party system in America, Jackson shaped the Presidency in a unique way. Jackson was steadfast in his belief in a federal government which was “limited but supreme.” He showed great tact and wisdom in handling the nullification crisis and displayed a nuanced understanding of American government by supporting states’ rights, but still strongly opposing nullification. Jackson was a strong leader. His constitutional arguments may have seemed unpolished and his actions perceived as rash, but he led definitively. Jackson was an executive at heart and he was never coy about it. He took the Presidential office, not to keep the time but to shape the country. In so doing, he changed the Presidency forever. \*

#### ENDNOTES

- 1 Yoo, John C. “Andrew Jackson and Presidential Power” <http://works.bepress.com/cgi/viewcontent.cgi?article=1026&context=johnyoo> pg. 102-103.
- 2 Landy, Marc Miliks, Sidney *Presidential Greatness* (University Press of Kansas 2000) Pg. 81.
- 3 Ibid. pg. 83.
- 4 Meacham, Jon “American Lion” (Random House 2008) pg. 120.
- 5 [http://wps.ablongman.com/long\\_carnes\\_an\\_11/0,7137,251134-,00.html](http://wps.ablongman.com/long_carnes_an_11/0,7137,251134-,00.html)
- 6 <http://www.teachingamericanhistory.org/library/in->

<dex.asp?document=65>

- 7 Matthew St. Clair Clarke & David A. Hall, eds., “*Legislative and Documentary History of the Bank of the United States*” (Washington: Gales and Seaton, 1832), pg. 91-93.
- 8 Ibid.
- 9 Andrew Jackson, A Brief Biography, <http://www.let.rug.nl/usa/P/aj7/about/bio/jack17.htm>
- 10 Brands, H.W. *Andrew Jackson, His Life and Times* (Doubleday 2005) pg. 460.
- 11 Ibid., pg. 461.
- 12 Ibid.
- 13 Landy, Marc Miliks, pg. 107.
- 14 Jackson, Andrew Veto Message of the Bill of the Bank of the United States ([www.teachingamericanhistory.org](http://www.teachingamericanhistory.org))
- 15 Ibid.
- 16 Ibid.
- 17 Ibid.
- 18 Brands, H.W. *Andrew Jackson, His Life and Times* (Doubleday 2005) pg. 470.
- 19 Ibid.
- 20 Jackson, Andrew Veto Message of the Bill of the Bank of the United States ([www.teachingamericanhistory.org](http://www.teachingamericanhistory.org))
- 21 Meacham, Jon. Introduction
- 22 Meacham, Jon pg. xviii.
- 23 Brands, H.W. pg. 475.
- 24 Ibid.
- 25 Ibid., pg. 476.
- 26 Jackson, Andrew “Proclamation Regarding Nullification”
- 27 Brands, H.W. pg. 481.

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# Washington's Proclamation of Neutrality and the First Party System

*By Christopher Terris*



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discussion of the presidency in a reassuring, but cautious manner: “the executive department... combines, as far as republican principles will admit, all the requisites to energy.”<sup>3</sup>

Before acting, Washington convened his cabinet on April 18, issuing the members a list of thirteen questions which would frame the policy discussion. Should a proclamation of neutrality be issued? Under the present circumstances, were the two treaties of 1778 binding? If so, did the French have special access to American ports? Should Congress be called into session?<sup>4</sup> Much to the President’s pleasure, the cabinet members all agreed on the most urgent question: the country should remain neutral in the conflict. As Paul Varg has pointed out, however, “Jefferson and Hamilton did not differ on the importance of maintaining neutrality, but they did differ sharply on the broader question of future relations with France.”<sup>5</sup> True to his economic plan for the new democracy, Hamilton viewed the crisis as an opportunity to improve commercial relations with Great Britain, while at the same time distancing the country from a foreign revolution growing more radical by the month. Jefferson, as he confided to James Madison, feared that American neutrality would become “a mere English neutrality.”<sup>6</sup> From a political standpoint, the proclamation aroused displeasure among both the Federalists and the Republicans. Nonetheless, due to the Republican controlled House, the perceived abrogation of the French alliance, and the apparent Federalist tilt of the administration, the act provoked strong public disapproval. Constitutional questions about the role of the President in foreign affairs thus arose out of political considerations. Indeed, if Congress has the power to declare war, which branch has the

power to “declare” peace?

Writing as *Pacificus*, Hamilton defended the proclamation on both constitutional and policy grounds, advancing an expansive view of presidential power and a nationalist view of the Constitution. His first letter responds to the Republican objection that the proclamation was without constitutional authority. He begins his rebuttal in a negative argument, stating which branches are *not* suited to handle the affair. First, he brushes aside the argument of congressional supremacy: “The legislative department is not the *organ* of intercourse between the United States and foreign nations. It is charged neither with *making* nor *interpreting* treaties. It is therefore not naturally that member of the government, which is to pronounce the existing condition of the nation, with regard to foreign powers, or to admonish the citizens of their obligations and duties in consequence; still less is it charged with enforcing the observance of those obligations and duties.”<sup>7</sup> The Senate might “consent” in the realm of treaty making, but the President negotiates the treaty and ensures that citizens follow its articles. And while he grants that the Judiciary in some cases is charged with the interpretation of treaties, this situation only arises as a result of litigation or controversies.

The executive, on the other hand, is “the organ of intercourse between the nation and foreign nations,” and as such, is the proper branch to manage our treaty obligations.<sup>8</sup> The proclamation is simply an executive act and since the executive power rested solely with the President, it was legitimate. Textually, he relied on the vesting clauses of Article I and Article II, noting that the legislative powers are fully enumerated, whereas the vesting clause of the Presidential article

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Hamilton viewed the crisis as an opportunity to improve commercial relations with Great Britain, while at the same time distancing the country from a foreign revolution growing more radical by the month.

provides for flexibility outside of the expressed powers. It is only limited by exceptions and qualifications in the Constitution itself. Thus, “[i]f on the one hand, the legislature have [sic] a right to declare war, it is on the other, the duty of the executive to preserve peace, till the declaration is made.” Washington’s Neutrality Proclamation was indeed precedent-setting: “in foreign affairs it was a bold step in the direction of establishing the claim of the Executive Branch to exclusive right to determine policy.”<sup>9</sup>

From a logistical standpoint, Hamilton maintained that France’s actions in provoking the war in an offensive manner relieved the United States of certain treaty obligations. France had in fact issued the declarations of war. Hamilton writes, “France being on the offensive in the present war, and our alliance with her being defensive only, it follows, that the *casus foederis*, or condition of our guaranty, cannot take place.”<sup>10</sup> Moreover, France had aided the rebelling colonies out of *self-interest*. By remaining neutral in the conflict, Hamilton proposed that the American

states were doing the same, given that “British and Spanish possessions were on both our flanks; Indian tribes under the influence of Britain and Spain were along our whole interior frontier; and we had an unprotected extended seacoast with no fortifications and only a four million population, which would have the maritime force of all Europe against us. A more unequal contest could not be imagined.”<sup>11</sup> Finally, although he did not mention the foundation of his policy orientation in his seven letters as *Pacificus*, Hamilton sincerely believed foreign policy must follow national economic policy, not the other way around. In this respect, he was a realist, promoting national security and economic security above all else.

Thomas Jefferson, unappeased by the omission of “neutrality” in the final document and distressed as leader of a budding opposition party in light of Hamilton’s inroads in the public sphere, urged James Madison “to take up your pen, select the most striking heresies and cut him to pieces in the face of the public.”<sup>12</sup> In hindsight, Madison’s *Helvidius* writings appear half-hearted. There were very human reasons for this uncharacteristically lackluster performance. From Montpelier, Madison provided his excuses to Jefferson: the “oppressive” summer heat, houseguests overstaying their welcome, and the lack of necessary books and paper to refute Hamilton.<sup>13</sup> But the central weakness of his letters is the inherent negativism; he provides no alternative to the proclamation. Nevertheless, he took up his pen and wrote a series of five letters, letters that rang more of partisanship than constitutional debate.

As a Republican and author of the Constitution, it is no surprise that Madison advocated a strict construction of the founding document

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in his discussion on foreign policy. Principally, he posits a narrow view of executive power in the realm of international relationships: “although the executive may be a convenient organ of preliminary communications with foreign governments, on the subjects of treaty or war; and the proper agent for carrying into execution the final determinations of the competent authority...the rule of interpreting exceptions strictly must narrow, instead of enlarging, executive pretensions on the subject.”<sup>14</sup> Thus, according to Madison, the President had overstepped his authority in annulling certain aspects of the 1778 Treaty of Alliance with France, specifically article 11, which mandates that “[t]he two Parties guarantee mutually from the present time and forever, against all other powers, to wit, the United States to his most Christian Majesty the present Possessions of the Crown of France in America as well as those which it may acquire by the future.”<sup>15</sup> *Helvidius* essentially denies the legitimacy of the presidential prerogative in foreign affairs.

In the end, these exchanges are so crucial to the study of the Early Republic because they explore the manner in which Congress and the President would share responsibilities in foreign affairs. Moreover, although Hamilton had theorized about the relationship of executive authority to republican government in *The Federalist*, the debate surrounding the Proclamation of Neutrality provided the first real scenario in American foreign affairs to test these propositions.

The landing of Citizen Genêt in Charleston on 8 April 1793 accelerated a phenomenon that had already gained momentum during the debate over the Neutrality Proclamation: the injection of the French alliance into domestic

politics. Indeed, the French Revolutionary Wars and Genêt’s insistence on American aid “did not bring anything new into the already established foreign-policy orientation of political parties. What it did was to cast into sharp focus already existing differences.”<sup>16</sup> His efforts as the new French minister to the US ran in direct conflict with the purposes of the Neutrality Proclamation and tested the resolve of the administration to enforce its decree. He sought to organize American volunteers to fight Spanish forces in the Florida territories and to equip American privateers in American ports to fight the British. Since he arrived a half-month before Washington issued the Proclamation, he succeeded in arming four American merchant ships and his initial support among the American public was overwhelming as he worked his way up the coast towards Philadelphia. Lavish parties and toasts to this *nouveau ami* were abundant.

Yet, his presence began to take on heavy political overtones. As Harry Ammon explains, the existence of Genêt on American soil and his overwhelming support from the public “made it impossible to continue the discussion on an abstract level; policy decisions could no longer be postponed.”<sup>17</sup> The two political camps that arose during Washington’s first term, which were rather amorphous at this point, began to solidify as each group assessed the strength of the other in regards to our standing internationally and their relative popularity with the public.

In light of the apparent pro-French sentiment throughout the country, Washington sent Attorney General Edmund Randolph to Virginia in June 1793 to gauge the reaction of the public to his Proclamation. When Randolph returned to Philadelphia in mid-July, his report

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indicated that the only opposition to the administration was of a personal nature, by which he meant Hamilton, known in that Republican stronghold as the “monocrat.” Jefferson strongly disagreed with this assessment. He looked upon Genêt’s tour as an opportune political moment to finally work out an expansive commercial treaty with the French in order to gain full independence from Great Britain, political *and* economic. Nonetheless, before resigning from office over this disagreement, a new diplomatic crisis threatening American neutrality united the cabinet.

In early July, Hamilton learned that Genêt was outfitting an old English merchant ship, the *Little Sarah*, as a French privateer, aptly renamed the *Petite Democrate*, in Philadelphia. Encouraged by his popularity with the American public, Genêt went forward with this initiative even though it was in clear violation of the President’s Proclamation. Governor Thomas Mifflin of Pennsylvania was the first to intercede, sending his Secretary of State, Alexander Dallas, to ensure that Genêt did not let the ship set sail. Even though Dallas was himself a Republican and a friend of Genêt, he was utterly unsuccessful. In their meeting on July 6, “Genêt had flown into a great rage, refused to detain the ship, giving the impression she would sail the next day, and had threatened in high passion to make a direct appeal to the people over the President’s head.”<sup>18</sup> When Jefferson visited Genêt the following day, the French minister had calmed, although he still displayed an air of indignation and defiance. He seemed convinced that Congress was the sovereign power in government and that the Washington administration was completely ignoring public opinion. In effect, he would unilaterally

make certain that the privateer would be put to sea.

This blatant disregard for the authority of the President and the sovereignty of the United States put even Jefferson, the leading Republican and a staunch supporter of France, at odds with Genêt. Washington was understandably furious: “Is the minister of the French Republic to set the Acts of this Government at defiance, *with impunity?* And then threaten the executive with an appeal to the people[?] What must the world think of such conduct, and of the Governmt. of the U. States in submitting to it?”<sup>19</sup> Evidently, Genêt mistook his own popularity as a public mandate to denounce Washington and his administration. At the cabinet meeting on July 12, Genêt’s recall was decided upon.<sup>20</sup> While this decision was unanimous, the idea to release details to the public about the rationale for his recall divided the cabinet. Such division again drove the debate into the partisan arena.

Both sides in the cabinet were fully cognizant of the power this story would have politically. Indeed, “Genêt had presented Hamilton

The two political camps that arose during Washington’s first term, which were rather amorphous at this point, began to solidify as each group assessed the strength of the other.

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with the ideal means of destroying the influence of the Republicans and also of embarking the administration on a course hostile to France."<sup>21</sup> Jefferson understood this possibility. While he had no intention to defend Genêt, he did attempt to persuade Washington that a public refutation might provoke hostile relations with France. Meanwhile, Hamilton used his allies in New York, Senator Rufus King and Chief Justice John Jay, to disseminate information about Genêt's threat to appeal to the people over Washington. To publicize the affair, King resurrected a practice, which had not been used since the Revolutionary era: public meeting resolutions. These meetings were traditionally an outlet for public discourse on a particular issue. King organized a series of such gatherings prior to Genêt's arrival in New York. Each adopted resolutions commending the President's proclamation and integrity, and denouncing Genêt's tactic without mentioning his name. These impromptu groups would then send the resolutions to the President. New England Federalists had been doing the same since mid-July, but had not condemned "all attempts by diplomats to communicate with the people except through the executive."<sup>22</sup> The new practice spread. By April 1794, sixty-nine resolutions had been passed from Massachusetts to Georgia, more than half of which were sent to the President.<sup>23</sup> This Federalist campaign was not sporadic. The speed with which the trend spread and the similarity between resolutions would not have been possible without some form of organization.

The Federalist meeting in Richmond on August 17 jolted Madison and Monroe awake. They had been tending to private matters and local affairs when news of the Richmond petition

reached them, and they immediately got to work on their own set of Republican resolutions, praising the President, distancing themselves from the toxic Genêt, and defending the relationship with France over the monarchical tendencies of Great Britain. Any apparent sympathy for Genêt would have been a death sentence for their fledgling party.

The Federalist resolutions were nationwide due to the interstate network of contacts within the business community and the lingering connections from the ratification debates. The Republicans had yet to form lasting political alliances and tended to act separately from each other in the various states.<sup>24</sup> Their resolutions were thus confined to Virginia, revealing a weak party apparatus. Nonetheless, through organizing these meetings, the structure of the national parties began to solidify their membership and sharpen their views.

At this stage in our political history, public support was necessary to implement policy, a fact leaders, especially Hamilton, understood. And while the Genêt affair solidified party alignments, it also actively involved the public in political considerations, connecting the President with the people using a tool that was inherently "un-Federalist." It is indeed a historical irony that Republicans eventually destroyed the Federalists' hold on power with the very mechanism the Federalists had pioneered to support the administration: popular meetings and resolutions.

The Neutrality Proclamation and the ensuing debates injected foreign policy into the expanding partisan arena. It helped the two camps hone their standing on both political and constitutional questions and stimulated the first substantial public debate over foreign policy.

Washington's decree was more than just precedent-setting constitutionally; it was the first major foreign policy decision within the framework of a *nationalist* government. The United States, not the several states individually, would remain neutral in the European conflict. \*

## ENDNOTES

- 1 Thomas S. Langston and Michael G. Sherman, *George Washington* (Washington, DC: CQ Press, 2003) pg. 176.
- 2 In 1778, the United States signed two treaties with Louis XVI. The Treaty of Amity and Commerce accorded France special trading privileges, including the right to dock British "prize" ships in American ports. The Treaty of Alliance was a military common defense pact.
- 3 Alexander Hamilton, "Federalist #77," in *The Federalist Papers*, ed. Ernest O'Dell (Sundown: DMS Group Publications, 2010) pg. 351.
- 4 Gilbert L. Lyan, *Alexander Hamilton and American Foreign Policy: A Design for Greatness* (Norman: University of Oklahoma Press, 1970) 152. Incidentally, as Jefferson himself noted, the list was actually crafted by Hamilton prior to April 18 meeting.
- 5 Paul A. Varg, *Foreign Policies of the Founding Fathers* (East Lansing: Michigan State University Press, 1963) pg. 88.
- 6 Jefferson to Madison, May 13, 1793, *The Writings of Thomas Jefferson*, ed. Henry A. Washington (Washington, DC: Taylor and Maury, 1853) III, 557.
- 7 Alexander Hamilton, "Pacifcus No. 1," June 29, 1793, *The Letters of Pacifcus and Helvidius*, ed. Richard Loss (Delmar: Scholars' Facsimiles & Reprints Inc., 1976) pg. 8.
- 8 *Ibid.*, pg. 9.
- 9 Alexander DeConde, *Entangling Alliance: Politics and Diplomacy under George Washington* (Durham: Duke University Press, 1958) pg. 90.
- 10 Alexander Hamilton, "Pacifcus No. 2," June 29, 1793, *The Letters of Pacifcus and Helvidius*, ed. Richard Loss (Delmar: Scholars' Facsimiles & Reprints Inc., 1976), pg. 18.
- 11 Helene Johnson Looze, *Alexander Hamilton and the British Orientation of American Foreign Policy, 1783-1803* (Paris: Mouton, 1969) pg. 67.
- 12 Thomas Jefferson to James Madison, July 7, 1793, *The Papers of James Madison*, ed. Thomas Mason (Charlottesville, VA, 1985) pg. 15.
- 13 Ron Chernow, *Alexander Hamilton* (New York: The Penguin Press, 2004) pg. 442.
- 14 James Madison, "Helvidius No. 1," August 24, 1793, *The Letters of Pacifcus and Helvidius*, ed. Richard Loss (Delmar: Scholars' Facsimiles & Reprints Inc., 1976), pg. 18.
- 15 "Treaty of Alliance between the United States and France," February 6, 1778, *Treaties and Other International Acts of the United States of America*, ed. Hunter Miller (Washington: Government Printing Office, 1931).
- 16 DeConde, *Entangling Alliance*, pg. 87.
- 17 Harry Ammon, "The Genet Mission and the Development of American Political Parties," *The Journal of American History*, Vol. 52, No. 4 (March 1966), pg. 725.
- 18 Stanley Elkins and Eric McKittrick, *The Age of Federalism: The Early American Republic, 1788-1800* (New York: Oxford University Press, 1993) pg. 350.
- 19 George Washington to Thomas Jefferson, July 11, 1793, *The Writings of George Washington*, ed. Philander D. Chase (Charlottesville: University of Virginia Press, 2002) pg. 211.
- 20 Magnanimously, Washington granted Genet political asylum after the Jacobin government issued a warrant for his arrest, which would have ultimately led him to the guillotine.
- 21 Ammon, "The Genet Mission," pg. 728.
- 22 *Ibid.*, pg. 729.
- 23 Christopher J. Young, "Connecting the President and the People: Washington's Neutrality, Genet's Challenge, and the Fight for Public Support," *Journal of the Early Republic* (Fall 2011) pg. 435.
- 24 Ammon, "The Genet Mission," pg. 741.

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# Is Justice Relative?

ALASDAIR MACINTYRE'S WRITINGS AND  
POLITICAL RELATIVISM

*By Daniel Healy*

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**A**lasdair MacIntyre, John Rawls, and Robert Nozick have all put forth theories as to the nature of justice, each with its own strengths and drawbacks. Ultimately, while there are appealing aspects to Rawls' and Nozick's theories, MacIntyre's proves to be the most accurate and realistic. Applying MacIntyre's perspective to our own political system is disheartening because of the pettiness and irrationality that it reveals, but only through having a clear conception of our political structure can one hope to improve it. By first examining the arguments of Rawls and Nozick, one will appreciate the validity of MacIntyre's position.

John Rawls' system of justice emphasizes fairness through the initial equality of all persons. In order to live in a democratic society, citizens must agree on principles of justice that will be universal. These principles, according to Rawls, are "principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defin-

ing the fundamental terms of their association."<sup>1</sup> Therefore, the underpinnings of a just society are found through pure reason. In order to find these principles of justice, we must "judge the goodness of things without referring to what is right."<sup>2</sup> Rather than endorsing one way of life as the proper way to live, Rawls' society will simply establish a common understanding of justice while allowing for many variations in individuals' lifestyles.

Rawls states that in order to reach this common understanding of justice, the principles of justice must be chosen behind a hypothetical "veil of ignorance."<sup>3</sup> Under Rawls' veil of ignorance, each citizen is a completely rational being, equal to all others, and stripped of all characteristics that would differentiate them as an individual. There are three societal principles, according to Rawls, on which those under the veil of ignorance would agree. First, that no person should gain an advantage because of their natural qualities or because of the status into which they were born.<sup>4</sup> Second, no person is allowed to structure society to privilege his or her own interests.<sup>5</sup> Third, all parties under the veil of ignorance are completely equal.<sup>6</sup> From these conditions, Rawls states that a just society would be created, according to two major tenets: equal liberty and the difference principle.

The equal liberty principle states that "each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others."<sup>7</sup> Justice then requires that each person be free to exercise their rationality as much as possible. The difference principle states that "social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and

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(b) attached to positions and offices open to all.”<sup>8</sup> What Rawls means in part (b) of the difference principle involves the idea of democratic equality, that “the social order is not to establish and secure the more attractive prospects of those better off unless doing so is to the advantage of the less fortunate.”<sup>9</sup> According to Rawls, a society founded on these principles is a just one.

Robert Nozick’s conception of justice differs greatly from that of Rawls. According to Nozick, there are two tests that must be applied to determine whether an individual is justly entitled to their holdings. First, one must determine whether an individual acquired their possessions justly, without “stealing, defrauding, or enslaving” others to do so.<sup>10</sup> Second, if an individual acquires his property through an exchange with another person, both parties must act of their own will, without coercion.

Perhaps the most important part of Nozick’s conception of justice is the idea of “rectification of injustice.”<sup>11</sup> Individuals who were defrauded in the past will be compensated, and individuals who came by their possessions by dishonest means will be punished. The “principle of rectification presumably will make use of its best estimate of subjunctive information about what would have occurred if the injustice had not taken place.”<sup>12</sup> In this way, the historical record of injustices would be set right, and a just system of contracts between individuals would be enforced.

Alasdair MacIntyre has two main critiques of the arguments of Nozick and Rawls. First, MacIntyre holds that the ideas of justice put forth by Nozick and Rawls are “not only logically incompatible,” but are also “incommensurable with each other.”<sup>13</sup> One system of justice is based on “just acquisition and entitlement,” while

[J]ustice is context-based: it depends on the infinite variations in society and human existence. Human actions must always be analyzed in the context of a larger narrative, and the narrative will differ from the perspective of each individual.

the other is based on equal liberty and inequalities which benefit the less fortunate groups of society.<sup>14</sup>

MacIntyre consequently takes a third path. He states that contrary to the opinions of Nozick and Rawls, justice is context-based: it depends on the infinite variations in society and human existence. As human beings, we shape our own future, and “narrative history of a certain kind turns out to be the basic and essential genre for the characterization of human actions.”<sup>15</sup> Therefore, human actions must always be analyzed in the context of a larger narrative, and the narrative will differ from the perspective of each individual. While “each of us plays subordinate parts in the dramas of others,” the part that we play differs depending on who is telling the story.<sup>16</sup> The concept of the just or good life then “varies from circumstance to circumstance even when it is one and the same conception of the good life.”<sup>17</sup> Justice is always relative, depending on societal circumstances—it has no universal principles.

MacIntyre’s second critique of Rawls and

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Nozick involves defining the good life for man on a societal basis, rather than an individual one, because one is “never able to seek for the good or exercise the virtues only *qua* individual.”<sup>18</sup> MacIntyre states that the just life does not necessarily involve principles such as justice in acquisition or equal liberty, but rather the search for one’s *telos*, or purpose in life. The just or good life is “the life spent seeking the good life for man, and the virtues necessary for the seeking are those which will enable us to understand what more and what else the good life for man is.”<sup>19</sup> Each person has a different *telos*, but the *telos* of society as a whole is the search for the good or just life.

MacIntyre’s critique of Rawls and Nozick is a strong one that severely undermines both of their theories of justice. MacIntyre’s most important point is his contention that the definition of justice is dependent on circumstance, and will vary from society to society. This statement invalidates Nozick’s idea of distributive justice because the conception of justice is not a constant one, and two people with fundamentally different ideas of justice cannot engage in a mutually just transaction. In addition, Nozick’s system for rectification of injustices would not work because the definition of justice would be different in past societies where supposed injustices had been committed. Even though there are certain acts (murder, theft) that have always historically been considered unjust, evaluating a transaction in the context of other actions whose acceptability varies between societies renders Nozick’s conception of justice unfeasible.

MacIntyre’s critique of Rawls entails an attack on the use of rationality to determine universal principles of justice. According to Rawls, behind the veil of ignorance citizens can unani-

mously agree on the qualities of a just society. However, MacIntyre’s argument that justice varies according to context invalidates the veil of ignorance. Reason, according to MacIntyre, cannot be divorced from context. If one attempts to do so, one must go through the impractical and superfluous mental gymnastics that Rawls uses to create the veil of ignorance and its corresponding principles of justice. A definition of justice inevitably involves evaluating one’s place in society, and to attempt to apply reason to justice in the abstract is both futile and unhelpful.

Despite their flaws, there are still elements of Rawls’ and Nozick’s theories that are compelling. For Rawls, the idea of “the priority of the right over the good” is a useful and beneficial concept for society.<sup>20</sup> Governments will work better and citizens will be happier if they are allowed to exercise certain rights as they see fit, rather than being pressed to follow a certain path that has been designated as the “good” one. Placing emphasis on rights over a particular mode of living also promotes a diversity of beliefs and ways of life, a positive outcome because citizens will be better able to shape their own destiny. Ultimately, placing the right over the good involves

**MacIntyre states that the just life does not necessarily involve principles such as justice in acquisition or equal liberty, but rather the search for one’s *telos*, or purpose in life.**

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Even though there are certain acts (murder, theft) that have always historically been considered unjust, evaluating a transaction in the context of other actions whose acceptability varies between societies renders Nozick's conception of justice unfeasible.

the government not taking a moral stance on the proper way to live, but instead protecting the security and freedoms of its citizens by allowing to them pursue their interests.

One element of Nozick's argument that remains helpful despite MacIntyre's criticism is the idea that "by laboring on something one improves it and makes it more valuable; and anyone is entitled to own a thing whose value he has created."<sup>21</sup> This viewpoint benefits society because it encourages the creativity and industriousness of ordinary people, and provides some basis for a system based on the right to private property. Nozick admits that there are problems with this theory, such as how far one's right to the object of one's labor extends, as well as the consequences of one adding one's labor to public property.<sup>22</sup> However, having this concept as a core value of society will promote engagement and competition that lead to innovation.

MacIntyre's critique has disturbing consequences for the current state of political discourse because of the relativism that it introduces. If the definition of justice changes across time and cultures, then the principles of justice agreed upon by the political system are simply arbitrary designations of public opinion at that time. This idea runs contrary to many people's conception of the political system—as a rational body that makes laws in accordance with the needs of the public and the unchangeable aspects of human nature. If political power and concepts of justice are simply the results of one faction of society imposing its will on the other, rather than a rational exercise in governance, then politics really is "civil war carried on by other means," as MacIntyre has stated. This indicates that the level of our political discourse is not as high as we like to believe, and that politics is about enforcing one's power rather than rational persuasion.

MacIntyre would likely say that the most important change that individuals can make regarding political discourse is to recognize that politics is not the great art of rational activity that Aristotle and others have portrayed it to be. Once this is acknowledged, then citizens will have no illusions about the political process and will be better able to address its flaws. MacIntyre's critique may seem disheartening because it destroys an idealistic view of the political system as rational and founded on unshakable principles of justice. However, MacIntyre's worldview most closely approximates the political situation today, so his thoughts ought to be examined closely. \*

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## ENDNOTES

- 1 John Rawls, "A Theory of Justice," *Justice: A Reader*, comp. Michael J. Sandel (Oxford: Oxford University Press, 2007), 204.
- 2 *Ibid.*, 210.
- 3 *Ibid.*, 205.
- 4 *Ibid.*, 207.
- 5 *Ibid.*
- 6 *Ibid.*
- 7 *Ibid.*, 214.
- 8 *Ibid.*
- 9 *Ibid.*, 217.
- 10 Robert Nozick, "Anarchy, State, and Utopia," *Justice: A Reader*, comp. Michael J. Sandel (Oxford: Oxford UP, 2007), 61.
- 11 *Ibid.*
- 12 *Ibid.*, 62.
- 13 Alasdair MacIntyre, "After Virtue," *Justice: A Reader*, comp. Michael J. Sandel (Oxford: Oxford UP, 2007), 245.
- 14 *Ibid.*
- 15 *Ibid.*, 318.
- 16 *Ibid.*, 321.
- 17 *Ibid.*, 324.
- 18 *Ibid.*, 325.
- 19 *Ibid.*, 325.
- 20 Rawls, 213.
- 21 Nozick, 72.
- 22 *Ibid.*

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# The Man Who Said “No”

THE *NEW YORK TIMES*' TREATMENT OF THE COOLIDGE  
PRESIDENCY

*By Alexander Hoffarth*

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**I**n its editorial assessment of Calvin Coolidge as the Republican candidate for the 1924 Presidential Election, the *New York Times* explained that Coolidge's great popularity made him a formidable candidate.<sup>1</sup> Indeed, this assertion by the paper reflected a generally favorable treatment of the 30<sup>th</sup> President throughout June 1924. The *Times*' treatment not only offers insight into Coolidge's legacy but also a perspective surrounding public perception of the president's role in the 1920's. Historians have not maintained such a favorable view of President Coolidge; for example, a recent ranking of U.S. Presidents by 238 presidential scholars placed Coolidge at 29<sup>th</sup> in terms of overall legacy.<sup>2</sup> The role of Coolidge's economic policy as a possible cause of the Great Depression offers one explanation for a less favorable view. Although the Coolidge Presidency failed to sustain its popularity of in the 1920's, Coolidge's historical legacy more importantly signals a changing understanding of the United States Presidency.

The *New York Times*' treatment of Calvin Coolidge as President during June 1924 offered a generally sympathetic view regarding decisions made by his administration. The newspaper's analysis of Coolidge's decision to sign a bill into law, which reduced income taxes by twenty-five percent and made other revisions to the War Revenue Act of 1917, was one example. President Coolidge argued that that the bill generally improved existing law by providing temporary relief and adjustment of business conditions to Americans. However, Coolidge asserted in a statement regarding the revenue bill that his approval did not represent a "sound permanent tax policy." He affirmed that congressional passage of the revenue bill was due to inappropriate influences and acted as a political instead of an economic adjustment. In its reaction to this decision, the *New York Times* wrote two editorials that supported President Coolidge, taking into account the political complexities of the situation. For example, in its editorial on June 3<sup>rd</sup>, 1924 titled "Tax Reduction In Effect," the *New York Times* asserted that Coolidge's decision to sign the Tax bill was inevitable. Furthermore, the editorial argued that in his statement regarding the bill's defects, Coolidge "writes with marked lucidity and force."<sup>3</sup> In an editorial titled "Congress and Taxation" on June 4<sup>th</sup>, the *Times* again wrote in support of Coolidge's decision. The newspaper stated that it is "needless" to examine the case made "so convincingly" by President Coolidge in his statement regarding the tax law.<sup>4</sup> Using quotes from Coolidge's statement, the *New York Times* subsequently declared that "unbiased opinion will agree with his conclusion" that the Tax bill did not represent a permanent tax policy because of its subjection to inappropri-

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ate influences in Congress.<sup>5</sup> It is apparent that a reasonable argument can be made to criticize President Coolidge's decision to sign the Tax bill into law while simultaneously condemning many of its provisions. Indeed, the *Times* even mentioned in its July 3<sup>rd</sup> that the statement was a "powerful justification for vetoing the bill."<sup>6</sup> Yet the paper simply accepted President Coolidge's final reasoning as appropriate for his decision to sign the bill into law, reflecting its generally favorable assessment of the sitting president.

In addition, the *New York Times*' treatment of Coolidge's veto of the Postal Salaries bill indicated a positive view of the president. The paper's front page article on June 8<sup>th</sup> discussed Coolidge's veto of the bill, which would have committed the Federal Government to an additional expenditure of \$68 million annually for higher salaries for postmasters and postal employees.<sup>7</sup> The *New York Times* article stated that no provision was made for raising this amount as postal revenue and stressed President Coolidge's argument that the money would have to come from the taxpayers. In its editorial the following day titled "A Courageous Veto," the *Times* defended the veto decision. The editorial mentioned that the Postal Salaries bill veto came against the advice of Republican leaders in Congress, who assured the president that a veto would be "political suicide." However, the *New York Times* asserted that President Coolidge could not consistently sign the bill because of his pledges "to the budget system and to a policy of rigid economy." The editorial recognized that the veto could harm the president as a "bold and honest Executive."<sup>8</sup> Therefore, the paper considered Coolidge's veto of the Postal Salaries bill to be not only a courageous political decision but an important message to the coun-

try reaffirming sound principles in the conduct of public business.

The *New York Times*' treatment of Calvin Coolidge as the Republican presidential candidate in 1924 offered the clearest articulation of the paper's opinions regarding the 30<sup>th</sup> President. In its editorial previewing the Republican National Convention in Cleveland, the *New York Times* continued its assault on Republican congressional leadership and the party itself in an effort to support Coolidge. The paper stated that the Republican Party was proceeding with "little enthusiasm" and with "only a thin pretense of hopefulness" toward the nomination of President Coolidge. The *Times* acknowledged the "unprecedented" plight of the party, as the Republican leadership admitted that the lack of enthusiasm was not due to "any grave defects" in Coolidge. In fact, the *Times* emphasized the party's recognition that Coolidge was its "greatest resource and best hope" and confession that the party would enter the campaign bankrupt without him. However, the editorial concluded that because the Republicans in Congress had defeated his policies and rejected his leadership, the party entered the campaign "loaded with embarrassments and inconsistencies."<sup>9</sup> The logical analysis of the *Times*' treatment means that Coolidge, who represented the other faction of this intra-party dispute, must have been viewed favorably due to his leadership. Furthermore, the *Times* affirmed repeatedly that Coolidge's extensive popular support was partly due to his decision to oppose Congress. For example, in a column on June 9<sup>th</sup>, the humorist Will Rogers asserted that Coolidge's popularity that he was "deservedly enjoying all over the country at the present time" began immediately when he op-

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posed Congress.<sup>10</sup> In fact, Rogers argued that if Coolidge had supported Congress he would have been fated for imminent disaster in the presidential election. The *New York Times* also mentioned that the popular audience at the Republican National Convention ratified the statement of keynote speaker Theodore E. Burton that “most people look to President Coolidge rather than to Congress for leadership” with “roaring cheers”.<sup>11</sup>

In addition, the paper assessed the adopted 1924 Republican Party platform on June 12<sup>th</sup> to be an endorsement of President Coolidge’s policies, including the World Court and the Mellon tax plan.<sup>12</sup> Specifically regarding the World Court, the *New York Times* suggested that the plank is solely the result of Coolidge’s leadership, as a front page article three days earlier mentioned that Coolidge insisted that the platform contain a “clear-cut declaration on American adherence to the World Court”.<sup>13</sup> The *New York Times* editorial titled “Coolidge as Candidate” cemented the generally favorable viewpoint presented regarding the 30<sup>th</sup> President. The editorial presented the *Times*’ overall assessment of Coolidge once he assumed the responsibilities as president: “And when the time came for him to make recommendations to Congress, to outline the policies which he felt wise, to defend the course which he had taken, Calvin Coolidge revealed to the nation a clear mind, sound judgment, and a courage which shone the brighter against the general background of timidity and time-serving at Washington.”<sup>14</sup> In its analysis of the 1924 presidential election, the *Times* argued that Coolidge would be a formidable candidate due to his great popularity. Based on the *New York Times*’ assessment during June 1924, it is apparent that President Calvin Coolidge enjoyed

significant public support due to his willingness to oppose Republican leadership in Congress. The paper’s treatment of the Coolidge Presidency reflected this popular sentiment, as front-page articles and editorials defended Coolidge’s actions as President and supported his nomination as the Republican candidate for President in Cleveland.

President Coolidge’s popularity and relevance described in the *New York Times* during June 1924 declined considerably over time due to increased historical analysis of the period. In an entry about Calvin Coolidge in the *Encyclopedia of American Political History*, University of Texas-Austin Historian Lewis L. Gould wrote that Coolidge “provided political stability and conservative policies during the prosperous 1920’s.” He acknowledged that Coolidge’s decision to follow pro-business policies and cut taxes “pleased most middle-class, white Americans.” However, Gould argued that the Great Depression has “cast a shadow over Coolidge’s record,” as he has generally been faulted for failing to take steps to reduce risks to the economy.<sup>15</sup> Gould concluded by summarizing the viewpoint held by many historians that Coolidge ranks as one of the least effective chief executives of the twentieth century. Historian Thomas A. Bailey echoes these opinions in his textbook, *American Pageant, 8<sup>th</sup> Edition*. Bailey asserted that the “hands-off temperament” of the Coolidge Presidency was ideal for the time period and resulted in five-and-a-half “prosperity-blessed years.” However, the textbook argued that the nation was “calloused” during the decade because it was “drugged on prosperity,” and in fact applauded the candidacy of Robert LaFollette in the 1924 Presidential Election for injecting “a badly need-

ed liberal tonic” into the decade.<sup>16</sup> Bailey finishes his treatment of the Coolidge Presidency by offering one redeeming legacy: Coolidge helped to restore integrity to American Politics after the Teapot Dome scandal that tarnished the Harding Administration.

The myriad of recent presidential rankings released by newspapers and universities also reflect declining relevance and popularity of the Coolidge Presidency. For example, earlier this year Siena College released its 5<sup>th</sup> Presidential Expert Poll based on responses from 238 presidential scholars, historians, and political scientists. All of the presidents were ranked according to twenty different categories, and Calvin Coolidge was ranked 29<sup>th</sup> overall. Coolidge was rated highest in the categories of luck (12<sup>th</sup>), integrity (17<sup>th</sup>), and the ability to avoid crucial mistakes (19<sup>th</sup>). Historians were more critical of the Coolidge Presidency in the categories of communication ability (38<sup>th</sup>), willingness to take risks (41<sup>st</sup>), and imagination (37<sup>th</sup>).<sup>17</sup> The 2009 C-SPAN Survey of Presidential Leadership, which rated presidents according to ten categories, placed President Coolidge at 26<sup>th</sup> overall. Coolidge is rated highest in the category of Moral Authority (18<sup>th</sup>) and lowest in the category of Crisis Leadership (32<sup>nd</sup>).<sup>18</sup>

Given the prevalence of more activist presidents, such as Theodore Roosevelt, Woodrow Wilson, Franklin D. Roosevelt, and even conservatives such as Ronald Reagan, it is understandable why the legacy of Calvin Coolidge lacks relevance in current United States politics. However, to some extent Coolidge’s limited relevance is the result of his understanding of the presidency and its role in politics in the 1920’s. This provides an ideal example to analyze the

changing historical understanding of the nature of the United States Presidency. As Coolidge scholar Amity Shlaes wrote in a recent *Forbes Magazine* article, Coolidge’s role as the “Great Refrainer” should be considered seriously: “President Coolidge often looked as though he were doing nothing, and his peers, as well as later observers, mocked him for it. But in fact the Coolidge style of government, which included much refraining, took great strength and yielded superior results.”<sup>19</sup> This view undoubtedly contrasts with the current demands placed on the modern presidency, which, according to the consensus of historians in a recent *Newsweek* cover story, “may have become too bloated.”<sup>20</sup> Therefore, any historical assessments of Coolidge that criticize the president’s failure to take a more activist FDR–New Deal approach to reduce risks to the economy seem rather unfair. As Shlaes writes, with the current view of the presidency “so far from Coolidge’s tenets,” it is consequently difficult to imagine his policies emulated.<sup>21</sup> Even with efforts by some conservatives to revitalize the Coolidge legacy, the 30<sup>th</sup> President will likely continue to possess a mixed legacy. Nonetheless, in an age of intense partisan polarization and public distrust of the nation’s governing institutions, it is undeniable that President Coolidge’s legacy of civility, integrity, and commitment to the nation is highly valued by modern Americans.\*

## ENDNOTES

- 1 “COOLIDGE AS CANDIDATE.” *New York Times*, June 13, 1924, <http://www.proquest.com/>.
- 2 Siena Research Institute, American Presidents: Greatest and Worst, <http://www.siena.edu/pages/179.asp?item=2566>.

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- 3 "TAX REDUCTION IN EFFECT." *New York Times*, June 3, 1924, <http://www.proquest.com/>.
  - 4 "CONGRESS AND TAXATION." *New York Times*, June 4, 1924, <http://www.proquest.com/>.
  - 5 Ibid.
  - 6 "TAX REDUCTION IN EFFECT."
  - 7 "PRESIDENT WARNS CONGRESS" *New York Times*, June 8, 1924, <http://www.proquest.com/>.
  - 8 "A COURAGEOUS VETO." *New York Times*, June 9, 1924, <http://www.proquest.com/>.
  - 9 "CONVENTION MONTH." *New York Times*, June 1, 1924, <http://www.proquest.com/>.
  - 10 Will Rogers, "Could Have Nominated Coolidge by Postcard," *New York Times*, June 9, 1924, <http://www.proquest.com/>.
  - 11 "CONVENTION CHEERS KEYNOTE ATTACK ON CONGRESS." *New York Times*, June 11, 1924, <http://www.proquest.com/>.
  - 12 "THE REPUBLICAN PLATFORM." *New York Times*, June 12, 1924, <http://www.proquest.com/>.
  - 13 "COOLIDGE PRESSES ON COURT." *New York Times*, June 9, 1924, <http://www.proquest.com/>.
  - 14 "COOLIDGE AS CANDIDATE." *New York Times*, June 13, 1924, <http://www.proquest.com/>.
  - 15 Lewis L. Gould, *The Encyclopedia of American Political History*, (Washington: CQ Press, 2001), s.v. "Calvin Coolidge."
  - 16 Thomas A. Bailey and David M. Kennedy, *The American Pageant* (Lexington, D.C. Heath, 1987), pgs. 726-732.
  - 17 Siena Research Institute, American Presidents: Greatest and Worst,
  - 18 C-SPAN, 2009 Survey of Presidential Leadership, <http://www.c-span.org/PresidentialSurvey/Overall-Ranking.aspx>.
  - 19 Amity Shlaes, "The Great Refrainer," *Forbes*, August 30, 2010, <http://www.forbes.com/forbes/2010/0830/opinions-amity-shlaes-current-events-great-refresher.html>.
  - 20 "Is the Presidency Too Big a Job?" *Newsweek*, November 13, 2010, <http://www.newsweek.com/2010/11/13/is-the-presidency-too-big-a-job.html>.
  - 21 Amity Shlaes, "The Great Refrainer."

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