

# Sigma

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# Sigma

A Journal of Political and International Studies

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# ISRAELI VALUES, ISRAELI CONTROL

NATHAN TORONTO

*Palestinians living in Israel's occupied territories do not enjoy the same political, civil, or human rights as their Israeli neighbors. Israel's desire to create a Jewish, democratic state in their historic homeland has led them to violate the basic rights of non-Jewish inhabitants.*

*The soldier, nonchalantly and with a distinct air of routine, put out a hand to stop the van we were in. He opened the sliding door and said curtly, "Passports." I could tell his English was nothing to brag about because he didn't use a complete sentence and his pronunciation was careless. Nitpickiness aside, I decided that I was not going to humor his request. I opened the palms of my hands in exasperation, shrugged my shoulders, and said matter-of-factly, "But I'm an American." He paused. He had understood what I'd just said. When I'd realized what I'd said, it was all I could do to keep from laughing in his face. He did a half turn away from me, still speechless, and then turned back around, mumbling something. He was about to answer me when his superior approached, pushed him away, and then slammed the door shut. Immediately, our driver sped off. As we laughed heartily about what had just happened, it also occurred to me that if I had been Palestinian, perhaps my snotty remark would have elicited a very different response.*

—Author's Journal, May 3, 1999

Being an American gave me special privileges that night. Essentially, I was asking to be exempt from the rules, to be treated differently than people normally are. While living in Jerusalem, I often heard stories of the Israeli Defense Forces (IDF) detaining, questioning, and even beating Palestinians who defied their orders. I was being defiant as well, but I sensed, at the same time, that I was above the rules for Palestinians because I was a non-Arab and an American. There is a dual value system—implicitly understood in Israel—dictating that Palestinians should not receive the same treatment that others do. There are different rules for Palestinians than there are for Israelis. Fortunately for me, the rules that apply to Israelis also apply to Americans.

When Israel occupied the West Bank and Gaza in June 1967, it became apparent that Israel would not view Palestinian Arabs and Jews in the same light. At the time, Joseph Weitz, a prominent Zionist leader, emphasized "the need to sustain

the character of the state which will henceforth be Jewish, and obviously in the near future, by the majority of its inhabitants, with a non-Jewish minority limited to 15 percent.”<sup>1</sup> A member of the Knesset (MK), Shulamit Aloni, blasted this view as a double standard when arguing against the text of the 1980 Foundation of Legislation Law, which indirectly allowed the courts to discriminate against non-Jews:

This [discrimination] is the reason for the objection to add to the proposed law the principles of the Declaration of Independence. This is the reason why the text of the law does not include the phrase . . . “principles of freedom, justice, honesty and peace without discrimination for reasons of origin, race, nationality, religion or sex.” Such non-discrimination stands contrary to the “heritage of Israel” as it is interpreted today in the state of Israel.<sup>2</sup>

The dual value system underlying Israeli society since 1967 has created a control system, leading to systematic human rights violations by Israel in the West Bank and the Gaza Strip. To establish the causal link between this dual value system and systematic human rights abuses in the occupied territories, I will describe the tripartite value system upon which Zionists founded Israel. Then I will explain how Israel’s occupation of the West Bank and Gaza in 1967 challenged this tripartite value system, which in turn led to the development of the dual value system. Finally, I will outline the process by which the Israeli polity entrenched these dual values in control techniques responsible for extensive abuses of Palestinians’ human rights in the occupied territories since 1967.<sup>3</sup>

#### THE PRE-1967 TRIPARTITE VALUE SYSTEM

Zionist leaders had three goals in mind when they created the state of Israel in 1948: to create a democratic state, to form a Jewish state, and to establish a state in the ancestral Land of Israel (which, they envisioned, would extend roughly from the Mediterranean Sea to the Jordan River).<sup>4</sup>

*A Democratic State.* Peter Medding calls democracy “a set of normative ideals and a pattern of rule. Central to it are such key values as liberty and equality, which are simultaneously ends in

themselves and means for attaining government by the people in the sense of responsiveness to popular preferences.”<sup>5</sup> The Declaration of the Establishment of the State of Israel (May 14, 1948),<sup>6</sup> the premier document in Israel’s legal code, clearly envisions this set of ideals and pattern of rule for the citizens of its fledgling state:

The state of Israel will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education, and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations.<sup>7</sup>

The aim of creating a democratic state dates back to before Israel’s founding. In 1942, the Extraordinary Zionist Conference adopted the Biltmore Program, in which it reaffirmed its unequivocal devotion to the cause of democratic freedom and international justice to which the people of the United States, allied with the other United Nations, have dedicated themselves and give expression to their faith in the ultimate victory of humanity and justice over lawlessness and brute force.<sup>8</sup>

Instilling democratic ideals into its political system was a primary goal of the new Israeli state. Zionist leaders—and after 1948, Israelis themselves—wanted a democratic state to preserve unflinchingly the freedom and equality that Jews had not experienced for centuries.

*A Jewish State.* No less important to Israel’s Zionist founders was the establishment of a state for Jews. Theodor Herzl, the father of the Zionist movement, called for “the restoration of the Jewish State” in his 1896 pamphlet *Der Judenstaat*, writing, “No one can deny the gravity of the situation of the Jews. Wherever they live in perceptible numbers, they are more or less persecuted.”<sup>9</sup> In the Declaration of the Establishment of the State of Israel, Zionist leaders wrote that it is “the natural right of the Jewish people to be masters of their own fate, like all other nations, in their own sovereign State.”<sup>10</sup> Nahum Sokolow argued in 1919 that the principle of Zionism is “a

Homeland for the Jewish people,” pointing out that Jews “have grown tired of their role of a homeless Chosen People, and would prefer to be a self-supporting ‘small nation,’ with a quiet spot of earth for themselves.”<sup>11</sup> The need to establish a Jewish state was indeed imperative to those who founded Israel. They knew, moreover, that without making Israel a haven for Jews, many of their people would fear that another Holocaust could occur in Palestine.

*A State in the Ancestral Land.* The founders of Israel also recognized the importance of establishing their state in the Land of Israel, or *Eretz Israel*, extending from the Mediterranean Sea to the Jordan River. Herzl recognized the centrality of the land to the Jewish psyche: “Palestine is our ever-memorable historic home. The very name of Palestine would attract our people with a force of marvelous potency.”<sup>12</sup> The Declaration of the Establishment of the State of Israel begins with these words, which represent the special place that Palestine holds in the Jewish heart:

Eretz-Israel (the Land of Israel) was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped. Here they first attained statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books.<sup>13</sup>

Even after the founding of the state, one of the principal aims of the World Zionist Organization was “the ingathering of the Jewish People in its historic homeland, Eretz Yisrael.”<sup>14</sup> Even Herut, the long-time opposition party to mainstream Zionism, agreed, claiming that “the Hebrew homeland, whose territory extends on both sides of the Jordan, is a single historical and geographic unit.”<sup>15</sup> Jewish history dictated, according to all segments of Jewry, that the Jewish homeland should be in Palestine. Sokolow holds that “the goal of [Zionist] efforts [was] to be united in an organic community, to feel entirely at home,” in all aspects of their society.<sup>16</sup> It is interesting to note, moreover, that the declaration establishing Israel did not delineate any borders for the new state.<sup>17</sup> Palestine was the birthplace of Judaism, and Zionists felt it essential to build the Jewish home-

land there, but it was not certain at the beginning how large the homeland would be.

The goal of the nascent state of Israel was to be a Jewish democratic state nestled in the ancestral homeland of the Jews. In reality, however, although the state was Jewish and democratic, its territory comprised only about half of what Zionists considered Eretz Israel. David Ben-Gurion convinced his people to be patient, telling them that the time would come when they could accomplish their final goal of living in all of Israel.<sup>18</sup> After 1948, Israelis had a Jewish democratic state, but it wasn’t until after the Six-Day War in 1967, when Israel gained control of the West Bank and the Gaza Strip, that Israelis gained the opportunity to live in all of Eretz Israel.

For Israel, controlling the territory was highly desirable, yet the inhabitants of the territories were highly undesirable.

#### THE CHALLENGE OF 1967

Acquiring *all* of the Land of Israel came with a price. Once again, Israelis could still satisfy only two of their three goals. Approximately one million Palestinian Arabs were living in the newly acquired territory of the West Bank and Gaza, forcing Israelis to face three options, none of which satisfied all the goals they had pursued in originally establishing their state. First, they could formally annex the new territory and remain a Jewish state. But that would mean curtailing Israeli democracy by severely limiting the civil and human rights of the indigenous Palestinian population. Second, Israelis could formally annex the territories and keep their democracy. This would cost the state its Jewish identity, since Arabs, given demographic trends, would soon outnumber Jews. It would alter the state’s Jewish character if Palestinians enjoyed full political participation. Third, they could remain a democratic Jewish state. However, that would mean either giving up the territories or getting rid of the Palestinian population by mass transfer—something the international community would not countenance—which meant, essentially, that they would have to give up the West Bank and Gaza.<sup>19</sup>

This dilemma asked Israelis to answer difficult questions. “Who were they? A nation of Jews living in all the land of Israel, but not democratic? A democratic nation in all the land of Israel, but not Jewish? Or a Jewish and democratic nation, but not in all the land of Israel?”<sup>20</sup> To the Labor government of 1967, one thing was beyond debate: “Israel must remain a state with a predominantly Jewish majority. [Those in the Labor party] agreed that annexation of the territories would eventually threaten the Jewish character of the State of Israel.”<sup>21</sup> For Israel, controlling the territory was highly desirable in order to define its character as a Jewish state extending throughout Eretz Israel; yet, for the same reason, the inhabitants of the territories were highly *undesirable*.<sup>22</sup> Despite the jubilation of finally acquiring all of Eretz Israel in 1967, Israelis still faced a very difficult dilemma: Which of their three goals were they willing to give up?

#### THE DEVELOPMENT OF THE DUAL VALUE SYSTEM

Israel answered that it was not willing to give up any of its three goals. This answer required a psychological shift in the Israeli polity. If Israel would not give up the land, and it would not give up its democracy or its Jewishness, then Israelis necessarily had to think of Palestinians as deserving fewer rights than Israelis. This made it possible for Israel to make a *de facto* annexation of the land, excluding the land’s inhabitants from

Violence *against* Arabs often goes unpunished whereas violence *by* Arabs is very harshly dealt with even before a trial.

political participation, while not actually making the territories part of Israel. Thus, Israelis could have a Jewish democracy within the pre-1967 borders of Israel and still extend their statehood from the Mediterranean Sea to the Jordan River. As Yoram Peri describes it, “While the territories are not yet an integral part of the State of Israel, neither are they external

to it.”<sup>23</sup> Israelis would not support a return to the status quo ante bellum, as Prime Minister Levi Eshkol iterated one week after the 1967 conflict: “The position that existed until now shall never again return.”<sup>24</sup> However, this entailed the creation of a selective democracy in the Israeli psyche, a

democracy in which Israelis participated fully but Palestinians did not.

The solution to this philosophical dilemma was to ignore it altogether. The biographer of Israeli statesman Menachem Begin pointed out that “Begin did not acknowledge the existence of a ‘Palestinian problem.’”<sup>25</sup> According to one Israeli sociologist, the Israeli polity felt that “the best solution would be for these people [Palestinians in the territories] to evaporate miraculously.”<sup>26</sup> As Thomas Friedman describes it, it was as if Israelis had taken a ride on the New York subway:

Sometimes you get on the subway at Grand Central Station and take the last seat in the car. The train moves on to the next station and who should get on but a little old lady carrying two big grocery bags. What is the first thing you do? You take *The New York Times* you are reading and put it up in front of your face, covering your eyes, because if your eye meets her eye, you are going to have to give up your seat.<sup>27</sup>

In order to achieve all three of their collective goals, Israelis had to ignore that a problem existed in offering fewer political rights to a Palestinian than to an Israeli. What developed, then, was a dual value system “characterized by totally different rules of the game, cultures and institutional arrangements applied in different spheres of activity for various components of the control system.”<sup>28</sup>

#### EVIDENCES OF THE DUAL VALUE SYSTEM

It did not take long for the dual value system to appear in the occupied territories. Soon after the 1967 war, Menachem Begin “asserted that Israeli law and jurisdiction must be extended to what he called the liberated territories.”<sup>29</sup> Less than three weeks after the war, the Knesset passed legislation extending Israeli law to all territory acquired in the 1967 war.<sup>30</sup> Since 1948, however, the Knesset has also declared that a state of emergency exists in Israel, allowing the Israeli government to enforce both military and civilian law in the territory it controls. In reality, Israel applies military law only to Palestinians in the territories, for example, by trying Palestinians in military courts and Israelis in civilian courts.<sup>31</sup> It applies civilian law inside Israel’s pre-1967 borders, in East Jerusalem and the Golan

Heights (Israel annexed those areas after the 1967 war), and in the occupied territories, but only in cases involving Israelis.<sup>32</sup> The Defense (Emergency) Regulations are the basis for Israeli military law, and even leading Jewish lawyers opposed the regulations when the British imposed them in 1945. One of these lawyers, Dr. Dov Yosef, commented at that time:

Is the administration to be allowed to interfere in the lives of the people with no protection for the individual? As it is, there is no guarantee to prevent a citizen from being imprisoned for life without trial. There is no protection for the freedom of the individual: there is no appeal against the decision of the military commander, no means of resorting to the Supreme Court . . . while the administration has unrestricted freedom to banish any citizen at any moment. What is more, a man does not actually have to commit an offense; it is enough for a decision to be made in some office for his fate to be sealed.<sup>33</sup>

Also, Israel tends to be more lenient on Jews than on Palestinians. In the 1980s, “a member of the Knesset suggested changing the criminal law so that a Jew who kills an Arab for nationalist reasons would not be prosecuted according to the existing criminal law, but dealt with preferentially.”<sup>34</sup> Though this suggestion never became law, leniency was the norm for soldiers who killed Palestinians during the *intifada*, the popular Palestinian uprising that began in late 1987. In the first half of the *intifada*, the IDF killed six hundred Arabs using live ammunition.<sup>35</sup> Weak disciplinary procedures and concern for morale tended “to exonerate the security force even in the face of clear evidence of over-reaction on their part.”<sup>36</sup>

Israel also treats Jewish settlers in the occupied territories with lenience. According to one report, “violence *against* Arabs often goes unpunished whereas violence *by* Arabs is very harshly dealt with even before a trial. As far as the settlers are concerned, the territories are already part of Israel—the Arab population is largely excluded from the resulting benefits.”<sup>37</sup> The rules of the game have dictated preferential treatment for Israelis in the occupied territories.

Even Israel’s annexation of East Jerusalem was selective. “Although Israel’s extension of jurisdiction in 1967 was such as to give Israel full national authority in East Jerusalem, it was selective enough to avoid granting full citizenship rights to the Palestinian majority in East Jerusalem.”<sup>38</sup> Specifically, the Palestinian inhabitants of East Jerusalem could not vote in national Knesset elections,<sup>39</sup> and the Israeli government issued them blue identification cards to distinguish them from their Jewish counterparts, while denying them Israeli citizenship and passports.<sup>40</sup>

Moreover, Palestinian workers in Israel do not enjoy the same rights as Israeli workers. None are members of the national workers’ union, Histadrut, and their employers can dismiss them quite easily. In addition, “they are usually paid less than Jews in the same jobs; they do not get many of the fringe benefits which their Jewish colleagues enjoy; they do not get anything in return for the national insurance and pension contributions automatically deducted from their wages (if they are employed legally).”<sup>41</sup>

Meir Vilner, a member of the Democratic Front for Peace and Equality, an Israeli political party, attacked the double standard that exists for Arabs and Jews in Israel:

What is the “democratic character” [of the State of Israel]? In my view, even today this democratic character is very limited. . . . There is discrimination against the Arab population in Israel, in . . . all domains of life. Lands are stolen on racist nationalist grounds. Is this democracy? Arab students are expelled from universities. Is this democracy?<sup>42</sup>

Israel has also rejected the Palestinians’ right to being a “people.” When the 1978 Camp David Accords made reference to “the Palestinian people,” Prime Minister Menachem Begin held that “the expressions ‘Palestinians’ or ‘Palestinian people’ are being and will be construed and understood . . . [by Israel] as ‘Palestinian Arabs.’”<sup>43</sup> Israel is the state

Israel’s political system developed a status quo policy that ignored the philosophical problems inherent in a democratic state subjecting a minority ethnic population to military rule.

of the “Jewish people,” but it will not afford the same communal rights to Palestinians.

#### ENTRENCHMENT OF THE DUAL VALUE SYSTEM

The nature of Israel’s political system helps explain why Israel, a democratic state, has implemented seemingly racist policies. In Israel’s proportional representation system, there is a very low threshold requirement for parties to gain seats in the Knesset. This allows parties with a small constituency to have disproportionate power in government.<sup>44</sup> This was especially evident after 1967, when the Labor party began to lose its influence in Israeli politics. From 1948 to 1967, Mapai (and later Labor, its successor) dominated Israeli politics, winning every election during that period.<sup>45</sup> There was little to challenge the unity of the Israeli polity. That changed in 1967, however, with the acquisition of the occupied territories. The dilemma that Israelis faced allowed other groups besides Mapai to make their impression on the scene, leading to political gridlock and an ambivalent position towards the occupied territories. No one, including Labor, was willing to give up the occupied territories. And no one, especially Labor, was willing to annex them outright. Instead, Israel’s political system developed a status quo policy that ignored the philosophical problems inherent in a democratic state subjecting a minority ethnic population to military rule.

Three segments of Israeli society had a political interest in the entrenchment of this status quo policy and the dual value system that went along with it. These three groups were Sephardic Jews, religious movements (especially Gush Emunim), and political parties (especially Likud and Labor, the two dominant parties). Understanding the motives of these three groups helps explain why a democratic Israel pursued undemocratic policies in the occupied territories.

*Sephardic Jews.* “In the case of conflict between ethnic groups, the ruling group tends to emphasize its primordial attributes, its ethnicity, as the central basis for defining the national collective,” writes Yoram Peri.<sup>46</sup> In 1967, Israeli society absorbed

about one million Arabs, effectively creating a bi-national state.<sup>47</sup>

*Religious Movements.* Ultra-religious movements were the second group benefiting from the results of the 1967 war. To these religious groups, Eretz Israel is sacred, and the liberation of Judea and Samaria (i.e., the occupied territories) was the first step in establishing the messianic theocracy. Consequently, any non-Jew living there had no right to live there, and it is the duty of these religious groups to settle as much of the land as possible, preparatory to ushering in the messianic reign.<sup>48</sup> By influencing the political system at strategic points and benefiting from favorable public opinion, the most prominent of these religious groups, Gush Emunim (“Bloc of the Faithful,” founded in 1974), was successful in injecting its views into Israel’s policies on the occupied territories.<sup>49</sup> Israel’s political system allowed for the implementation of Gush norms to the extent that it helped entrench the dual value system in Israel.

Settlements perpetuate and entrench the double standard of values governing Israelis and Palestinians.

Even though Gush membership represented only a fraction of Israel’s population, broad public support was essential to Gush Emunim’s success. Polls show that, after 1967, the Israeli public was even more reticent than the government to give up the territories. In 1973, 74 percent of Israelis were unwilling to return any land to the Arabs in return for peace, which coincides with Gush ideals. In 1978, half of the Israeli public was still opposed to relinquishing Israeli control over the territories.<sup>50</sup> Indeed, “without . . . the legitimacy it received from the Israeli public Gush Emunim might have remained a protest movement with no ability to transform its ideology into a realistic enterprise.”<sup>51</sup>

Gush Emunim and its allies in the National Religious Party (NRP) have also benefited from the ambivalence of Labor government policies, an ambivalence which has been the result of Israel’s political system. From 1967 to 1977, when Labor led the government, these religious activists would simply establish a presence where they wanted a settlement. Even though this was neither technically legal nor fully compliant with the Labor

party's policies, Labor officials would cave in, providing military protection, services, and road access.<sup>52</sup> In fact, that is how the first settlement began. On the eve of Passover—April 4, 1968—two rabbis and a group of Orthodox Jewish families rented an Arab-owned hotel in Hebron, the city where (according to tradition) Abraham, Isaac, and Jacob are buried. They had told Israeli authorities that they would rent the hotel only for the week of Passover, but when the holiday was over they vowed to never leave the land of the Jewish Patriarchs.<sup>53</sup> Thomas Friedman describes the reaction of the government:

Eventually the Labor-led government, torn by mixed emotions, caved in to the settlers, allowing them to stay in a military camp in Hebron and later to build a Jewish settlement there called Kiryat Arba.<sup>54</sup>

These settlements perpetuate and entrench the double standard of values governing Israelis and Palestinians. Once a settlement's foundations are laid, they are nearly impossible to uproot. Due to broad public support and effective political maneuvering, religious movements have succeeded in sewing dualist ideals into the patchwork of Israeli society.

*Political Parties.* A third group, political parties, stands at the heart of the political indecisiveness surrounding Israel's policies towards the occupied territories. This indecisiveness has led, in practice, to status quo policies that extend Israeli control over the land but do not extend Israeli democracy to the land's inhabitants and has ensured the perpetuation of dualist policies in the occupied territories as long as the indecision persists.

A 1985 study revealed the public's role in this indecisiveness. "The belief in majority rule, in freedom of expression, in the right of the citizen to criticize the government, and in equality before the law" received the support of between 80 and 90 percent of the respondents. However, there was a gap between the abstract norm and its practical

application. "Only two-thirds [agreed] that minority-opinion groups should be allowed to operate freely to gain majority support for their positions." When the survey asked respondents to apply it to their "least liked" group, such as Peace Now or groups connected with the PLO, popular support decreased from 83 to 38 percent.<sup>55</sup> This public uncertainty towards democratic principles weakens incentives for political parties to form clear policies on democracy in the occupied territories.

It has been politically inexpedient for Israeli political parties to develop policies that would lead to either formal annexation of or complete withdrawal from the occupied territories. The Labor-Gahal coalition government that ruled from 1967 to 1970 considered the status quo "the least disruptive policy to follow" because "the mainstream of public opinion supported" its continuation. "Within the government discussion focused more on transition arrangements within the territories than over their ultimate and final status."<sup>56</sup> Defense

Minister Moshe Dayan, an advocate of de facto but not formal annexation, took advantage of this opportunity to govern the territories as he saw fit by extending Israeli law to East Jerusalem; allowing the establishment of settlements; confiscating Arab land; extending Israel's road network, electric grid, and water system to the territories;

creating investment incentives for Jewish entrepreneurs in the territories (but not for Palestinian ones); and freezing the demographic make-up of the territories by not allowing the return of refugees who had fled during the war.<sup>57</sup>

The ambivalence of Israel towards the occupied territories continued after 1970, as did its continued implementation of dualist policies. The period from 1970 to 1973 was one of "standstill diplomacy," according to William Quandt. Gahal, the party of Menachem Begin, left the broad Labor-Gahal coalition. This made the Labor government even less willing to confront and oppose the actions of Gush Emunim settlers and

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the policies of Defense Minister Dayan in the territories. With the psychological loss of the 1973 war, the Labor government changed its leadership, appointing Shimon Peres, Yitzhak Rabin, and Yigal Allon, who were far from unified on their policies towards the territories. This made it even harder to

New Likud policies led to censorship of pro-PLO newspapers; increased expulsions, home demolitions, and curfews; seizures of property; and imprisonments without trial.

exert significant pressure on militant groups like Gush Emunim. This, coupled with renewed opposition from the Likud party and Gush Emunim, further weakened Labor's hold on the Israeli political system and further ingrained its indecisiveness on the occupied territories.<sup>58</sup>

In 1977, when Likud unexpectedly defeated Labor, the status of the occupied territories had still not become significant in the eyes of the Israeli polity. Likud was "dedicated to the integration of the historic Land of Israel."<sup>59</sup> The new Likud government worked with Gush Emunim to maximize Israel's de facto control over the territories. In fact, the Likud's settlement patterns "were meant to establish facts which would make it difficult for any government to withdraw from the West Bank."<sup>60</sup> This change in direction was possible because the election mandate did not proscribe it.

The public's ambivalence prompted Likud to institutionalize its policies in November 1981 with Military Order 949, which called for a "civil" administration in the occupied territories. The plan also called for more Palestinian participation in local affairs, but the "civilian" administrator was actually a reserve army officer who replaced in-compliant Palestinian municipal councils with Israeli army officers. These new Likud policies led to censorship of pro-PLO newspapers; increased expulsions, home demolitions, and curfews; seizures of property; and imprisonments without trial. The new civil administration also closed Bethlehem, an-Najah, Hebron, and Bir Zeit universities "for weeks or months at a time."<sup>61</sup>

That Likud policies became entrenched is clear from the principles adopted by the 1984 National

Unity Government, a Labor-Likud coalition. The agreement "guaranteed inaction on the issue that was most crucial, the future of the West Bank and Gaza, where the status quo was to be maintained: no annexation and no change in sovereignty."<sup>62</sup> Moreover, the settlement program was to continue, and the new government even "thickened" existing settlements to allow the Jewish population of the territories to continue growing.<sup>63</sup>

The principles of the 1984 National Unity Government show the ambiguity of the Israeli political system—and of Israeli political parties—towards the occupied territories. This ambiguity resulted from the position of Sephardic Jews, the actions of religious groups like Gush Emunim, and the uncertainty of the Israeli public towards democratic principles. All this, in turn, contributed to the entrenchment of the dual value system in Israel's policies towards the occupied territories.

#### THE ISRAELI CONTROL SYSTEM

The natural result of the dual value system's injection into Israel's policies is a control system that infringes on the rights of the Palestinian population in the occupied territories. Baruch Kimmerling defines a "control system"

as a territorial entity comprising several sub-collectivities, held together by purely military and police forces and their civil extensions (e.g., bureaucracies and settlers). When the "field of power" is much larger than the "field of authority," a control system is formed. These subcollectivities are stratified according to their ability to gain access to force, political power and diverse rights, but mostly according to the shared benefits of the entire system. Any situation of armed occupation (but no more than that) is a temporary control system. The central component differentiating between situations such as internal colonialism, deeply divided societies, the Soviet "satellite" system, slave-based societies, etc., and the control system is the ruling sector's virtually total lack of interest and ability in creating a common identity or basic value system to legitimize its use of violence to maintain the system, or in developing other kinds of loyalties toward force and power.<sup>64</sup>

The purpose of the control system is to either keep Palestinians down or to drive them out, with the ultimate goal of preventing them from challenging Israel for control of the land. The Israeli control system does this by making the economy of the occupied territories dependent upon that of Israel,<sup>65</sup> by using force to quell Palestinian resistance to the occupation, and by making living conditions unbearable to Palestinians. As Alexander Flores points out, “an often voiced suspicion is that [these restrictions] are geared to make life unbearable for the Palestinian inhabitants and to make as many of them emigrate as possible.”<sup>66</sup>

In Israel, the control system has flowed from the existence of the dual value system, but only in conjunction with the Israeli political system. The Israeli polity has demonstrated its willingness to allow for a double standard in dealing with Palestinians, despite Israel’s ideals of democracy and the desire of the Israeli polity to achieve all three of its national goals. This is how the dual value system that developed in Israel after 1967 resulted in the control system. In its turn, this control system has resulted in systematic human rights abuses because the entrenchment of the dual value system turned discriminatory ideas into discriminatory action.

These systematic abuses include Israel’s “Judaization” policy in Jerusalem, the settlement program, administrative methods of control, and Israel’s response to the *intifada*. Israeli actions vis-à-vis the Palestinians demonstrate how the extension of the field of power beyond the field of authority—i.e., the implementation of the dual value system—has led to systematic human rights abuses in the West Bank and Gaza Strip since 1967.

*The Judaization of Jerusalem.* Israel’s policy in East Jerusalem is to encourage Palestinians to leave, while establishing a Jewish majority there. This discriminatory policy was evident from the beginning of Israel’s occupation of East Jerusalem. After the 1967 war, the Israeli government “[expanded] the municipal boundaries of the city to include as much land as possible and to exclude as much of the Palestinian population as possible.”<sup>67</sup> Israel also extended “full Israeli law and administration” to East Jerusalem, though it did not offer the area’s Palestinian inhabitants citizenship

or passports.<sup>68</sup> Today, the dual value system has become fused with the control system in Israel’s Jerusalem policies. Anat Hoffman, a member of the Jerusalem City Council, wrote in 1995:

Continuing discrimination against Arabs is ingrained in Jerusalem’s political culture, a sort of accepted blemish we are trained to see and overlook. It characterizes the workings of this city in every walk of life, ranging from the macro to the minute. My file cabinets are literally overflowing with examples in every sphere: employment, economics, taxation, housing, construction, education, city planning, welfare, health, roads, buses, sewerage, street lights.<sup>69</sup>

Israel’s attempt to Judaize Jerusalem is clear. For instance, Palestinians own 85 to 90 percent of land in East Jerusalem, though only a fraction of this land is zoned for residential building.<sup>70</sup> Of the 75,000 dunums annexed to Jerusalem in 1967, Israel has expropriated 25,000 to build new Jewish neighborhoods.<sup>71</sup> The Israeli government has only designated 7,500 dunums of Arab land as residential. Also, from 1967 to 1994, the Jewish population of East Jerusalem grew by 204,200, while the Arab population grew by 96,300. However, 64,800 new housing units were built for Jews (or one unit for every 3.15 Jewish residents) and 8,800 for Arabs (or one unit for every 10.9 Arab inhabitants). In East Jerusalem, 87.5 percent of Jewish settlers “live in housing conditions of one or fewer persons per room, whereas only 33.4 percent of the Arabs live in such conditions.” The object of providing more housing for Jews than for Arabs in East Jerusalem is to make the Palestinians feel crowded enough to leave the city altogether, making way for the further Judaization of Jerusalem.<sup>72</sup>

*The Settlement Program.* The purpose of Israel’s settlement policy has been to prevent the

The object of providing more housing for Jews than Arabs in East Jerusalem is to make the Palestinians feel crowded enough to leave the city altogether, making way for the further Judaization of Jerusalem.

Palestinian population from challenging Israel for control of the occupied territories. With its settlement program, Israel has gained exclusive control over more than 60 percent of the West Bank and 40 percent of the Gaza Strip.<sup>80</sup> The discriminatory nature of the settlements is obvious, but especially so in Gaza, where 3,500 settlers in 16 settlements occupy 5,560 acres of land, while 300,000 Palestinian refugees in eight camps live on 1,375 acres.<sup>73</sup>

The distribution of water in the occupied territories is also discriminatory. Settlers use three times as much water per head as do Arabs in the West Bank (thirteen times as much when it comes to agriculture), and Israel has frozen Palestinians' water consumption, though it has placed no such restrictions on settlers.<sup>74</sup>

Moreover, Israel has expropriated Arab-owned land on a large scale in order to support settlements. In May 1997 alone, the government confiscated 7,000 acres of Palestinian land in order to expand both settlements and the by-pass roads leading to them.<sup>75</sup> Expropriating land also deprives Palestinians of their agricultural livelihoods, further depressing the economy of the occupied territories and making Palestinians' living conditions less desirable.<sup>76</sup>

*Administrative Methods of Control.* Israeli control methods have also resulted in circumstances that worsen Palestinians' standard of living and keep them economically and politically unable to challenge Israel's control over the occupied territories. Israel forbids Palestinian workers from staying overnight in Israel and issues "work permits to control the flow of labour," further emphasizing the separate political and economic status of Palestinians from the territories.<sup>77</sup> In an effort to solidify Israel's de facto control over the territories, Israeli officials have set frequent curfews, seized property, imprisoned Palestinians without trial, sent workers home without pay, jammed Palestinian radio broadcasts, and sealed the borders of the territories so workers could not get to work.<sup>78</sup> The IDF has also "detained thousands of suspects without charge or trial. . . . The detainees, however, [have] had no right to learn the reasons for the government's suspicion, but [have borne] the burden of disproving them to gain release."<sup>79</sup>

*Israel's Response to the Intifada.* The *intifada* was the general Palestinian uprising against Israel's

occupation of the occupied territories that lasted from late 1987 to 1993. Israel's response to the *intifada* involved some of the most obvious cases of human rights abuses since the occupation of the West Bank and Gaza in 1967.

In 1987, Israel became the first UN member-state to officially sanction torture by limiting torture to "a moderate amount of force" and "non-violent psychological pressure." However, "a handful of prisoners have subsequently died under interrogation."<sup>80</sup> During the *intifada*, "commonly used torture techniques included beatings, electrical shock, keeping a tight-fitting hood over a person's head for long periods, sleep deprivation, and tying a person's hands to a bar behind the person's back, making standing impossible."<sup>81</sup>

On January 19, 1988, Defense Minister Yitzhak Rabin announced a policy of "might, power, and beatings" to counter the Palestinian uprising.<sup>82</sup> After the announcement of this policy, "hundreds of Palestinians were 'methodically beaten, many with the bones of their hands and arms broken.'"<sup>83</sup> Minority Rights Group International reports, "By the end of 1991, over 1,000 Palestinians had been killed by shootings, beatings, tear gas or some other means. Over a quarter of those who died were under 16. Another 100,000 suffered serious injuries, while over 15,000 were held without trial for at least six months."<sup>84</sup>

All of the control methods that Israel employed to counter the *intifada* were in addition to those already in place for controlling the occupied territories. After mid-1992, when the *intifada* was already in decline, cases of systematic torture, interrogation, and beatings decreased in both number and intensity.<sup>85</sup> However, this reduction was due to the effectiveness of already existing control methods (such as economic repression, administrative methods of control, and home demolitions) and the weakening of Palestinian resistance to the military occupation.

The purpose of the control system is to maintain a de facto annexation of the occupied territories while not actually making them officially part of Israel. To do this, the control system uses the methods of control I have outlined to keep Palestinians in the territories economically and politically depressed and to encourage them to emigrate from the land. Though the methods

change over time, the purpose and underlying design of the control system remain essentially unchanged. During times of stiff popular resistance, as during the *intifada*, Israel employs stiff methods of control, such as severe beatings, school closings, and arcane torture methods. When the indigenous population is more docile, it is not necessary for the Israeli occupiers to be overtly coercive, and they employ more subtle means of control, such as home demolitions, roadblocks, and the manipulation of building licenses. In both cases, the purpose of the control system is the same: keep Palestinians down or out in order to perpetuate Israeli control over the West Bank and Gaza Strip.

#### CONCLUSION

Human rights abuses in the West Bank and Gaza have occurred as a result of the entrenchment of a dual value system in Israel's control structure. Therefore, Israel has two options if it wants to end—or significantly diminish, in any event—its human rights abuses in the occupied territories.

The first choice is for Israel to maintain its dual value system but eliminate its control system. In other words, Israel would withdraw from the territories, because the control system depends on a field of power that is larger than the field of authority, which is inherent in any military occupation. This option would not require Israel to modify its double standard with respect to Palestinians, even though—over time—this may be the result. At the same time, this option would require Israel to modify its national goals somewhat, for it could not be a state extending across all of Eretz Israel if it withdrew from the West Bank and Gaza, though it could still maintain a democracy within its new borders, as well as its Jewishness.

The second choice for Israel is to eliminate the dual value system altogether, by which it would offer equal political rights to Palestinians in the occupied territories. However, Israel would thus risk losing its Jewish identity, and it still might not have de facto control over all the Land of Israel. Even so, it would effectively eliminate human rights violations by raising Palestinians to the same civil and political level that Israeli Jews enjoy. The

Law of Return (1950) grants all Jews, no matter where they live in the world, the right to Israeli citizenship. In late 1999, the Knesset debated a bill that would declare the Law of Return discriminatory, because it does not offer non-Jews the same right. Zehava Gal-on, a member of the Knesset from the leftist Meretz Party, said during the debate, “The Law of Return is discriminatory. It discriminates between Jews and non-Jews. I can accept that after the Holocaust, it was kind of a necessity. But maybe after 51 years, we are not in the same situation, and we don't need to run our country based on such undemocratic laws.”<sup>86</sup> At the same time, Prime Minister Ehud Barak vowed to never discuss the law—much less amend it—during his term, which makes it unlikely that Israel will officially modify its dual value system any time soon.<sup>87</sup> The fact that a Jewish MK would even challenge the law, though, is a step towards eliminating the double standard between Jews and Palestinians.

With either option, Israel must compromise on its national goals. Thus, the dilemma that Israelis have faced since 1967 remains unchanged. Who are they, and which of their national goals are they willing to give up?

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<sup>1</sup> Uri Davis, *Israel: An Apartheid State* (London: Zed Books, 1987), 5.

<sup>2</sup> *Ibidem*, 69.

<sup>3</sup> The term “tripartite value system” is mine, but the terms “control system” and “dual value system” are not. See Baruch Kimmerling, “Boundaries and Frontiers of the Israeli Control System: Analytical Conclusions,” in *The Israeli State and Society: Boundaries and Frontiers*, ed. Baruch Kimmerling (Albany: State University of New York Press, 1989).

<sup>4</sup> Thomas Friedman, *From Beirut to Jerusalem* (New York: Anchor Books/Doubleday, 1995), 253.

<sup>5</sup> Peter Medding, *The Founding of Israeli Democracy, 1948–1967* (New York: Oxford University Press, 1990), 4.

<sup>6</sup> Israel has no formal constitution. Instead, its legal code has developed over time, drawing heavily on common law tradition.

- <sup>1</sup> Bernard Reich, ed. *Arab-Israeli Conflict and Conciliation: A Documentary History* (Westwood, Conn.: Greenwood, 1995), 78.
- <sup>2</sup> *Ibidem*, 53.
- <sup>3</sup> *Ibidem*, 17–18.
- <sup>4</sup> *Ibidem*, 77.
- <sup>5</sup> Nahum Sokolow, *History of Zionism: 1600–1918* (New York: Ktav Publishing House, 1969), 307–10. Italics in original.
- <sup>6</sup> Qtd. in Reich, *Conflict and Conciliation*, 18.
- <sup>7</sup> *Ibidem*, 76.
- <sup>8</sup> *Ibidem*, 91.
- <sup>9</sup> Qtd. in Sasson Sofer, *Begin: An Anatomy of Leadership* (New York: Basil Blackwell, 1988), 126.
- <sup>10</sup> Sokolow, *History of Zionism*, 310.
- <sup>11</sup> Davis, *Apartheid State*, 14.
- <sup>12</sup> Friedman, *From Beirut to Jerusalem*, 253, and Davis, *Apartheid State*, 14.
- <sup>13</sup> Friedman, *From Beirut to Jerusalem*, 254.
- <sup>14</sup> *Idem*.
- <sup>15</sup> Shmuel Sandler and Hillel Frisch, *Israel, the Palestinians, and the West Bank: A Study in Intercommunal Conflict* (Lexington: Lexington Books, 1984), 105–6.
- <sup>16</sup> Kimmerling, “Analytical Conclusions,” 278.
- <sup>17</sup> Yoram Peri, “From Political Nationalism to Ethno-Nationalism: The Case of Israel,” in *The Arab-Israeli Conflict: Two Decades of Change*, ed. Yehuda Lukacs and Abdalla M. Battah (London: Westview Press, 1988), 50.
- <sup>18</sup> Qtd. in Don Peretz, “Israeli Policies toward the Arab States and the Palestinians Since 1967,” in *The Arab-Israeli Conflict: Two Decades of Change*, 26.
- <sup>19</sup> Sofer, *Begin*, 131.
- <sup>20</sup> Kimmerling, “Analytical Conclusions,” 278.
- <sup>21</sup> Friedman, *From Beirut to Jerusalem*, 407.
- <sup>22</sup> Kimmerling, “Analytical Conclusions,” 267.
- <sup>23</sup> Sofer, *Begin*, 126.
- <sup>24</sup> Davis, *Apartheid State*, 64–65.
- <sup>25</sup> *Ibidem*, 65.
- <sup>26</sup> Davis, *Apartheid State*, 64–65, and Eyal Benvenisti, *The West Bank Data Base Project—Legal Dualism: The Absorption of the Occupied Territories into Israel* (San Francisco: Westview Press, 1990), 17.
- <sup>27</sup> Davis, *Apartheid State*, 66–67.
- <sup>28</sup> Peri, “Nationalism to Ethno-Nationalism,” 51.
- <sup>29</sup> Garret Fitzgerald, *The Israeli-Palestinian Issue: A Report to the Trilateral Commission* (New York: The Trilateral Commission, 1990), 34.
- <sup>30</sup> *Ibidem*, 35.
- <sup>31</sup> Alexander Flores, *The Palestinians in the Israeli-Arab Conflict: Social Conditions and Political Attitudes of the Palestinians in Israel, the Occupied Territories and the Diaspora* (Bonn: Forschungsinstitut der Deutschen Gesellschaft für Auswärtige Politik e.V., 1984), 16.
- <sup>32</sup> David H. Ott, *Palestine in Perspective: Politics, Human Rights and the West Bank* (London: Quartet Books, 1980), 84.
- <sup>33</sup> *Idem*.
- <sup>34</sup> Brian Barber, “Israeli-Palestinian Inequities in Jerusalem” (Jerusalem: BYU Jerusalem Center for Near Eastern Studies, 1999, typewritten lecture), 1.
- <sup>35</sup> Flores, *Social Conditions and Political Attitudes*, 39.
- <sup>36</sup> Davis, *Apartheid State*, 71.
- <sup>37</sup> Ott, *Palestine in Perspective*, 107–8.
- <sup>38</sup> Israeli politicians must usually form a majority coalition to create a government, allowing smaller parties to stipulate demands beyond their normal political power.
- <sup>39</sup> Medding, *Founding of Israeli Democracy*, 204–5.
- <sup>40</sup> Peri, “Nationalism to Ethno-Nationalism,” 50–51.
- <sup>41</sup> Kimmerling, “Analytical Conclusions,” 272–74.
- <sup>42</sup> Peri, “Nationalism to Ethno-Nationalism,” 49; Kimmerling, “Analytical Conclusions,” 276–77.
- <sup>43</sup> Peretz, “Israeli Policies,” 31.
- <sup>44</sup> Sandler and Frisch, *A Study in Intercommunal Conflict*, 129.
- <sup>45</sup> *Ibidem*, 141.
- <sup>46</sup> Peretz, “Israeli Policies,” 31, and Friedman, *From Beirut to Jerusalem*, 260–62.
- <sup>47</sup> Friedman, *From Beirut to Jerusalem*, 260.
- <sup>48</sup> *Idem*.
- <sup>49</sup> Asher Arian, *Politics in Israel: The Second Generation* (Chatham, NJ: Chatham House Publishers, 1985), 261–62.
- <sup>50</sup> *Ibidem*, 29.
- <sup>51</sup> *Ibidem*, 27–28.
- <sup>52</sup> *Ibidem*, 30–32.
- <sup>53</sup> *Ibidem*, 167.
- <sup>54</sup> *Ibidem*, 141.
- <sup>55</sup> Peretz, “Israeli Policies,” 34–35.
- <sup>56</sup> *Ibidem*, 38.
- <sup>57</sup> *Idem*.
- <sup>58</sup> Kimmerling, “Analytical Conclusions,” 266.
- <sup>59</sup> Flores, *Social Conditions and Political Attitudes*, 18–20.
- <sup>60</sup> *Ibidem*, 13–15.
- <sup>61</sup> Barber, “Inequities in Jerusalem,” 1.
- <sup>62</sup> *Idem*.
- <sup>63</sup> *Ibidem*, 2.
- <sup>64</sup> *Ibidem*, 3–7.
- <sup>65</sup> A dunum is approximately one-fourth of an acre.
- <sup>66</sup> *Ibidem*, 3.
- <sup>67</sup> McDowall, *The Palestinians*, 12.
- <sup>68</sup> *Idem*.
- <sup>69</sup> Rachele Marshall, “The U.S. Lends a Hand as Israel Revives Old Hostilities,” *Washington Report on Middle East Affairs* 16 (October/November 1997): 9.
- <sup>70</sup> Quigley, “Loan Guarantees,” 573.
- <sup>71</sup> *Ibidem*, 13.
- <sup>72</sup> Peretz, “Israeli Policies,” 35, and Marshall, “The U.S. Lends a Hand,” 9.
- <sup>73</sup> Quigley, “Loan Guarantees,” 575.
- <sup>74</sup> McDowall, *The Palestinians*, 12.
- <sup>75</sup> Quigley, “Loan Guarantees,” 575.
- <sup>76</sup> Barber, “Palestinian Intifada Project,” 2, and McDowall, *The Palestinians*, 14.
- <sup>77</sup> Quigley, “Loan Guarantees,” 574.
- <sup>78</sup> McDowall, *The Palestinians*, 14.
- <sup>79</sup> See James Ron, “Varying Methods of State Violence,” *International Organization* 51 (spring 1997): 275–300.

<sup>26</sup> *New York Times*, 6 December 1999.

<sup>27</sup> Idem.

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# JUST CAUSE

BRYAN FISHER

*President Bush appeared to be on legal ground when he invaded Panama and captured Manuel Noriega. However, Operation Just Cause was a flagrant violation of international law.*

On December 20, 1989, United States forces consisting of 12,000 soldiers invaded Panama to remove General Manuel Noriega from power. Almost two weeks later, Noriega abandoned his refuge in the Vatican Embassy in Panama City and was apprehended by U.S. authorities and transported to Florida to face charges of drug trafficking. Operation Just Cause, as the military action was called, became the largest U.S. military combat operation since the Vietnam War, costing the lives of twenty-six Americans and more than seven hundred Panamanians.<sup>1</sup> The U.S. invasion and subsequent month-long occupation of Panama drew broad criticism from the international community. Both the United Nations and the Organization of American States (OAS) voted to condemn the United States's action.<sup>2</sup>

This article will show that the United States's invasion of Panama violated international law. The mission to remove Noriega was illegal, violating the principles of noninterference under the charters of the United Nations and the Organization of American States. The invasion also contra-

vened the customary international law principle of territorial sovereignty. Circumstances surrounding the conflict did not warrant U.S. intervention in self-defense. The four objectives of Operation Just Cause offered by the Bush administration as a rationale for the invasion have a limited foundation in international law and do not constitute sufficient legal justification for breaching Panamanian sovereignty.

An examination of the relationship between Noriega and the United States prior to the invasion will allow for analysis of the U.S. position. General Noriega had risen to the command of Panama's National Guard and become the de facto leader of Panama in 1981 after the death of Omar Torrijos, Panama's dictatorial leader since 1968. In the mid-1980s, Noriega helped the CIA gather information on Cuba as a paid informant<sup>3</sup> and allowed the United States to use Panama as a platform for military operations in Central America.<sup>4</sup> For years, the Reagan administration conveniently ignored evidence of Noriega's drug trafficking activities, but Noriega lost U.S. support

when it was discovered that he had aided the Sandinistas in Nicaragua and other rebels in Colombia and El Salvador. In February 1988, a U.S. federal grand jury indicted Noriega on charges of drug trafficking and conspiracy to import marijuana

Called by one official “a decision in search of an excuse,” the administration took full advantage of an opportunity for a highly publicized battle in the “war on drugs.”

to the United States. In attempts to oust the dictator, the Reagan administration first offered asylum to Noriega in Europe and then placed economic sanctions on Panama. All such efforts failed, including diplomatic pressure through the OAS and further economic pressures.<sup>5</sup> In May 1989, Noriega annulled the results of Panama’s national election.

After a failed coup attempt by Panamanian rebels against Noriega in October, the U.S. “intensified its verbal attacks on Noriega, thereby further painting itself into a corner,” in effect committing itself to remove Noriega.<sup>6</sup> On December 15, the Panamanian legislature declared war on the United States because of the economic sanctions and extended additional powers to Noriega, naming him “Maximum Leader.” The Bush administration did not appear to immediately take these measures as a serious threat.<sup>7</sup> In two separate incidents the following day, however, Panamanian soldiers first shot and killed an off-duty U.S. Marine officer and then beat a Navy officer and threatened his wife.<sup>8</sup>

After years of increasing tensions between the United States and Panama, these last events triggered a response from the Bush administration in the form of a large-scale military invasion. Called by one official “a decision in search of an excuse,”<sup>9</sup> the administration took full advantage of an opportunity for a highly publicized battle in the “war on drugs,” portraying Noriega as a vengeful, narcotic-trafficking dictator who would ruthlessly murder U.S. servicemen. On December 20, just hours after U.S. forces entered Panama, President Bush declared in a public statement that Noriega’s “reckless threats and attacks [had] created an imminent danger to the 35,000 American citizens in Panama.”<sup>10</sup> The President gave four objectives for the military intervention, for which he later

claimed success when Noriega was taken into custody: (1) to safeguard the lives of American citizens, (2) to help restore democracy, (3) to protect the integrity of the Panama Canal Treaties, and (4) to bring Noriega to justice. According to President Bush, Operation Just Cause was “consistent with political, diplomatic and moral principles.”<sup>11</sup>

Secretary of State James Baker used Article 51 of the United Nations Charter and Article 21 of the Organization of American States Charter to justify the intervention of the United States in Panama under the principle of self-defense.<sup>12</sup> Article 51 of the United Nations Charter states:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.<sup>13</sup>

Article 21 of the OAS Charter reads:

The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense in accordance with existing treaties or in fulfillment thereof.<sup>14</sup>

The United States’s argument asserted that it could legally intervene in self-defense to protect its citizens in Panama, but this position intentionally neglected vital principles of international law. The customary international law principle of self-defense, formalized in the OAS and UN charters, has specific requirements in its application to the protection of nationals abroad:

There must be (1) an imminent threat of injury to nationals, (2) a failure or inability on the part of the territorial sovereign to protect them and (3) measures of protection strictly confined to the object of protecting them against injury. Even under customary law only an absolute necessity could justify an intervention to protect nationals.<sup>15</sup>

Customary international law also dictates that a military response in self-defense must comply with the principle of proportionality: the response must

be proportional to the threat. Further, rescue missions should not be tainted by ulterior motives.<sup>16</sup> These self-defense prerequisites are not mere formalities or optional guidelines to be dismissed and forgotten; they are necessary safeguards against serious, unwarranted violations of national sovereignty.

Conditions in Panama in December 1989 did not satisfy the above legal requirements for U.S. intervention in self-defense. Given the circumstances of Panama's "declaration of war" on the United States and the two attacks on American citizens, the Bush administration could assume at worst that the atmosphere in Panama had become hostile toward Americans and that the Panamanian government could not be trusted to protect American nationals. Whether or not the threat against Americans in Panama was truly imminent remains a very debatable question. No further harm came to Americans in the three days preceding the invasion. While Noriega offered no apology for the December 16 attacks, the degree of his responsibility for those incidents was truly unknown.

For the U.S. president to take no action whatsoever to protect the Americans in Panama would have been irresponsible. Even so, the Bush administration had great difficulty demonstrating the absolute necessity of its chosen actions. Several options short of an illegal, full-scale invasion remained available. Alternative courses of action in ending the threat to U.S. nationals ranged from the diplomatic, such as pressure from within the UN or OAS, to displays of strength such as positioning carrier groups off the Panamanian coast.<sup>17</sup>

In addition to the problems of imminence and necessity that the United States's argument faced, the U.S. could hardly call its response proportional. The two violent incidents and death of a single American pale in comparison with the loss of more than seven hundred Panamanian lives, extensive property damage, and occupation by U.S. forces for over a month. Furthermore, from the stated objectives of Operation Just Cause, the United States's motives extended far beyond the protection of its nationals.

While the U.S. attempted to justify its actions under Articles 51 of the UN Charter and 21 of the OAS Charter, those articles in fact constitute an

exception (self-defense) to the rule. The rule of noninterference applies generally. This principle is also codified in the UN and OAS charters. Article 2, section 4 of the UN Charter proclaims, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."<sup>18</sup>

Articles 18 and 20 of the OAS Charter further bind the United States:

No State . . . has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements. . . . The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State.<sup>19</sup>

Insofar as the U.S. cannot justify its invasion of Panama under the guise of self-defense, the invasion is illegal under these treaties. Any standard by which Operation Just Cause would not be considered a use of force against the territorial integrity of Panama

would be ridiculous and useless for general application in international law.<sup>20</sup> A foreign military presence of such duration and devastating impact as that of Operation Just Cause and the removal of the de facto ruler clearly constitute interference with the personality and political elements of the state and a violation of its territory. Consequently, international law did not support the measures taken by the Bush administration to "safeguard the lives of Americans" in Panama. The first of the four justifications for the U.S. invasion is invalid.

The other three U.S. justifications have even less legal foundation. "Restoration of democracy,"

Regardless of the criminal charges against Noriega, an extraterritorial U.S. law enforcement arrest breaks international law by violating Panama's sovereignty.

the second U.S. objective, may appear to be a noble cause from the American perspective but has a very weak base in international law. (Incidentally, the language “restoration of democracy” is deceptive in that there had been no true liberal democracy in Panama in the past twenty-one years since Omar Torrijos first came to power. Apparently, the United States waited to act on behalf of the people of Panama until intervention served its own interests.) When seen in the light of humanitarian intervention against a repressive dictator, Operation Just Cause still has insufficient justification.<sup>21</sup> The principle of humanitarian intervention is a developing concept in international law, but as of 1989 it certainly was not generally accepted. Worldwide condemnation of the U.S. invasion illustrates this point well. The 1994 intervention in Haiti was the landmark case supporting the concept of humanitarian intervention, as the UN authorized the use of force to implement democratic elections following Haiti’s military coup.<sup>22</sup> Five years earlier this precedent had not yet been set, and even if it had, the U.S. lacked the UN authorization it had in the case of Haiti.

A related argument for restoring democracy is curiously derived from the customary international law principle of self-determination, asserting that a country has greater opportunities for self-determination under a democratic government.<sup>23</sup> Questions of self-determination, however, are more relevant when a nation is subject to the extended influence and intervention of a foreign power. In the case of Panama, the greatest threat to its self-determination obviously came from the United States when Noriega was captured. Restoration of democracy is not an adequate legal defense for Operation Just Cause.

“To protect the integrity of the Panama Canal Treaties” was the U.S. mission’s third objective, but Noriega never physically threatened either the treaties or U.S. control of the Canal Zone. In fact, the treaties protected Panama from U.S. intervention. While the treaties provided for both countries’ “right to defend the canal against any aggression or threat directed against the Canal,” they also expressly defended Panama against the threat of U.S. intervention:

This does not mean, nor shall it be interpreted as, a right of intervention of the United States in the internal affairs of Panama. Any United States action will be directed at insuring that the Canal will remain open, secure, and accessible, and it shall never be directed against the territorial integrity or political independence of Panama.<sup>24</sup>

Ironically, in a supposed effort to protect the Panama Canal Treaties, the United States violated them.

The U.S. invasion accomplished its fourth objective of capturing General Noriega. Although “the United States has demonstrated an increasing willingness to extend the reach of its law enforcement in foreign countries,” the actions taken by U.S. forces to apprehend Noriega violated international law.<sup>25</sup> United States domestic law has jurisdiction only within the borders of its territory. The protective principle is an exception to that rule, extending U.S. jurisdiction overseas to conduct that directly affects the functions or actions of the U.S. government. Under protective jurisdiction, the U.S. could legally have taken Noriega into custody had the Panamanian government authorized the presence of U.S. forces. Of course, Noriega was at the head of the Panamanian government, so the U.S. neither asked permission nor received Panama’s authorization to deploy U.S. troops on Panamanian territory. Regardless of the criminal charges against Noriega, extraterritorial U.S. law enforcement arrest breaks international law by violating Panama’s territorial sovereignty.

Despite the fact that it would have “virtually no impact” on drug shipments to the United States, the Bush administration called Operation Just Cause a success.<sup>26</sup> General Noriega was tried and convicted on eight counts of racketeering, drug trafficking, and money laundering, and received a sentence of forty years in a U.S. penitentiary. (Questions of the legality of his trial reside outside the scope of this paper, which focuses exclusively on the legality of the U.S. invasion.) No further harm came to U.S. nationals in Panama, and the supposed threats against the integrity of the Canal Treaties did not materialize. President Endara,

elected in Panama's annulled elections of May 1989, took office at the head of government just over a week after the invasion began. Subsequent Panamanian presidents have also been democratically elected. Perhaps some feel that these ends serve as justification for illegal means.

As mentioned earlier, the United States did not go unreprimanded for invading Panama. But even the nearly universal condemnations were no harsh punishment for a nation as powerful as the U.S.

In conclusion, the stated objectives of Operation Just Cause intentionally misinterpret international law principles in order to justify the United States's invasion of Panama and removal of its de facto leader. The United States could not offer sufficient grounds for its actions in "self-defense" or for extending the jurisdiction of its own laws to Panamanian soil. Humanitarian justifications portray the breach of Panama's territorial sovereignty as morally correct, but these justifications cannot legitimize U.S. interference in Panamanian sovereignty and self-determination. In spite of ostensibly honorable intentions, the operation was illegal.

Sadly, Operation Just Cause is one of numerous U.S. interventions in the relatively weak nations of Latin America. The meager political consequences of the 1989 invasion of Panama will not deter the U.S. from taking similar action in the future when U.S. interests appear to be at stake. The invasion certainly did nothing to improve the United States's long-standing reputation as a bully. Nor did it strengthen the relevance of international law in general. What is international law worth and how can it provide for justice among nations if it can be so easily twisted and ignored? Either the Bush administration failed to consider these negative consequences of illegal intervention, or simply deemed them acceptable in light of Administration objectives. In any case, they surely sensed the irony in the name that was itself an excuse anticipating torrents of criticism: "Operation Just Cause."

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<sup>1</sup> Ved P. Nanda, "U.S. Forces in Panama: Defenders, Aggressors, or Human Rights Activists?: The Validity of United States Intervention in Panama under International Law," *American Journal of International Law* 84 (April 1990): 497. Located through Lexis:Nexis.

<sup>2</sup> *Ibidem*, 502.

<sup>3</sup> Alan Berman, "In Mitigation of Illegality: The U.S. Invasion of Panama," *Kentucky Law Journal* 79 (1991): 739. Located through Lexis:Nexis.

<sup>4</sup> Peter H. Smith, *Talons of the Eagle* (New York: Oxford University Press, 1990), 293.

<sup>5</sup> Berman, "In Mitigation of Illegality," 739-40.

<sup>6</sup> *Ibidem*, 741.

<sup>7</sup> Nanda, "U.S. Forces in Panama," 494.

<sup>8</sup> John Embry Parkerson, Jr., "United States Compliance with Humanitarian Law Respecting Civilians during Operation Just Cause," *Military Law Review* 133 (summer 1991): 31.

<sup>9</sup> Smith, *Talons of the Eagle*, 296.

<sup>10</sup> Parkerson, "United States Compliance with Humanitarian Law," 31.

<sup>11</sup> Nanda, "U.S. Forces in Panama," 494.

<sup>12</sup> *Idem*.

<sup>13</sup> University of Minnesota, n.d., *Charter of the United Nations*. At <<http://www1.umn.edu/humanrts/instreet/anchart.htm>>. 26 November 1999.

<sup>14</sup> Organization of American States, n.d., *Charter of the Organization of American States*. At <<http://www.oas.org/EN/PINF/O/CHARTER96/char496e.htm>>. 26 November 1999.

<sup>15</sup> Berman, "In Mitigation of Illegality," 744.

<sup>16</sup> Tom J. Farer, "U.S. Forces in Panama: Defenders, Aggressors, or Human Rights Activists?: Panama: Beyond the Charter Paradigm," *American Journal of International Law* 84 (April 1990): 503. Located through Lexis:Nexis.

<sup>17</sup> Farer, "Beyond the Charter Paradigm," 510.

<sup>18</sup> *Charter of the United Nations*.

<sup>19</sup> *Charter of the Organization of American States*.

<sup>20</sup> *Charter of the United Nations*.

<sup>21</sup> Antony D'Amato, "U.S. Forces in Panama: Defenders, Aggressors, or Human Rights Activists? The Invasion of Panama Was a Lawful Response to Tyranny," *American Journal of International Law* 84 (April 1990): 516. Located through Lexis:Nexis.

<sup>22</sup> Peter Malanczuk, *Akehurst's Modern Introduction to International Law*, 7th ed. (London: Routledge, 1997), 408.

<sup>23</sup> Nanda, "U.S. Forces in Panama," 498.

<sup>24</sup> *Panama Canal Treaty*. At <<http://www.pancanal.com/history/>>. 26 November 1999. Located through Lexis:Nexis.

<sup>25</sup> Christopher A. Donesa, "Protecting National Interests: The Legal Status of Extraterritorial Law Enforcement by the Military," *Duke Law Journal* (February 1992): 867. Located through Lexis:Nexis.

<sup>26</sup> Smith, *Talons of the Eagle*, 297.



# CROSS-NATIONAL WOMEN'S ECONOMIC EQUALITY IN 1993

JOSHUA LLOYD

*The increasing data on cross-national women's human rights permits further research into this relatively new field of analysis. This study uses a cross-sectional multivariate linear model to determine the factors that influence violations of women's human rights around the world.*

Scholarly literature on international women's rights abounds with qualitative case studies and international law research but neglects quantitative supported studies for a number of reasons. First, obtaining data across a large enough section of states in order to give a substantially cross-national base is difficult. Second, data-gathering bodies often fail to collect and report specifically gender-related measures. Finally, cross-national studies are cross-cultural as well; culture is difficult to quantify, greatly impeding past research.

Although cultural difference creates a significant barrier for quantitative research, recent improvements in raw data allow us to better analyze the factors that lead to women's human rights violations.<sup>1</sup> Cross-national quantitative studies have helped scholars identify and measure these factors. To further the findings of these scholars, I employ a similar model, compiling various hypotheses and testing them statistically. I use this method to explore the relationship

between gender economic equality and such variables as economic development, the level of democracy, female literacy rate, women's political participation, and reproductive rights. Conventional wisdom and hints from previous studies, rather than any specific theoretical basis, lead me to assume the importance of these factors. This area of study is still in its infancy; examining the effect of many variables will provide a basis for theoretical understanding that can lead to more focused, rigorous studies.

## PREVIOUS STUDIES

Several empirical studies, though not specifically addressing human rights issues, show which different aspects of women's rights scholars have examined. Clark (1991), Semyonov (1980), and Semyonov and Shenhav (1988) look at labor force participation by women across countries. The United Nations (1992) has done research that deals with the proportion of women in decision-making

jobs. Sen (1987) and Basu (1992) look more generally at the quality of life of women. And finally, Nader (1986) looks at cross-national systems of male dominance over women.<sup>2</sup>

Clair Apodaca (1998) focuses more on women's human rights and creates the index on women's economic and social rights (WESHR), which measures differences between male and female rights regarding work, the standard of living, health and well-being, and education.<sup>3</sup> She uses this index to look at how economic development affects the realization of women's economic and social rights by region. She finds that economic development leads to greater realization of these rights and that as development increases, women's share of the prosperity also increases.<sup>4</sup> S. Laurel Weldon (1999) examines cross-national government responsiveness to violence against women, concluding that strong autonomous women's movements and their links to an effective women's policy bureaucracy or other government insider most determine if and how a government deals with battered women issues.<sup>5</sup>

Finally, four other studies are closely related to my research. The first is a simple analysis of some factors that hypothetically might affect human rights conditions in states, such as the type of regime, the type of colonial past, level of development, and the level of trade with capitalist states.<sup>6</sup> Poe and Tate (1994) and Poe, Tate and Keith (1999) do two much more rigorous studies, building on Mitchell and McCormick, in which they examine a number of factors that they hypothesize may affect human rights dealing with violation of personal integrity: level of democracy, population size, rate of population change, economic standing, rate of economic growth, presence of a leftist government, military control, British cultural influence, international war, and civil war.<sup>7</sup> The difference between their two studies is the number of years and the countries that they examine. They find that civil war is the strongest factor that contributes to violations of personal integrity. Interestingly, this change alters some of the conclusions about the causes of personal integrity abuse.<sup>8</sup> Economic development, democracy, population size, economic standing, and international war were also substantially significant factors.

The study most closely related to mine is by Poe, Wendel-Blunt, and Ho (1997) in which they formulate two cross-national measures for the year 1993: one deals with women's political equality, the other with economic equality. They look at some descriptive properties of the scores by region and level of development and then correlate the scores with GNP per capita. They find it to be significant, though it is only a bivariate (two-variable) test.<sup>9</sup> While they intend to look at this relationship in more detail in the future, they have made their scores publicly available. I plan to use their measure of women's economic equality as the dependent variable in my study, responding to their "hope that [their scores] will be helpful to others who wish to do research in this area."<sup>10</sup>

#### MODEL OF CROSS-NATIONAL WOMEN'S ECONOMIC RIGHTS

To contribute to the continuing effort to illuminate causes of the denial of human rights to women in various countries, I build a cross-sectional multivariate linear model that regresses the level of women's economic equality in 1993 on several other variables. The model is essentially built following the process used by Poe, Tate, and Keith,<sup>11</sup> which is based on Blalock's Theory Construction (1969).<sup>12</sup> In this system, the research compiles various hypotheses, then inserts them into a theory-driven model that is estimated mathematically.

Various international documents define women's economic rights, the dependent variable in my study. The Universal Declaration on Human Rights is generally accepted as the ultimate human rights standard against which countries should be judged. It declares in Article 23, section 1, that "everyone has the right to work, to free choice of employment" and in section 2, that "everyone, without any discrimination, has the right to equal pay for equal work."<sup>13</sup> In addition, the International Covenant on Economic, Social and Cultural Rights mandates that women's "conditions of work are not inferior to those enjoyed by men" and that women are entitled to equal pay for equal work.<sup>14</sup> Using these declarations as a guide, Poe, Wendel-Blunt, and Ho code State Department reports for the year 1993 for 174 countries. The scale ranges from 1 to 4, with 1 representing the lowest level of

**Table 1.** Scale Used to Produce Women’s Economic Rights Country Scores (Poe Score)

SCORE	WHAT THE SCORE INDICATES
1	No laws exist that guarantee equal rights in the workplace or equal pay for equal work. Sexual economic discrimination is practiced and accepted by most of the population.
2	Laws apparently prohibit sexual discrimination and guarantee equal pay for equal work. Sexual discrimination is practiced by most and there are no serious governmental efforts to improve the situation.
3	Laws prohibit sexual discrimination and guarantee equal pay for equal work. Some sexual economic discrimination is practiced but no longer accepted by most of the population. Serious government efforts are under way to fight discrimination and ensure equal pay.
4	Laws prohibit sexual discrimination and guarantee equal pay for equal work. Discrimination is no longer accepted by most of the population and is therefore no longer a serious social problem.

economic equality and 4 representing the highest. To summarize the criteria for coding countries, refer to Table 1.

The Poe score is designed as an indicator of actual social and governmental attitudes towards women’s economic rights. This is probably one of the best ways to measure such rights since women’s equality is most closely linked to prevailing societal attitudes. Therefore, the researcher can use virtually any “facts on the ground” as independent variables without these being included in the score for the dependent variable, unless they deal specifically with laws and practices of economic discrimination. It is important to note that this is an ordinal scale with discrete values. There really exists no in-between score such as two or three. We will assume, however, for the purposes of this study that this is interval-level data that runs continuously between 1 and 4.

My first independent variable is level of economic development, measured by gross national product (GNP) per capita for each country in 1991.<sup>15</sup> Poe, Tate and Keith; Poe, Wendel-Blunt and Ho; and Apodaca all find economic development to be an important factor in human rights in general and women’s rights in particular. I include it because it is necessary to control for this variable and substantiate or refute these previous studies. I hypothesize that economic development will increase the women’s economic equality score.

Past studies validate this hypothesized relationship. Economic development, scholars reason, liberates women from the rural lifestyle in

which husbands and fathers often dominate them.<sup>16</sup> The dissemination of information through technology exposes women to arguments for economic equality, which then leads them to change the status quo. This reasoning, however, goes against some conventional wisdom that economic development is detrimental to human rights. For this reason, we need to distinguish between level and rate of development. Scholars have shown that it is the rate of growth that often leads to more oppression while a higher level of development contributes to recognition of human rights.<sup>17</sup>

The second independent variable is the level of democracy. In more democratic nations (ones that give the vote to women, for example) women have more opportunity to express dissatisfaction with their economic condition and to work for change that will improve their position. The measure for democracy will be a composite of the Freedom House (Gastil) civil and political freedom scores for the year 1993–94.<sup>18</sup> This composite score is following the example of Burkhart and Lewis-Beck, who use it to cover the full range of variance in democracy—both civil and political.<sup>19</sup> For other usage of the Gastil measure, see Poe and Tate.<sup>20</sup> I hypothesize that as the level of democracy increases, economic rights will also increase. I have not reversed the scale as Burkhart did, though, so we would expect that as the Freedom House score decreases, the Poe score will increase.

The next independent variable has to do with reproductive rights. A prevalent argument deals with the question of whether reproductive rights

**Table 2.** Variable Operationalizations

<i>Variable</i>	<i>Operationalization</i>
Women's Economic Equality	Four-point ordinal measure of economic equality in 1993 provided by Poe, Wendel-Blunt, and Ho (1 = least economic equality; 4 = most economic equality)
Economic Development	GNP per capita in 1991
Level of Democracy	Freedom House composite democracy score in 1993 (2 = most democracy; 14 = least democracy)
Reproductive Rights	Percentage of married women of reproductive age who are using modern contraception in 1990
Women's Political Participation	Percentage of seats held by women in parliament in 1992
Female Literacy Rate	Percentage of adult female literacy in 1994

are a necessary prerequisite to women's economic rights.<sup>21</sup> I contend that they are. As women gain substantive reproductive rights, they are then able to control how many children they have and when they have them. This allows them to attend school more readily and continuously, leading to informed attitudes about rights among women and more mobility in the domestic women's movement. To measure this variable, I use the percentage of married women who are using modern contraception (as opposed to traditional contraceptive methods) in 1990.<sup>22</sup> This is a proxy variable: higher level of use of modern contraceptives may not necessarily indicate a higher level of reproductive rights. It is therefore not an ideal measure, but scholars have used it in the past.<sup>23</sup> A higher level of reproductive rights (modern contraceptive use) will lead to an increase in the economic equality scale.

Women's political participation will also lead to increases in economic rights. As the proportion of women in government increases, the discourse about women's rights in government will increase and voting power for women's rights advocates in legislative bodies will increase. I measure political participation as the percentage of women in representative governmental positions in a given country in 1992.<sup>24</sup> As women's political participation increases, the women's economic equality score will increase.

Finally, female literacy rate also plays a role in women's economic rights. As women become more literate, they are better able to tap into resources that educate them about their rights. Education leads to activism and mass mobilization, which leads to change in economic and political rights. Where there are great amounts of literacy, women will be more informed about their options and, therefore, will act to procure them. The measure for this variable is the female adult literacy

rate for each country in 1994.<sup>25</sup> We expect, therefore, that as female adult literacy increases, the women's economic equality score will also increase.

The linear multivariate model for 1993 in equation form is as follows:

$$\text{Women's Economic Equality}_i = \beta_1 + \beta_2 \text{ Economic Development}_i + \beta_3 \text{ Level of Democracy}_i + \beta_4 \text{ Reproductive Rights}_i + \beta_5 \text{ Women's Political Participation}_i + \beta_6 \text{ Female Literacy Rate}_i + v_i$$

$\beta_1$  = intercept

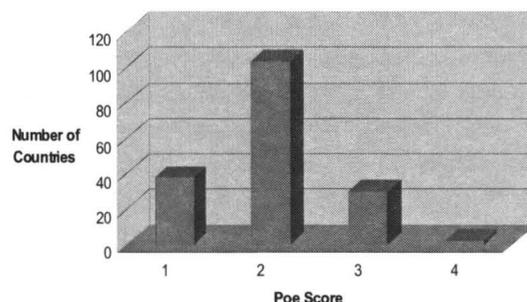
$\beta_n$  = regression coefficient of variable *n*

$\beta_i$  = error term for country *i*

DESCRIPTIVE ANALYSIS

Only two countries (Australia and Norway) out of the 174 achieve a women's economic equality score of 4 (sexual economic discrimination is no longer a real problem). Not surprisingly, both countries have a high level of human development, being ranked number three and number thirteen respectively on the Human Development Index (HDI), a ranking system that considers life expectancy at birth, adult literacy rate, combined school enrollment ratio, and adjusted per capita income.<sup>26</sup> Of the 174 countries, 30 received a score of 3 (indicating a serious effort by the government to undermine economic discrimination and that

**Chart 1.** Poe Scores for 174 Countries



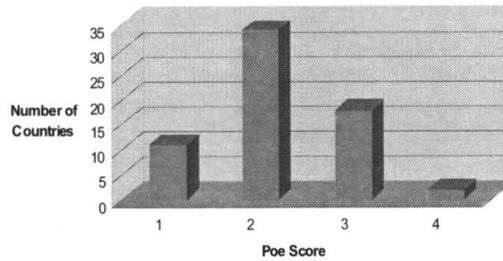
most of the population is supportive of those efforts); 22 of these 30 countries have what is considered a high human development,<sup>27</sup> 5 have a medium human development and 2 have a low human development (I was not able to ascertain the level of human development of one of the countries). This may indicate that it is not always necessary for a country to have a highly developed economy in order for it to have a relatively high level of economic equality for women. The overwhelming majority of states (104) have Poe scores of 2. These are states that appear to have women's rights in their discourse (they have laws against economic discrimination on the books), but they are not yet enforcing those laws. Additionally, most of the population does not accept economic equality by gender. The mean score for economic rights overall is 1.98 with a standard deviation of 0.67. Chart 1 demonstrates the distribution of countries by score.

In performing the regression analysis, it is important to remember that this scale is very small (in terms of units) and so a small numerical change represents a large societal change.

**DATA ANALYSIS**

As already mentioned, the Poe score is regressed linearly on the listed independent variables. The model is linear because at this point there is no theoretical reason to suppose that the relationships are quadratic, cubic, or otherwise. In order to perform the regression with the variables that the model outlined above requires, I had to reduce the number of cases considered. One of the advantages to the Poe score is that it includes a sweeping view of cross-national women's economic equality. Unfortunately, because of data limitations I was only able to find data on all of the

**Chart 2. Poe Scores for 66 Countries**



variables for 100 countries. The reduction in the number of cases is disappointing, for it limits the conclusions that we can draw on a cross-national basis. Instead of drawing conclusions based on all of the countries, I will be basing mine on a smaller number.

The qualitative aspects of the countries in question, in addition to the limit in the number of cases, are also important. Fortunately the distribution of countries in different levels of development and region is similar to the full population. Basing the divisions again on the HDI, there are 35 countries that rank high, 39 countries that rank medium, and 26 countries that rank low. Regarding region, there are 17 countries from Western Europe and North America, 14 from Latin America, 30 from Africa, 20 from Asia, 10 from Eastern Europe, 4 from the Caribbean, and 5 from the Middle East (one of the hot spots when it comes to women's rights issues) (see Table 3).

This sample includes 2 countries that score a 4; 23 countries with a score of 3; 59 countries with a score of 2; and 16 with a score of 1. The distribution of the second, reduced sample is fairly similar to that of all 174 countries. The sample mean is 2.11 and the standard deviation is 0.68. This is not the same as the full set of countries, but it is fortunately not too far off and will have to suffice. Chart 2 reflects this sample distribution.

The results of the corrected regression are presented in Table 4, after correcting for heteroscedasticity and recognizing the limitations on the data. The female literacy rate and level of women's reproductive rights did not exert a statistically significant effect on the independent variable. Nor did they exercise a jointly significant effect, as demonstrated by an F-test. I took them out of the model, therefore, and included the

**Table 3. Breakdown of Sample Countries by Region**

Region	Number of Countries
Western Europe and North America	17
Latin America	14
Africa	30
Asia	20
Eastern Europe	10
Caribbean	4
Middle East	5

**Table 4.** Corrected Model Results

<i>Independent Variables</i>	<i>Betas</i> ( <i>set</i> )	<i>Significance</i>
Constant	2.11 (.173) 12.19	<.001*
Economic Development	.000021 (.000) 2.38	<.001*
Democracy	-.052 (.017) -3.01	.003*
Women's Political Participation	.024 (.006) 3.61	<.001*
N	100	-
R square	.59	-

results of the refitted model in Table 4. The variables that exercised a significant effect were the level of economic development, the level of democracy, and women's political participation. The R-square at the bottom of the table indicates that these three variables account for 59 percent of the variation in women's economic equality.

The results here substantiate previous studies' findings about the positive relationship between economic development and women's rights. As the GNP per capita increases by ten thousand dollars, the women's economic equality score will increase by 0.21 points. Given that the scale is only a four-point scale, a fifth of a point is quite substantial. An increase of ten thousand dollars in GNP per capita, though, is also a very substantial increase. In the sample, the country with the highest GNP per capita in 1991 is Switzerland with \$33,610; the country with the lowest is Morocco with \$80. It would take decades, however, for a country to increase its GNP per capita by ten thousand dollars. If we take the average GNP per capita of the countries (\$4965) and assume a constant annual growth rate of 13.5 percent, the highest growth rate of any of the countries in the sample, it would take fifteen years for GNP per capita to increase by that amount. This indicates that growth is a slow process and that change in women's economic equality is relatively slow as well.

The second significant variable in the model is the level of democracy. As the Freedom House composite score increases by five points, women's economic equality goes down by 0.25 points (remember that as the Freedom House score

goes up, the level of democracy in the country diminishes). This is the direction indicated by the hypothesis: as democracy increases, so does women's economic equality.

The last significant variable is women's political participation. The results confirm the prediction of the hypothesis that political participation by women increases the level of economic equality between genders. As the number of women in parliament increases by 10 percent, the economic equality score also goes up by 0.24 points.

CONCLUSION

This study substantiates previous studies that have concluded that the level of economic development in a country positively affects women's economic equality. In addition, I found that two new variables positively influence women's economic equality: the level of democracy and the level of women's political participation also exercise statistically significant effects on the independent variable, thus supporting my originally hypothesized relationships. This evidence is of immense importance for women's groups and policymakers at all levels because it indicates possible ways (working for economic development, promoting democracy, and putting women in government) to positively influence women's rights.

The factors that I found to be insignificant are perhaps more important in other areas of women's rights, particularly political rights. I did not examine that here because the Poe score, the most comprehensive measure, focuses on economic rights. It would be interesting to construct a new model to measure political rights.

This study represents a new step in the quantitative study of international women's rights, but it is only a beginning. Additional data must be obtained on more countries in order to make a comprehensive model of comparative women's human rights (across nations, over time, and over more variables). As governments make progress in women's human rights, they will find more variance across nations, allowing for more precise pinpointing of what factors further those rights.

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on Latin American studies and is especially interested in human rights, development, and political theory. He wishes to thank Professors Hawkins and Goodliffe for their assistance in looking at earlier versions of this article.

<sup>1</sup> See Steven C. Poe, C. Neal Tate, and Linda Camp Keith, "Repression of the Human Rights to Personal Integrity Revisited: A Global Cross-National Study Covering the Years 1976–1993," *International Studies Quarterly* 43 (1999): 291–313; Steven C. Poe, Dierdre Wendel-Blunt, and Karl Ho, "Global Patterns in the Achievement of Women's Human Rights to Equality," *Human Rights Quarterly* 19 (1977): 813–35.

<sup>2</sup> Roger Clark, "Contrasting Perspectives on Women's Access to Prestigious Occupations: A Cross-National Investigation," *Social Science Quarterly* 72 (March 1991): 20–32; Moshe Semyenov, "The Social Context of Women's Labor Force Participation: A Comparative Analysis," *American Journal of Sociology* 86 (November 1980): 534–50; Moshe Semyenov and Yehouda Shenhav, "Investment Dependence, Economic Development, and Female Employment Opportunities in Less Developed Countries," *Social Science Quarterly* 69 (December 1988): 961–78; United Nations Centre for Social Development and Humanitarian Affairs, *Women in Politics and Decision Making in the Late Twentieth Century* (New York: United Nations Publications, 1992); Amartya Kumar Sen., *Gender and Cooperative Conflicts* (Helsinki: World Institute for Development Economics Research of the United Nations University, 1987); Alaka Malwade Basu, "The Status of Women on the Quality of Life among the Poor," *Cambridge Journal of Economics* 16 (September 1992): 249–67; Laura Nader, "The Subordination of Women in Comparative Perspective," *Urban Anthropology* 15 (fall/winter 1986): 377–97.

<sup>3</sup> Clair Apodaca, "Measuring Women's Economic and Social Rights Achievement," *Human Rights Quarterly* 20 (1998): 139–72.

<sup>4</sup> Apodaca, "Measuring Women's Economic and Social Rights Achievement," 164.

<sup>5</sup> S. Laurel Weldon, "A Cross-National Study of Government Responsiveness to Violence against Women: The Importance of Feminist Administrative Reforms." Paper delivered at the 1999 Annual Meeting of the American Political Science Association, September 25.

<sup>6</sup> Neil J. Mitchell and James M. McCormick, "Economic and Political Explanations of Human Rights Violations," *World Politics* 40 (July 1988): 476–98.

<sup>7</sup> Steven C. Poe and C. Neal Tate, "Repression of Human Rights to Personal Integrity in the 1980s: A Global Analysis," *American Political Science Review* 88 (1994): 853–73; Poe, Tate, and Keith, "Repression of the Human Rights," 291–313.

<sup>8</sup> Poe, Tate, and Keith, "Repression of the Human Rights," 291.

<sup>9</sup> Poe, Wendel-Blunt, and Ho, "Global Patterns," 829.

<sup>10</sup> *Ibidem*, 831.

<sup>11</sup> *Ibidem*, 855–59.

<sup>12</sup> Hubert M. Blalock, *Theory Construction: From Verbal to Mathematical Formulation* (Englewood Cliffs, NJ: Prentice Hall, 1969).

<sup>13</sup> Jack Donnelly, *International Human Rights* (Boulder, CO: Westview Press, 1998), 167.

<sup>14</sup> Poe, Wendel-Blunt, and Ho, "Global Patterns," 818.

<sup>15</sup> World Bank, *World Development Report 1993: Investing in Health* (New York: Oxford University Press, 1993), 238–39.

<sup>16</sup> Poe, Wendel-Blunt, and Ho, "Global Patterns," 827.

<sup>17</sup> Poe, Tate, and Keith, "Repression of the Human Rights," 306.

<sup>18</sup> Freedom House. 1999. *Annual Survey of Freedom Country Scores 1972–73 to 1998–99*. At

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<sup>19</sup> Ross E. Burkhardt and Michael S. Lewis-Beck, "Comparative Democracy: The Economic Development Thesis," *American Political Science Review* 88 (December 1994): 904.

<sup>20</sup> Poe, Tate, and Keith, "Repression of Human Rights."

<sup>21</sup> Poe, Wendel-Blunt, and Ho, "Global Patterns," 819.

<sup>22</sup> United Nations Department for Economic and Social Information and Policy Analysis, Statistical Department, *The World's Women 1995: Trends and Statistics* (New York: United Nations Publications, 1995).

<sup>23</sup> *Ibidem*, 78.

<sup>24</sup> United Nations Development Programme, *Human Development Report 1997* (New York: Oxford University Press, 1997), 152–54.

<sup>25</sup> *Human Development Report 1997*, 149–51.

<sup>26</sup> *The World's Women 1995*, 40. *Human Development Report 1997*, 127.

<sup>27</sup> *Human Development Report 1997*, 57.



# POLITICAL ISLAM AND SECULAR DEMOCRACY

## THE RISE OF THE REFAH PARTY IN TURKEY

BROCK TAYLOR

*The Refah Party entered the political arena in Turkey at a time when the public felt political parties were unresponsive and the government was corrupt. The party changed the public's expectations of political parties through grassroots campaigning and responsive governing. Although the Refah Party has found it difficult to follow through with many of its campaign promises without incurring large costs to the government, the rise of the Refah Party has had a profound impact on Turkish politics.*

The secularization of the Turkish political system has left little room for religious organizations to influence governmental institutions. Access to political power is extremely difficult for religious organizations. Indeed, the vast gulf dividing church and state as outlined in Turkey's secular constitution is seemingly unbridgeable. The military, seeing themselves as the defender of Kemal Ataturk's secular democracy, have made the gulf even wider. It is under these conditions that political Islam, embodied in the Refah Party, has recently emerged upon the Turkish political scene as an important political player. The Refah Party's issue-based campaign propaganda and approach to governing have changed the political system in Turkey by increasing the people's expectations of what government officials ought to deliver: namely, that government officials should act as representatives of the people, furthering interest articulation and interest aggregation.

### A BRIEF HISTORY OF POLITICS IN TURKEY

The polarization of income classes has caused the Turkish government to become an unrepresentative elitist entity. In fact, Turkey has one of the ten worst income distributions in the world.<sup>1</sup> "The pattern of high income inequality in Turkey has undoubtedly been exacerbated by the chronically high rates of inflation that have existed over the past two decades."<sup>2</sup> Barry Rubin noted, "The main political parties are arrogantly unresponsive to public needs. Government, bureaucracy, and the political elite view themselves as the society's master rather than as public servants."<sup>3</sup> This elitist conception, held by most Turkish governmental officials, has caused governmental corruption to become the status quo in Turkish politics. Indeed, scandals and corruption have discredited almost all of the political parties.<sup>4</sup> In particular, the severe damage to Turkey's infrastructure caused by the earthquake of August 1999 illuminated a number

of corrupt political practices, including the government's failure to enforce building code regulations.<sup>5</sup> Although for a number of years the people of Turkey have been critical of the rampant corruption and apparent inefficacy of governmental regimes to represent the rights of the people, little progress has been made in cleaning up the dark corners of Turkish politics.

The party system in Turkey has traditionally been deadlocked. The lack of consensus in the

A political vacuum opened the door for the rise of political Islam as an alternative to secular social democracy.

Turkish political party scene arose from a seemingly perpetual internal conflict between competing elitist entities.<sup>6</sup> As a result, party politics have consistently

failed to translate voter demands into public policy.<sup>7</sup> Other apparent results included voter disillusionment and a "corresponding erosion in social rights, including both a decline in the bargaining capacity of labor unions as well as a reduction in the degree of entitlement to key social services in the areas of education, health, and social security."<sup>8</sup> The increasing inability of the state to cater to the demands of its constituency, especially the demands of the poor, the disadvantaged, and excluded minority groups, created a political vacuum. This political vacuum opened the door for the rise of political Islam as an alternative to secular social democracy.

#### THE RISE OF POLITICAL ISLAM IN TURKEY

Islam as a political platform first emerged on the Turkish political scene in 1970 with the formation of the National Order Party, which was shut down in 1972 by the Constitutional Court. However, shortly after the Court's decision, the leadership of the National Order Party, headed by Necmettin Erbakan, reorganized the Islamic party under a new name, the National Salvation Party. After the military takeover in 1980, the National Salvation Party was also closed down by the military for violating Article 163 of the Turkish Penal Code, which forbids the use of religious propaganda for political purposes. Erbakan re-emerged upon the Turkish political scene in 1984,

establishing his third Islamic coalition, the Refah Party.

In municipal elections on March 27, 1994, the Refah Party stunned the Turkish political community by winning 19.1 percent of the national vote. This strong showing allowed the Refah Party to capture two hundred mayoralties, including Turkey's two largest cities, Istanbul and Ankara. After the early general elections took place on December 24, 1995, the Refah Party emerged as Turkey's majority political party with Necmettin Erbakan as the Prime Minister, 158 of the 550 parliamentary seats, and 21.4 percent of the national vote. Shortly thereafter, in what many in Turkey call a "soft coup," the Turkish military pushed the Refah Party out of office in June 1997. In response to the demands of the military, the Constitutional Court banned the Refah Party on January 16, 1998, ruling that the party's religious platform violated Turkey's secular constitution. However, shortly after the Court's decision, the Islamists reappeared yet again as the Virtue Party.

The Virtue Party suffered major losses in the election of 1999, yet the movement remains active and very much alive. It is interesting to note that the upcoming ultra-rightist National Action Party, which made tremendous gains in the election of 1999, has used the same type of political rhetoric formerly used by the Refah Party. Indeed, the consequences of the Refah Party's success in organizing a grassroots political movement has had an enormous effect on the Turkish political system.

#### THE REFAH PARTY'S POLITICAL CAMPAIGN

The Refah Party's political campaign was replete with references to "cleaning up" government. The party's campaign promise of honest and competent government managed to present itself as the natural alternative to secular social democrats whose administrations were characterized as inefficient, incompetent, and corrupt.<sup>10</sup> Some have attributed much of the party's strength to the up-standing moral character and personal standing of the party's leader, Necmettin Erbakan.<sup>11</sup> Furthermore, the Refah Party was able to capitalize upon voter disillusionment with corrupt center parties by rhetorical statement in favor of a "Moral Order" and a "Just Economic Order."<sup>12</sup> This rhetoric was

accentuated by the party's attempt to portray itself as pious Muslims motivated by the fear of Allah.<sup>13</sup>

The traditional weakness of Islamic movements in Turkey indicates that the appeal of political Islam as an alternative to secular social democracy arises not only from the strength of its moral argument in favor of equity, but also from specific and concrete campaign tactics and political strategies used by the party.<sup>14</sup> The rise of the Refah Party as an important political player in Turkey was facilitated by a highly organized, grassroots political campaign, including highly rhetorical political propaganda and target-oriented pre-election incentives.

#### ORGANIZATIONAL CAMPAIGN STRATEGIES

The Refah Party's organizational strength proved to play an important role in influencing the electorate, thus facilitating the election of Refah officials to offices of influence. Paradoxically, in an age where the mass media established itself as the dominant mode of communication, the Refah Party placed major emphasis on grassroots organizations and face-to-face contact with the electorate. The political campaign of 1994 exhibits the strength of the Refah Party's organizational tactics. Women went door to door handing out fliers, soliciting support for Refah candidates. Party supporters sought out and spoke directly with members of the electorate likely to support the Refah movement, persuading individual voters to jump on the Refah Party bandwagon. Candidates were out among the people expressing their view and receiving feedback from their constituency. The party gave enormous attention to step-by-step mobilization of local party representatives, with party militants diligently coming into personal contact with potential voters. These contacts gradually built support for the party by establishing close, personalized relationships. Computer technology was exploited to accumulate and process information on people likely to vote for the party. These organizational tactics afforded strategic advantages to the Refah Party over all other political parties, especially over the social democrats who were in organizational disarray and clearly disregarded issues relating to voter mobilization at the grassroots level.<sup>15</sup>

The grassroots tactics of the Refah Party proved to be extremely effective in motivating the electorate to support Refah Party candidates. In addition, by speaking directly to the electorate and by becoming connected with their constituency, Refah Party officials became conscientious of the individuals they were to represent. This awareness, in turn, led to responsible governing and attempts to truly act as civil servants. Refah Party leaders gained widespread recognition for their effective performance on a local level. In fact, in Refah-controlled municipalities, the party gained a reputation for honest, clean government. However, this reputation was not without blemishes. Mayor Erdogan, a member of the Refah Party, admitted that even after four years in office he was unable to completely eliminate bribery in a municipality that employs more than 30,000 workers. In total, eight mayors associated with the Refah Party were investigated for corruption.<sup>16</sup> However, the number of Refah Party officials accused of corruption was considerably low when compared to other political parties.<sup>17</sup> Indeed, "for the most part, Refah mayors have been more efficient and less corrupt than their predecessors."<sup>18</sup> These general trends demonstrate the Refah Party's connectivity with their constituency.

The Refah Party's ideological populism and grassroots organizational tactics tapped into the people's desire to organize and express themselves politically. "In essence, the populist party serves as the missing emotive and cultural nexus between actors within the state and the larger strata of society. The Refah Party, populist par excellence, has played exactly such a role in Turkey."<sup>19</sup> By providing a vehicle for the Turkish people to voice their views and express their opinions regarding political issues of concern to them, the Refah Party has dramatically altered the political system in Turkey. The emergence of

The rise of the Refah Party as an important political player in Turkey was facilitated by a highly organized grassroots political campaign, including highly rhetorical political propaganda and target-oriented pre-election incentives.

this simple form of interest articulation, previously enjoyed only by the elite, was a revolutionary phenomenon in that by empowering the individual it laid the groundwork for redirecting political power back to the masses. Through this process, many individuals realized the influence that they can assert through active involvement in the political system. Now that the voice of the people has been heard, it will be difficult for other political parties to gain access to political power without also providing a mechanism where constituents can voice grievances and feel that they are being heard.

RHETORICAL CAMPAIGN

To complement their grassroots organizational tactics, the Refah Party effectively used highly rhetorical political propaganda to gain support for their coalition. The 1991 campaign, orchestrated by some of the young Islamist intellectuals and campaign managers, showed the Refah Party's commitment to addressing the issues. The political campaign was conducted on billboards, on television, and in the press. Depictions of human profiles and social issues of concern to Turkish citizens were extremely prevalent. These depictions included young men searching for jobs, a female student (wearing the traditional headscarf) longing to attend her university classes, a retired man asking for a better standard of living, and a middle-aged woman (without a headscarf) promoting environmental awareness. The portrayal of a noncovered woman poignantly attests to the party's inclusionary strategy. The entire campaign incorporated an inclusionary tone focused on issue-based politics. Conversely, other political parties based their electoral campaigns on the personal attributes of their leaders. The Refah Party's choice to focus on issues of local importance enabled the party to gain the support of many voters who would have otherwise been skeptical of an Islamic party. Furthermore, by using each part of their campaign to target specific social groups, Refah Party

candidates were able to gain support from voters otherwise unlikely to support the Islamists.<sup>21</sup>

The municipal elections of March 27, 1994, also demonstrated Refah's commitment to inclusionary politics and the vocalization of social issues, such as clean government, waste disposal, and prohibition of pornographic films and programs on television.<sup>21</sup> By focusing on issues directly affecting the electorate, the Refah Party set a new standard for Turkish politicians. Previously, political parties primarily focused campaigns on oratory of officials' attributes while arrogantly ignoring issues affecting the electorate. The Refah Party, on the other hand, has now effectively modeled representative rhetoric. A sufficient number of citizens caught the vision of what the Refah Party was

The "Just Order" emphasized income distribution and the moral obligation of the state to improve the economic conditions of the poor.

trying to do: address the concerns of their constituency. Subsequently, campaign rhetoric in Turkey became far more issue-oriented. The Turkish people have since used their votes to reward candidates who effectively address major political issues; the electorate, conversely, has

also withheld their votes from candidates and political parties who fail to communicate their position in regards to societal problems.<sup>22</sup>

PUBLISHED CAMPAIGN

The Refah Party's use of verbal rhetoric to address and respond to the issues is unprecedented in Turkish politics. Additionally, the Refah Party took another step forward by making their political agenda available to the public in writing. This is evident by the election manifesto booklet issued by the Refah Party for the December 1995 election. In this booklet, the Refah Party addressed and presented a number of concrete solutions relating to the Kurdish population in Southeast Turkey. These measures included the repopulation of evacuated villages, a specific program for the economic development of the region, the repeal of the state of emergency regulation, and lifting the trade embargo imposed on Iraq by the United Nations.<sup>23</sup> By addressing these issues directly and also presenting

concrete solutions, the Refah Party gained the support of a majority of Kurdish citizens.

Catering ones' political campaign toward a certain group of minorities is another revolutionary model in Turkish politics. This model has since been successfully replicated by many prominent political parties in Turkey and is, in turn, becoming an important part of the Turkish political process. Owing to the plurality of political parties in Turkey, minority groups are growing more and more influential in political circles. In response, a number of minorities have organized themselves into active interest groups.<sup>21</sup> The degree to which these interest groups will replace existing elites as powerful political players is a matter yet to be determined. It is important, however, to recognize the profound effect the Refah model has played in facilitating a political system in which interest groups are becoming influential players in national politics.

#### THE "JUST ORDER"

The Refah Party developed a concise economic plan that directly addressed the concerns of the lower income classes regarding the distribution of wealth and income. In their campaign, Refah Party candidates focused upon the party's goal of establishing a "Just Economic Order" (*adil ekonomik duzen*). The "Just Order" was made up of thirty-one articles dealing with socioeconomic issues. Refah Party candidates used the economic theories encompassed in the "Just Order" to rhetorically emphasize income distribution and the moral obligation of the state to improve the economic conditions of the poor, disabled, and disadvantaged. Furthermore, the "Just Order" was used to emphasize the importance of free enterprise, private investment, and commercial activity, thus minimizing the role of the state.<sup>25</sup> Although its economic promises might have been inflationary if put into practice, the "Just Order" was exactly what the average Turk wanted to hear.<sup>26</sup> In fact, the Refah Party's political discourse of the "Just Order" became extremely popular among the poor, especially among Kurdish populations who

had become alienated from the Turkish political system.<sup>27</sup> Indeed, the economic theories of the "Just Order" may have been "stronger in colorful rhetoric than in substance,"<sup>28</sup> but the importance of this portion of the Refah Party's campaign is not the soundness of their economic ideas. Instead, it is the remarkable manner in which they worked toward the betterment of Turkey's standard of living, not only by vocally addressing specific issues but also by formulating specific strategies that were attractive to the people.<sup>29</sup> This is representative government at its finest.

The Turkish people recognized and responded to the Refah Party's revolutionary model. Abdullahi Erdogmus, a Kurdish citizen, stated, "Refah is the only political party which is outside the system, and it can fulfill the

changes we desire . . . justice and freedom under the guarantee of law."<sup>30</sup> Another Turkish citizen stated, "The Refah Party spent more time and energy discussing equality, social security, welfare, and social justice than any other political party, including the leftist parties."<sup>31</sup>

All other political parties in Turkey find themselves being judged according to the Refah Party's higher standard of listening and responding to public opinion.

This clearly shows that people acknowledged and appreciated the Refah Party's effort to reform the political system in Turkey. By discussing the issues of concern to the people, the Refah Party has raised the standard for political responsiveness; the people of Turkey are now requiring more from their elected officials. Expressly, Turkish citizens are now demanding governmental officials that not only vocalize the issues but also produce plans to effectively deal with the issues. Dr. Mehran Kamrava states that, owing to the Refah Party, "the level of public scrutiny of the government has greatly increased."<sup>32</sup> Furthermore, as a result of the Refah Party's political campaign strategies, Turkish citizens are now demanding that political parties use their campaigns not only to address but also to present solutions for the ills that affect society.

#### ATTEMPT TO PORTRAY A SECULARIZED POLITICAL ISLAM

During the 1996 election, the Refah Party focused on portraying themselves as a modern

political party. Refah Party candidates appeared on television debates without any of the prominent indicators normally associated with an Islamic movement (no beards, for example). Additionally, candidates were attentive to appear well dressed by Western standards.<sup>33</sup> By adjusting their apparel to conform to the secular tastes of the electorate, the Refah Party showed their commitment to representing and including all Turkish citizens. Although this is a minor detail, it is nevertheless quite remarkable that Refah Party candidates listened to public opinion and responded by conforming personal practices. This responsiveness is extraordinary because other political parties have continued to keep themselves aloof from public opinion, focusing instead upon the attitudes of the elites.<sup>34</sup> The Refah Party has again established an important paradigm. Due to the positive actions of the Refah Party in responding to public opinion, all other political parties in Turkey find themselves being judged according to the Refah Party's higher standard of listening and responding to public opinion.

#### INCENTIVE-BASED CAMPAIGN

An additional factor that aided the rise of the Refah Party was its incentive-based campaign. Indeed, the Refah Party supplied their constituents with more pre-election incentives and post-election services than their secular competitors. These in-

Fifty-seven percent of the 2,722 Turkish respondents did not think they could criticize the government.

kind incentives that the Refah Party municipal candidates distributed generously among the poor right before the March 1994 municipal elections and the general election

of December 1995 had tremendous effects in shifting voters' support toward Refah Party candidates. Muzaffer Dogan, the Refah Party mayor of Bahcelievler, distributed 1,500 tons of coal during the winter months to the poor, 250-kilogram grocery packages during the holy month of Ramadan to 3,500 families, clothing for 100 university students, and even paid for the circumcision ceremonies of 1,000 children. Additionally, Mehmet Sekmen, the Refah Party mayor of Kartal,

reportedly distributed not only coal and groceries to prospective voters, but also money and gold coins. Furthermore, Refah Party mayors have also provided clothing and soup for the poor.<sup>35</sup> These in-kind incentives were not just an attempt to gain political support. They also represent the Refah Party's attempt to respond to the demands of their constituency. This response is another important breakthrough, in that Turkey's other political parties "fail to translate voter demands into public policy." In fact, "except for Refah, there is little ideological or programmatic difference between the parties."<sup>36</sup> Indeed, "as the income divide further widens, the only civil organization to work with the economically disadvantaged sectors of society en masse is the Refah Party."<sup>37</sup> Although the purity of the Refah Party's motives in helping the needy right before a major election may be questionable, one cannot deny the fact that the Refah Party did make significant efforts to both identify and assist the poor and disadvantaged.

The fact that Refah officials recognized a number of social problems and made concerted efforts in response to these social ills says much about the Refah Party's approach to representative governing. As a Turkish journalist, Dogu Ergil, puts it, "Refah is the vehicle that is carrying the marginal, downtrodden, and neglected to the center of power. It will never lose its grip because these people were not represented before. No [other] political party represents the people at the political level or the popular level and there are no [other] grass-roots organizations to influence the state."<sup>38</sup> Again, Refah's ability to respond to public opinion that translated into effective public policy has increased the people's expectations of how government officials should act in office.

#### APPROACH TO GOVERNING

Refah Party officials' performance in office demonstrates the party's commitment to representative governing. Many Refah mayors have instituted important administrative mechanisms such as "peoples' councils," where mayors and other government officials meet with constituents once a week to hear their grievances.<sup>39</sup> Government officials inviting criticism is a revolutionary phenomenon in Turkey. This is particularly impressive when contrasted with the results of a recent

political poll that found that 57 percent of the 2,722 Turkish respondents did not think they could criticize the government.<sup>40</sup> By their success in advancing interest articulation and interest aggregation, Refah mayors have raised the bar for what constitutes a “successful record” for a mayor. Subsequently, the future mayors of Turkey, regardless of their party affiliation, will be held to a higher standard.<sup>41</sup>

Commentators agree that politicians who can effectively address and deal with the metropolitan phenomena of garbage, potholes, and mud will win reelection. The major political parties have tended to avoid these subjects. However, Refah Party politicians not only made campaign promises to deal with the filth, but they also followed through by cleaning up a number of Turkish cities. In January 1997, an observer reported that in municipalities controlled by the Refah Party “busses run, the garbage is collected, and social services in general have improved.”<sup>42</sup> In addition, a journalist from the *Christian Science Monitor* commented on the changes that have occurred in the Refah-run municipality of Sincan since the Refah government took office: “Three years ago this town was known as ‘Mud Sincan,’ because of neglect from previous secular local governments, which residents say were corrupt, but Sincan today is well-paved, boasting green areas and a huge children’s park, and most people have water.”<sup>43</sup> In Istanbul, reporters have noticed that “rubbish is collected regularly. Trees have been planted and better coal has been introduced to replace the foul lignite responsible for the Istanbul winter smog.”<sup>44</sup> The Refah Party’s commitment to action is unprecedented in Turkish politics. These small acts, directed toward the betterment of living conditions in Turkey, have accomplished a greater good for society in that “people’s expectations of what the state ought to deliver are increasing.”<sup>45</sup> This change is owed to Refah’s representative policies.

However, the Refah Party’s comparatively superior service record did not come without accompanying costs to society. In fact, taxpayers are now picking up the bill for many of the Refah Party’s municipal improvement projects, through substantial price inflation on basic staples such as bread and gasoline. Furthermore, the Refah Party’s use of government funding for popular subsidies

has left the Social Security Administration heavily indebted to foreign creditors.<sup>46</sup>

Additionally, despite the Refah Party’s implementation of many successful policies, they have failed to come through on a number of important campaign promises. The longer Refah officials were in office, the more apparent it became to Turkish citizens that the Refah Party’s rhetoric was based more on symbolism than on substance.<sup>47</sup> Furthermore, the Refah Party’s attempt to appease the powers-that-be caused the movement to abandon many of its basic principles.<sup>48</sup>

For example, although the party was somewhat successful in eliminating old-fashioned bribery, it has since been replaced with “voluntary contributions” to party organizations and the directing of municipal contracts to party faithful. Refah Party officials demonstrated that they are not above such abuses of power.<sup>49</sup> However, when the positive and negative of the Refah Party’s approach to governing are aggregated, one must conclude that the Refah Party played an important role in changing Turkey’s political system for the better. This is especially evident when the Refah Party’s approach to governing is compared with that of other Turkish political parties.<sup>50</sup>

#### DEVELOPMENT OF CIVIL SOCIETY

Turkish political analyst Dr. Debbie Lovatt noted, “Since the Islamist Welfare Party led by Necmettin Erbakan came to power in July 1996 following the 1995 elections, a young but dynamic civil society has been particularly apparent.”<sup>51</sup> The rise of newly formed civil organizations, independent of traditional political parties, is strong evidence of the influential role the Refah Party played in increasing the expectations Turkish citizens have for their government officials. Indeed, by creating an environment where government officials were accessible and responsive to public demand, the Refah Party has encouraged the creation of civil society groups. In particular, the resurgence of

The Islamic theme of championing the periphery against the center and the particularism of Islamic culture has become a source of identity for the youth of Turkey.

labor parties in Turkey is a notable advancement. The labor strike of March 6, 1999, is an important example of the power civil society groups have gained. Work halted as 5,000 workers demonstrated in the streets of Ankara. They demanded the right to negotiate pay by means of collective bargaining. Although the government later consented to a 20 percent pay raise, it was later obliged to promise an additional 10 percent raise in October.<sup>52</sup> The results of this strike (namely that the people spoke and the government responded) are remarkable, especially when contrasted with the attitudes of government official prior to the Refah Party's ascendance to power. The resultant pay raises obtained through the strike of March 6 clearly demonstrate the changes that have occurred and are continuing to occur as a direct result of the Refah Party's approach to representative governing.

#### THE FUTURE OF POLITICAL ISLAM IN TURKEY

Although the Refah Party was pushed out of office, and its daughter organization, the Virtue Party, suffered major losses in the election of 1999 (ironically due to Virtue Party officials inability to rise to the level of popular expectation left by the Refah Party), the Islamic movement has renewed hopes.<sup>53</sup> The Islamic theme of championing the periphery against the center and the particularism of Islamic culture has become a source of identity for youth of Turkey. In fact, a recent survey found that 45 percent of those who voted for the Islamic party were between the ages of fourteen and thirty-four. By contrast, most of those who voted for the social democratic parties were over the age of thirty-five.<sup>54</sup> The Turkish Generation X seems to be oriented toward the Islamic movement. Additionally, if the economy continues to falter, it may provide an opening for the Islamic opposition to revive its fortunes.<sup>55</sup>

The success of the Refah Party has permanently changed the political system in Turkey. Even if the Islamists are unable to regain the political prominence they once enjoyed, their mark upon Turkish politics will remain. The Refah phenomenon has created a political climate in Turkey where political parties are expected to more fully represent the interests of their constituencies and also provide a greater number of much-needed

services. By responding to the demands of the people of Turkey, Refah has engendered in their constituencies an understanding of the power the people may possess if they are well organized and effectively voice their concerns. This understanding has translated into a political society where interest articulation and interest aggregation are far more prevalent than ever before. The consequences of the Refah Party's success in organizing a grassroots political movement will continue to be felt in future elections.

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<sup>2</sup> Ziya Onis, "The Political Economy of Islamic Resurgence in Turkey: The Rise of the Welfare Party in Perspective," *Third World Quarterly* 18 (September 1997): 749.

<sup>3</sup> Barry Rubin, "Turkey after the Quake: Strength amid the Ruins," *Jerusalem Post*, 27 August 1999, 1B.

<sup>4</sup> Binnaz Toprak, "Civil Society in Turkey," in *Civil Society in the Middle East*, ed. Augustus Richard Norton (New York: E. J. Brill, 1996), 2:106.

<sup>5</sup> Rubin, "Turkey after the Quake," 1B.

<sup>6</sup> Mehran Kamrava, "Pseudo-Democratic Politics and Populist Possibilities: The Rise and Demise of Turkey's Refah Party," *British Journal of Middle Eastern Studies* 25 (November 1998): 279.

<sup>7</sup> Toprak, "Civil Society in Turkey," 106.

<sup>8</sup> Onis, "The Political Economy of Islamic Resurgence in Turkey," 745.

<sup>9</sup> Burhanettin Duran, "Approaching the Kurdish Question via Adil Duzen: An Islamic Formula of the Welfare Party for Ethnic Coexistence," *Journal of Muslim Minority Affairs* 18 (April 1998): 111.

<sup>10</sup> Onis, "The Political Economy of Islamic Resurgence in Turkey," 752.

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# MACHOISM AND THE RAPE EPIDEMIC IN SOUTH AFRICA

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*Machoism, or exaggerated masculinity, is a result of Xhosa cultural practices and apartheid-based feelings of inferiority. Machoism is a primary cause of violence, objectification of woman, and rape in South Africa.*

A wise grandmother from Ilitha, a rural community in the Eastern Cape of South Africa, once said, “You can sense the kind of community you are in by the way the children play.” At a community meeting in this same town, this woman stood and said that rape is the biggest problem they faced. South Africa has the highest rape statistics of all countries not at war. A woman is raped every twenty-six seconds, and one in three South African women will be raped in their lifetime.<sup>1</sup> Rape is an epidemic in South Africa.

To explain the epidemic of rape, people in South Africa usually blame high rates of unemployment, poverty, lack of education, drugs and Western influence through the media. However, these reasons alone do not account for the overwhelmingly high incidence of rape in South Africa. Machoism, or exaggerated masculinity, is a root cause of the South African rape epidemic requiring analysis. Objectification of women and use of violence as a problem-solving mechanism are characteristics of machoism found among the

Xhosa-speaking people of South Africa. Located in the Eastern Cape of South Africa, the Xhosa are the second largest national group of black South Africans. I lived among the Xhosa-speaking people for four months researching rape and violence. Although machoism is found among whites and especially among other black groups in South Africa, the scope of my research will focus on machoism in Xhosa culture.

This paper will address two different causes for machoism among the Xhosa-speaking people of South Africa: culture and inferiority. The first section of this article defines machoism and its relation to apartheid. I then discuss characteristics of machoist cultures that express the link between sex and violence and lead to the objectification of women. These characteristics include male dominance, infidelity, traditional marriage customs of bride wealth and bride raiding, and violent relationships among youth in Xhosa culture.

The final section of this article shows how inferiority and culture lead to violence against

women. South African rape convicts are perfect examples of those who objectify women and use violence to get what they want. The attitudes of South African rape convicts are similar to machoist attitudes of average South African men. The only element that sets rape convicts apart from average

theory of machoism shows that inferiority is the common characteristic among Xhosa men and other men in machoist cultures.

Inferiority in black South African men is caused by multifaceted oppression on economic, social, and political levels created by the apartheid system. Apartheid began in 1948 when the Afrikaners instituted this system of "apartness" and the new government created different "nations," each with separate homelands, so whites would not have to "mingle with inferior peoples."<sup>8</sup> Apartheid was a system representing the "codification in one oppressive system, all the laws and regulations that had kept Africans in an inferior position to whites for centuries." Apartheid oppressed blacks in many aspects of life as it destroyed the traditional family, undermined stable social conditions, and removed political power. Because the blacks were citizens of their own "homelands," the government allowed them to live in poverty and destroyed the traditional family through forced migration for work. The Group Areas Act, instituted by the apartheid government, separated residential areas for each race. Non-whites were moved into townships, where crime rates increased with the destruction of stable communities. Blacks watched their communities and lifestyles destroyed at the mercy of a government that continued to create new laws to further reduce their rights. They had no representation in government and lived with the "anxiety of [political] impotence."<sup>8</sup>

As a "generation of people who have been actively marginalized and brutalized by their society," oppressed black men became the primary perpetrators of violence.<sup>9</sup> Known as "comrades," the men rose in political protest to regain autonomy and reassert masculinity in the "face of a system that disempowered black men." They claimed, "There are no girls doing the attacking, only men. We are men. How can we tolerate being attacked by men?"<sup>10</sup> To counter their political powerlessness, black men used violence to control women, whom they culturally dominated. In these circumstances, violence is a "symbol of strength and power in the machismo ethos" and is seen as a "means of regaining human dignity, esteem and respect."<sup>11</sup> In a society where men feel powerless, they "dehumanize women and accentuate their

men is the fact that they were convicted for acting on the machoist socialization in their culture. A machoist culture that objectifies women and has high rates of violence will also have high rape rates. The rape epidemic in South Africa will not end until machoism is rooted

out not only of Xhosa culture, but South African culture as a whole. By examining machoism and the effects of apartheid in Xhosa culture and relating machoism and inferiority among South African rape convicts, I will show in this article that machoism is correlated with the rape epidemic in South Africa.

#### MACHOISM

Machoism is exaggerated masculinity that attempts to compensate for men's feelings of powerlessness or inferiority. This exaggerated masculinity is often expressed through violent crimes, such as sexually exploiting women.<sup>2</sup> In machoist societies, the "culturally preferred goal is the conquest of women."<sup>3</sup> Rainwater's 1964 study comparing research from Mexico, Puerto Rico, England, and the United States found that lower-class males from all regions suffer from job insecurity and compensate for this by "exaggerating their masculinity and subordinating women."<sup>4</sup> One study asserts that a father's lack of affection for his son is the origin of feelings of inferiority. It shows how the separation, distance, and fear of the father forces boys to be self-sufficient.<sup>5</sup> This leads to a notion of machoism that transcends generations, as the boy uses cultural means to satisfy the psychological need for approval denied to him through childhood. Although father distance is evident in Xhosa culture, this is not the only cause for machoism among Xhosa men. The psychological

In a society where men feel powerless, they "dehumanize women and accentuate their forced subservience to men" in order to feel in control.

forced subservience to men” in order to feel in control.<sup>12</sup> Besides directly causing political violence in South African culture, apartheid caused inferiority and led to interpersonal violence among blacks.

Even though apartheid officially ended in 1994, blacks remain oppressed in South Africa and still express machoist traits. Although South Africa is a democratic country and the black man is theoretically equal to the white man, the effects of hundreds of years of oppression take time to fade. The blacks are still the most disadvantaged group in South Africa, with the most unemployment, least opportunities for education, and highest levels of poverty. Realistically, most blacks still have little power to change their situation to live up to their traditional role as men. Many black men still have little control to change their situation and often compensate for this powerlessness with machoist practices like violence. South Africa has had a history of violence, from ancient tribal wars to apartheid. This history has led the people to be immersed in a culture that uses violence as a means to solve problems.

#### MACHOIST TRAITS IN XHOSA CULTURE

There are distinct gender roles among the Xhosa-speaking people: the man is the undisputed head of his family. When he goes out with his wife he walks in front. She follows five or six paces behind with her baby on her back and their luggage on her head.<sup>13</sup> There is even a Xhosa saying, *Impundu zendoda zingphambili*: “Even the behind of the man is still in front [of the woman].”<sup>14</sup> The man is the decision maker and is culturally responsible for controlling his home and family. He is permitted to use any means, within reason, to control his family. The Xhosa man, as a respected community figure, must never be seen without a hat, jacket and a stick. He must always have a stick with him to assert control over his environment. Some people joke that Xhosa men always “have a stick under their pillow, for their wife.”<sup>15</sup> In contrast, the Xhosa woman “is a child”<sup>16</sup> and is silent in decisions pertaining to her family and community. She is to “supply the man with what he wants.”<sup>17</sup> There are defined gender roles in Xhosa culture that enforce male dominance as a characteristic of machoism. There are many factors that contribute

to the exaggerated machoistic traits among Xhosa men. The link between sex and violence, the traditional male circumcision ceremony, bride raiding and the bride wealth system are some distinct causes of machoism in Xhosa culture.

#### LINK BETWEEN SEX AND VIOLENCE

The link between sex and violence is vital in illustrating the correlation between machoism and the high rate of rape in Xhosa culture. Sex and violence are both prevalent among Xhosa youth, which has led to widespread violence in sexual relationships. In a study of health among Xhosa women, researchers discovered that the most important problem among the youth was sexual violence.<sup>18</sup> Most interviews illustrated that men not only set the time and conditions for sex, but in most cases use violent strategies to forcefully initiate sex.<sup>19</sup> Sex often involves a beating, with the man forcing himself on the woman. These findings are not uncommon: when South African women were asked about their first intercourse, 30 percent reported that they were forced into sex.<sup>20</sup> Physical assault during sex seems so common that women often see it as an expression of love.<sup>21</sup>

The extent of this abuse is shown in a study of six hundred teenagers in Cape Town: 60 percent of the women surveyed said they had been beaten by a male partner. One woman describing relationships said, “as a woman you have no rights, you must keep quiet and do as the man wants.”<sup>22</sup> An overwhelming trend in Xhosa culture is the use of violence in sex. This link between sex and violence is a manifestation of machoism in Xhosa culture.

#### MALE CIRCUMCISION

One of the only traditional ceremonies still practiced religiously by most Xhosa-speaking people today is circumcision. It is a cultural ceremony common in machoistic cultures to teach boys how to be men, which in turn promotes machoism in Xhosa culture. Xhosa culture is a culture that “favors the use of physical violence” as a rite of

The circumcision ceremony also enforces violence as the means for male control.

passage.<sup>23</sup> Boys have no standing in Xhosa social status and are merely “things.”<sup>24</sup> In his late teens, a boy undergoes this “painful initiation ceremony at puberty . . . which publicly defines a boy as a man.”<sup>25</sup> This ceremony includes a period of separation and education. During the sacred circumcision ceremony, the boys are isolated for a period of three weeks. Within this time they are circumcised and taught by their elders how to behave like a man. The boys learn, among other things, to obtain a wife and land, how to fight, and to never cry or show any pain. The circumcision ceremony enforces gender roles by equating weakness with femininity, control with manliness.

The actual circumcision teaches the boys that real men have no weak and undesirable feminine traits. Xhosa men believe that they are never to show weakness, for they are in control. During the incision, any sign of pain is feminine and weak, and men must be strong in every circumstance.

Circumcisions are usually performed in groups, and any wincing of pain at even another boy’s circumcision is call for being chased away and beaten by the group.<sup>26</sup> Nelson Mandela recalls the pain of his circumcision forcing him to pause before calling out the phrase “I am a man” after the incision. His short pause before proclaiming manhood worried him, as he felt he had shown weakness.<sup>27</sup> This is an enforcement of exaggerated masculinity, where any sign of weakness a boy may have retained from boyhood must be forced out as he becomes a man. Xhosa men are unrealistically expected to always be strong, showing no fear or pain. The circumcision is vital in emphasizing male dominance and gender roles in Xhosa culture.

The circumcision ceremony also enforces violence as the means for male control. In the process of learning how to be a man, the Xhosa boys must learn the importance of fighting with sticks and being the master of the home. This promotes physical violence as an acceptable means of asserting control over the environment Xhosa men rule. This environment is their family, property, and community. The circumcision ceremony promotes many machoistic traits as it links manhood with violence and control while linking femininity with weakness.

#### XHOSA MARRIAGE CUSTOMS

Xhosa traditional marriage is not regarded as a mutual venture. Instead, marriage is the sale of a woman. Sex is rarely a consensual event; custom justifies a man raping a woman if he has paid for her. Women are bought and sold as objects under the bride wealth system, rationalizing rape in marriage. Bride raiding, a custom that encourages rape as a method of marriage proposal, is rarely practiced anymore but still has implications in Xhosa culture today. The Xhosa traditions of bride wealth and bride raiding lead to machoism as they condone the objectification of women in marriage.

The traditional Xhosa bride wealth system allows women to be controlled as property, free to be exchanged by men. The Xhosa man pays *lobola*, or bride wealth, for his bride after consulting with her father and the elders of her family on an agreeable price.

Men rape as much for power as for sex.

After this point she becomes his property, like his land or cattle, and must submit to his desires. The woman has no choice in whom she will marry, nor the price for which she is exchanged. This traditional view of women as property implies that a man may use any means to control his wife as he would his other property.

There are injustices to women under the bride wealth system all across the world. A cross-cultural study of ninety societies practicing bride wealth showed that 84.5 percent of them also engaged in wife beating.<sup>28</sup> After marriage, the woman is obliged to submit sexually to her husband if he has paid *lobola* for her. When asked what he would do if his girlfriend would not have sex with him, one rapist said, “I would never force sex because I was not married. It is not her duty before marriage. Once she is married, though, and you have paid a lot of money for her, then it is her duty.”<sup>29</sup> The Xhosa bride wealth system causes women to be a man’s exchangeable property. This system also justifies the physical abuse and rape of women in marriage.

The traditional Xhosa marriage condones rape not only after bride wealth is paid but as a method of marriage proposal. Bride raiding is not commonly practiced today, but the beliefs behind this practice are still common in Xhosa culture. A

woman becomes property to a man when the payment of *lobola* is made by the future husband to the girl's father. At the same time, plans are made for "the abduction."<sup>30</sup> The marriage proposal begins as the groom physically carries the woman away. The father sends the girl out on an errand during the time she is to be taken for marriage. At the designated spot three or four young men wait for her, and the leader of the young men tells her she is to be carried off. The friends of the husband "roughly grab her" as she screams and struggles to get loose. Often the girl has no prior knowledge of or choice about being "carried off" to marriage. If she refuses to walk with them they "drag or carry her away without any suggestion of respect." She is outnumbered with little chance of escaping. Eventually she ends up in the home of the man. Once she is there, her new husband must have sex with her before she escapes. If necessary, the men who helped abduct her would help restrain her while her husband has sex with her. This ensures that she has been damaged by him; the *lobola* cannot be returned and she cannot return to her family. Thus, traditional Xhosa culture encourages bride raiding, which involves aggressive and violent rape of unsuspecting women. Bride raiding and the bride wealth system both illustrate the gross inequality between Xhosa men and women, an inequality that promotes machoistic behaviors.<sup>31</sup>

#### INFIDELITY

Infidelity is another machoistic trait in Xhosa culture. Male infidelity often results from treating women with emotional disregard. In machoistic mentality, manhood is linked with sexuality. In machoistic cultures, the man with the most sexual relations receives the most praise among his peers.<sup>32</sup> A large aspect of the male circumcision ceremony glorifies infidelity, common among rape convicts as well as evident among average Xhosa-speaking men in South Africa.

The circumcision ceremony originates from the infidelity of Somaquazee, a hero of the Xhosa tribe. He was the only man left in the village during

a battle with the Zulu tribe, and he had sexual relations with all the women of the tribe while the men were gone. To punish himself when the men returned, Somaquazee went into the bush and circumcised himself in secret. As a result of the unfaithfulness of Somaquazee, the men of the Xhosa tribe continued the tradition of circumcision from that day forward.<sup>33</sup> The Xhosa circumcision ceremony started with men wanting to celebrate the infidelity of Somaquazee. The story of Somaquazee, now a hero for his infidelity, is now told during the circumcision ceremony. Even today, boys are encouraged to have sex with many women after circumcision. The traditional surgeon actually tells them that their wounds heal faster the more they practice their manhood and have sex.<sup>34</sup> The

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fact that Somaquazee is a hero celebrated in the circumcision ceremony reveals the views of Xhosa men on unfaithfulness. In respecting Somaquazee, Xhosa men encourage infidelity; by circumcising themselves, they are striving to follow his example.

The newly circumcised boys are encouraged to continue exerting their masculinity with extramarital affairs even after they are married. When asked why they were unfaithful in relationships, many nineteen to twenty-one-year-old Xhosa-speaking men claim that they get these ideas from the elders. The older men are a "very bad influence" and will be married and go out with younger girls. One young man commented on the parental pressure to be unfaithful: "Your father will brag how he used to have many girlfriends and he will tease you, calling you a *isisbumane*, someone who doesn't have any girlfriends, who is afraid."<sup>35</sup>

Although studies have not yielded hard statistics, I interviewed many Xhosa women in the Eastern Cape and discovered that most women insist that up to 85 to 90 percent of Xhosa men are unfaithful to their wives or girlfriends. Zuko, a family counselor at FAMSA (Family and Marriage Association of South Africa) who deals with infidelity on a daily basis, claims that infidelity is a problem among Xhosa men because "women and

sex are a way of proving you are still desirable and sexually attractive.”<sup>36</sup> Sexual relationships prove to Xhosa men that they are masculine because they link numerous escapades with acceptance as a man. Regardless of age, the more women a Xhosa man has relations with, the higher his status among men. This is illustrated by how open many Xhosa men are about having more than one girlfriend at one time. Of twenty-five college-age Xhosa women interviewed, 50 percent claimed that unfaithfulness was the biggest problem in their relationships; only 30 percent said they trusted their boyfriend. Today, Xhosa men often overexert their manhood and are unfaithful to women because of traditions in the culture and social pressures enforced by elders.

I found similar trends of infidelity and objectification in the South African rape convicts I interviewed. They viewed women as important only for the fulfillment of sexual desires. Many rape convicts had several girlfriends at one time, a display of emotional indifference towards these women. One rapist described his past relationships with women, “I did not have steady relationships but only sexual ones. I would move from one girl to the next. . . . I would have two to three girls per day. There were no emotions, just sex.”<sup>37</sup> This rape convict had a shockingly relaxed attitude about sex and considered women to be disposable. He was robbing someone one day when he felt sexually aroused, and he decided to rape the woman because it had been two days since he had sex. A sixteen-year-old rapist described how he and his friend brought his girlfriend to his house. He had sex with his girlfriend and allowed his friend to rape her afterwards. He waited outside until he thought his friend would be finished and then went back to tell her to go home so he could go to his other girlfriend’s house. This rape convict displays the machoist trait of infidelity, demonstrating complete emotional disregard for his girlfriend as he allowed his friend to rape her. In the eyes of many rapists, women are objects to use until they are satisfied, and then the women can be indiscriminately shared among friends. Infidelity is prevalent among rape convicts, as they do not allow themselves any emotional attachment with women.

#### MACHOISM IN RAPE CONVICTS

Rape convicts show, in many cases, how machoistic traits lead to rape in Xhosa culture. In South Africa, the socialized method of “achieving instant solutions” to problems is through violence.<sup>38</sup> One juvenile rape convict, an accomplice in the gang rape of three women, describes spending a lot of money on them. The men expected to be “paid back” by the women by having sex with them. When the women refused the offers, the men beat and raped the women for three days.<sup>39</sup> These young rapists thought it was appropriate to use violence to have sex with women if they did not cooperate. The juvenile convict admitted he would not have beat the girls if they had not resisted. The boys had no sadistic desire to hurt the girls but felt it appropriate to use whatever means necessary to get sex. It was the boys’ immediate response that the girls’ refusal of sex called for violence.

Another rapist, after being sexually rejected by women for four years, raped to prove his manhood. He saw that all his friends had girlfriends and felt inferior for not being able to get a girlfriend. He began “fighting and being angry” with the girls who rejected him. He would even hit girls if they disapproved of him. One rapist describes the woman he raped “pleading and crying for me to just leave her” as he raped her for 30 minutes. He told her that he could not leave her until he was satisfied. The same rapist said that rape can never be stopped because “if I cannot get [sex], [and] I need sex, I must force somebody.”<sup>40</sup> The machoistic traits exhibited by rape convicts are not exclusive to the convicted: the only difference between the rapists’ attitudes of sex and violence and the average Xhosa man is that the rapists were caught for acting on their attitudes.

Men who rape try to prove that they are “still sexually and physically dominant” and in control.<sup>41</sup> Often they prove their masculinity through sexual violence because they feel inferior. One rapist describes his feelings after a rape: “I was the best, I had put her down.”<sup>42</sup> This rape convict proved that he was a man because a woman was “bowing down” to him.<sup>43</sup> Several rapists interviewed made comments that lead to the conclusion that they raped to assert their masculinity. One man was

insecure about his sexual performance and brutally raped his girlfriend because she was cheating on him. He used violence to show her that he was just as much a man as the other men she was with.<sup>44</sup> Another rapist describes his friend raping a woman and the woman grabbing his feet and tripping him as she struggled. He became angry that this woman dropped him into the mud, and he told her, "I can show you my private organs, too! Because she pulled me until I fell, I thought that she thought I was unable to have sex with her. I wanted to show her I have male organs too!" The machoist mentality is present in several rapists interviewed, as they used rape as a method of gaining power and proclaiming their manhood.

Many rape convicts interviewed described a feeling of power when women resisted. The resistance reaffirms their control, as they force a woman to submit to their will. Men rape as much for power as for sex. One of the juveniles interviewed held three women hostage for three days while he and his three friends raped them. On the second day he was bored and wanted to let the girls go because the girl he raped the previous night began to show affection for him. The girl he was raping stopped resisting; he was no longer in control and the sex became mutual. His three friends continued to enjoy raping the other two girls, who did not stop resisting.<sup>45</sup> Another rapist describes the power that rape gave him because it turned him on when the girl screamed. He commented, "I knew I was hurting her. It gave me power. I was in control."<sup>46</sup> Rape convicts, although extreme examples of Xhosa machoism, show that machoistic traits fostered in the Xhosa culture are what lead them to rape.

#### CONCLUSION

Machoism is correlated with the high rape rates in South Africa. Violence used in sex, the male circumcision and marriage ceremonies, and infidelity are all contributing components in Xhosa culture that link machoism to the rape epidemic. To stop the rape epidemic in South Africa, people must continue to speak out against violence until the characteristics of machoism are eliminated. Like the wise grandmother from Ilitha, people all over South Africa are starting to speak out against

rape—the "new national sport." Charlene Smith, a journalist who was raped this year, spoke out recently: "We ended apartheid in this country. We can stop rape." The rape epidemic can be stopped with changes in cultural attitudes and machoistic behavior among men. On August 9, 1999, a Women's Day pledge read, "Women's rights are human rights. If they continue to be neglected, South Africa can never be more than half a democracy."<sup>47</sup> Machoism in South Africa must be rooted out by people joining together against oppression, violence, and the objectification of South Africa's women.

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- <sup>21</sup> Idem.
- <sup>22</sup> Ibidem, 43.
- <sup>23</sup> Levinson, *Aggression and Conflict*, 136.
- <sup>24</sup> *Magic World of the Xhosa*, 62.
- <sup>25</sup> Levinson, *Aggression and Conflict*, 111.
- <sup>26</sup> Sive Magluma, interview with author, 1999.
- <sup>27</sup> Mandela, *Long Walk to Freedom*, 28.
- <sup>28</sup> Levinson, *Aggression and Conflict*, 136.
- <sup>29</sup> Author's notebook, 1 July 1999.
- <sup>30</sup> *Magic World of the Xhosa*, 43-45.
- <sup>31</sup> Idem.
- <sup>32</sup> Ingoldsby and Smith, *Families in a Multicultural Perspective*, 338.
- <sup>33</sup> Lindile Magluma, interview with author, July 1999.
- <sup>34</sup> Idem.
- <sup>35</sup> Author's notebook, July 1999.
- <sup>36</sup> Zuko, interview with author, July 1999.
- <sup>37</sup> Author's notebook, 29 June 1999.
- <sup>38</sup> Levinson, *Aggression and Conflict*, 111.
- <sup>39</sup> Author's notebook, 19 July 1999.
- <sup>40</sup> Ibidem, 12 July 1999.
- <sup>41</sup> Ibidem, 1 July 1999.
- <sup>42</sup> L. Vogelmann, *The Sexual Face of Violence: Rapists Speak on Rape* (Johannesburg: Raven Press, 1990), 113.
- <sup>43</sup> Ibidem, 123.
- <sup>44</sup> Author's notebook, 1 July 1999.
- <sup>45</sup> Ibidem, July 1999.
- <sup>46</sup> Ibidem, 29 June 1999.
- <sup>47</sup> Ibidem, 9 August 1999.

# BOOK REVIEWS

*THE LEXUS AND THE OLIVE TREE: UNDERSTANDING GLOBALIZATION.*  
Thomas L. Friedman, New York: Farrar, Straus & Giroux, 1999. 349 pp.

In his book *The Lexus and the Olive Tree*, Thomas Friedman, the well-known columnist for the *New York Times*, presents his insight into the new world order of globalization. His collection of anecdotes and interviews with a myriad of public and private sector moguls presents a fascinating insight into the global economic revolution that is replacing the Cold War as the modern world's dominant political system. In his view, the world is only ten years old: the fall of the Iron Curtain signaled a rebirth in international affairs.

Friedman's main thesis concerns the balance between the modernized world (the Lexus) and those enclaves where tradition still outweighs wealth (the olive tree). In his exploration of the global economy, he finds that many nations eager to join the new society are trying to preserve ancient cultures while becoming another happy cog in the growing global economic machine. The rewards of the new system are great, but the risks are also substantial; each nation must choose carefully how it will pursue its entrance into the new economic order.

In his book, Friedman details the changes that have created this new globalization. Electronic data transmission and countless other high-tech innovations have fashioned a society where everything happens in high gear. Friedman asserts that the fast-paced economic world is only going to get faster; those markets and nations that cannot keep up will be left behind. Contributing to the high-speed nature of the world these days is the

"Electronic Herd," a nameless group of investors and speculators that follows the wealth around the planet, making and breaking entire nations overnight. The Herd will reward the nations who play by the rules of the new game; those who refuse to play the game will be punished by a mesmerizing flurry of capital outflow—made easily accessible to the average Joe via the Internet. The author uses the East Asian economic crisis as one example of the power of this Electronic Herd, where a hot investment opportunity turned bad and the entire world felt the implications of the Herd's passage.

Another aspect of this new economic reality is Friedman's "Golden Arches Theory of Conflict Prevention." He notes that no two countries with McDonald's franchises have ever gone to war against each other. His supposition is that the increasing interconnectedness of the global marketplace makes war an increasingly dangerous proposition, as much for the provocateur as for the victim. In a world so anxious to build wealth, traditional power contexts are becoming meaningless, dissolved in the rush towards economic interaction.

What makes this book fascinating are the interviews with real people who have witnessed the incredible changes in the world's economy firsthand. Investment bankers, rainforest preservationists, reporters, and government bureaucrats all make it into the book with their heartfelt comments about globalization. Each has his or

her own story to tell, and Friedman's experience as a reporter ties the stories together in a very effective and readable style.

The book disappoints, however, in its lack of attention to details. While the anecdotes are catching and witty, they are not complemented at all by statistical data related to these dramatic changes. The personal interviews are excellent examples of how the new world economy has changed, but the personal side of globalization cannot cover the full extent of those transformations. Even more troubling are the imaginary interviews and conversations between world leaders (whom Friedman may or may not have met while writing his book). And

yet the imaginary conversations are placed alongside real interviews and given the same credence as real people and their conversations.

Nevertheless, the book is very entertaining, at times even provocative. It is memorable in its presentation and style. Yet it fails as an end-all description of the new global economy. Friedman's forte is reporting, not analysis. Although several of his points are very insightful, there is more glamor than substance. The book is an important introduction to globalization, but it must remain only an introduction.

—A. SCOTT FLEMING

*POLITICAL POLICING: THE UNITED STATES AND LATIN AMERICA.*  
 Martha K. Huggins. Durham, NC: Duke University Press, 1998. 248 pp.

In the closing pages of *Political Policing: The United States and Latin America*, Martha Huggins uses the analogy of a "protection racket" to illustrate the role of social control in the creation of new states. Essentially, in the creation of a protection racket, a government, "by providing protection from violence . . . builds up its capacity for control and hegemony" (199). Through this analogy, Huggins proposes that the United States's attempt to save Latin America from the threat of communism contributed to the creation of authoritarian regimes that pursued social control by exterminating personal liberties. Herein lies the great irony of U.S. intervention: as the United States sought to protect its hemisphere from the evils of imported communism, it fostered the creation of authoritarianism, a form of government ill-suited to promote the fundamental American values of life, liberty, and freedom.

Huggins is clear in her analysis of U.S. motives in Latin America: the United States needed absolute assurance that the dreaded "domino effect" of communism would not occur in its own backyard. To gain this absolute assurance, the U.S. infiltrated internal security systems of those Latin American countries most at risk of embracing communism. Through training foreign civilian police, the United

States established a network of loyal and trusted contacts within Latin American governments who allowed the U.S. access to sensitive information, information which permitted the U.S. to monitor communist and other subversive activities. The surface motive was to promote criminal justice in Latin American governments. However, as evidenced by intervention programs in Guatemala, Bolivia, Chile, and most notably Brazil, U.S. training of civilian police forces had the consequence, whether intended or unintended, of further suppressing human rights. An abundance of information confirms that U.S. training taught Latin American police methods of torture, riot control, and public execution. Though difficult to pinpoint Huggins's overarching thesis, her series of micro-theses illustrate how U.S. assistance to Latin American police helped centralize Latin American internal security forces and make them more militarized, authoritarian, and subversive.

Throughout her book, Huggins uses a sociological approach to present her information concerning political policing. Biased by her discipline, Huggins seeks primarily to describe how U.S. political policing affected the "sociology of policing" in Latin America (ix). Huggins seeks to re-create for the reader the culture of fear

experienced by oppressed Brazilian citizens. Using personal accounts of both victims and prosecutors, particularly in the final chapters of her book, Huggins shows how U.S. training centralized, professionalized, and politicized the Brazilian police, which in turn demoralized members of Brazilian society. Huggins clearly shows how the United States silently watched as Brazilians lost their freedom of speech, freedom of the press, and freedom from arbitrary detention. Huggins's use of specific detail gives a unique perspective, especially concerning how comic strip writers and fashion designers responded to this oppression. At the same time, Huggins's use of detail also shows that her analysis primarily focuses upon the social rather than the political or economic effects of political policing. It is evident that the study of police oppression drives Huggins, shown by her in-depth analysis and research throughout her book. Moreover, it is apparent that Huggins carries an emotional attachment to her subject. This attachment may have biased Huggins, causing her to exclude positive information concerning U.S. foreign police training, as well as negative U.S. responses to police oppression of the civilian population.

Despite Huggins's personal biases, her sources are outstanding. In the preface, Huggins admits the inherent difficulties of her research, primarily in uncovering proof of U.S. actions recorded in covert documents. Because of these difficulties, past scholars have done little research, leaving Huggins with very little to draw from. Therefore, relying almost completely on primary data, Huggins searched government documents, including congressional hearings, FBI contact information, and, most importantly, information from the infamous Office of Public Safety (OPS). To her credit, in the face of much difficulty Huggins was able to conduct personal interviews with twenty-seven former members of Brazilian police forces. Such first-hand information from those involved in police actions is extremely convincing, though emotionally charged.

Because Huggins's research appears to be groundbreaking, this book could easily become an essential text for those studying political policing in Latin America. While this book is significant for those studying U.S.–Latin America relations, this

information could also be useful for political scientists and sociologists. Huggins's greatest strength is the quality of her research: she certainly provides adequate evidence to support her thesis. At the same time, however, Huggins fails to remain focused, adding information that does not tie into her central thesis. In her discussion of intelligence-gathering information organizations, for example, Huggins has a great deal of breadth, but at times insufficient depth. Rather than including scattered information on less-significant internal security programs, Huggins's research could be strengthened by additional analysis of the most important organizations, such as the OPS.

What could Huggins's research mean for the future of U.S.–Latin American relations? Perhaps Huggins's most significant achievement is exposing information about the depth of U.S. involvement in what some would see as a nonheroic and immoral mission. Huggins's research details an unfavorable view of U.S. world motives. Thus, the greatest impact of her research is that it decreases trust in the U.S. government—from American citizens who were protected from such "sensitive" information, and from Latin Americans who suspected, but perhaps did not fully believe, that the United States was capable of permitting such grave violations of fundamental human rights.

—KACEY WIDDISON-JONES

