

MJPS

The McGill Journal of Political Science



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MJPS

*The McGill Journal of
Political Science*

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Submission & Review Process

The McGill Journal of Political Science (MJPS) accepts manuscripts in English from undergraduates of any faculty or major.

There are two different selection processes for the journal. Papers are required to have been written for a Political Science course at the 300-level or above, and must have received a minimum grade of 80% (A-) in that course.

The McGill Journal of Political Science also chose to open the selection process to publish, in print, outstanding pieces released on the online edition of the journal, or original work from MJPS writers developed with the help of the editorial team. Selected manuscripts contain coherent and well-structured arguments, good grammar, and strong syntax. Original analysis and unique perspectives on relevant topics in political science and current affairs distinguish selected papers as some of the best that undergraduate students have written at McGill University.

Manuscripts are accepted throughout the fall semester. All manuscripts enter a double-blind review process, designed by the editorial board with the help of Professor Daniel Béland. Authors' names are withheld while an anonymous team of undergraduate peer reviewers analyze and critique each paper. The Editorial Board then convenes in February to review the anonymous peer review feedback and select the strongest manuscripts for the journal. Authors' names are released only after the final content is selected, ensuring the integrity of the double-blind review process. At this time, each Editor is paired with an author for a revision phase to prepare the manuscripts for publication.

The Journal is a student-run enterprise with an Editorial Board consisting of undergraduate students at McGill University. The Editorial Board relies on the help of undergraduate peer reviewers.

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Aviya Krauss

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Words from the Managing Editors

There is a particular urgency to political inquiry in moments when the taken-for-granted foundations of democratic life seem to shake beneath the weight of anti-intellectual sentiment. MJPS, like most other political science journals, seeks to amplify the voice of scholars interested in rigorously and critically engaging with power and justice. MJPS, unlike many other journals, holds that the scholars most essential to the defense of rationalism and democracy are the young people who stand to inherit the consequences of its failure. In compiling this print edition, MJPS hopes to further the tradition of critical pedagogy—challenging power wherever it exists, understanding that political phenomena are nothing more than a manifestation of an argument. Who better to write the next argument than us?

John Yaw Bollinger



In an era of increasing anti-intellectualism, the most radical act of defiance is the pursuit of rigorous inquiry. As the world continues to spiral into endless war, genocide, and climate catastrophe, MJPS offers a space for young thinkers to make sense of our past, our present, and how to conceptualize our future. Never shying away from the arguments that have the capacity to reshape our world as we know it, MJPS offers a conduit to resist; to resist the epistemic and hegemonic forces seeking to shatter the foundations of democratic life and reject the production of new knowledge. Today, the need for journals like MJPS is more pressing than ever. Throughout the past year, it has been my pleasure to serve as a Managing Editor for the Journal, alongside my colleague John Bollinger. Thank you to our Editor-in-Chief, Margaux Zani, for truly allowing this Journal to flourish in an age of ruthless censorship and political chaos. And finally, thank you to my writers and editors, who have shown me time and time again, through their commitment to intellectualism, that there remains hope for our collective future.

Nuala O'Connell



From the Editor-in-Chief

For two years now, I have had the chance to work and learn alongside brilliant people – all more interested than the other, and to oversee the creation of the Print edition of the McGill Journal of Political Science.

In this edition, readers will encounter a variety of works addressing contemporary political challenges. Opinionated, these contributions defend, sometimes provocatively, original perspectives, prompting us to question the intellectual comfort of our own analytical frameworks. This print edition was conceived as a reflection of the current political climate, particularly the uncertainties and debates it provokes, encouraging questioning what we mean by “order.” From debates over normativity and domestic and international hierarchy, to transitional justice and bureaucratic politics, this edition explores the concerns of young Political Science scholars who seek to interrogate the premises that underlie contemporary political governance.

I would like to express my gratitude and admiration to the entire MJPS team and all those who have helped transform this “good idea” into a material reality. They have expanded my intellectual curiosity beyond the bounds of what I might have imagined. This project is the result of their work, which only ever transmits passion, curiosity, and a genuine desire to know more. To the editorial board and contributors, I offer my deepest congratulations for the amazing work you have done on your pieces. I am sincerely touched by your dedication to advancing well-structured arguments that reflect the care you invested in them. I wish to thank the journal’s two managing editors, Nuala O’Connell and John Bollinger; your initiatives, dedication, and patience were invaluable to the realization of this project. To Liad Wolch, the Logistics Director of MJPS, the journal is thankful for the many hours you devoted to managing this print edition. To the PSSA, thank you for fostering an environment that grants students the opportunity to pursue their passions outside of class.

Finally, to our readers: in a climate of increasing polarization, I hope the journal will spark the same vision our team had when reviving this project, one that pushes to question more and to know more, hopefully, leaving you more curious and passionate for the year ahead.

Margaux Zani



Thank you.

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Sean Martin



Dead End

*The Political Rituals of Grief in Israel
as Tools for Militarization*

Aviya Krauss

Edited by Alex O'Neill

In Holst-Warhaft's *The Cue for Passion: Grief and Its Political Uses*, the author emphasizes the "all-encompassing" quality of grief.¹ Those who experience loss undergo a cluster of emotions such as anger, despair, and an urgent compulsion to act that together constitute the intensity of grief. Commemoration can empower the bereaved to process their emotions and integrate grief in meaningful ways. Grief is so volatile that institutions have come to understand the importance of harnessing the emotion for its own ends.² Such is employed by the state of Israel to protect its existence and cement its legitimacy. As such, the misery of the Jewish people was a central concern of Theodor Herzl, the founder of modern Zionism and pioneer of a Jewish state in Palestine: "No nation on earth has survived such struggles and sufferings as we have gone through."³ Grief serves as a mechanism for Israel to define statehood in the face of continued conflicts. Israel's political order directs public mourning rituals, educational directives, and monuments to channel how grief is seen, felt, and shared. By transforming individual bereavement into a collective, state-authorized sensory experience, the boundary between the private and the national is blurred, and a commemorative culture in which trauma is reenacted in physical space is produced. These practices cultivate a militarized collective identity and a persistent sense of victimhood, legitimizing

state power and normalizing military mobilization as the ethical response to historic and ongoing loss.

Theory of Public Memory and Grief

Initial theoretical conceptions of memory in Western sociological thought originate from Émile Durkheim, who argued that ritual gatherings "create collective effervescence" and "moments in which the individual loses themselves within the group's synchronized movements and emotions."⁴ It is in this cohesion that shared history can be rendered tangible. Public grief rituals "assemble people together in grief," insofar as "setting the group against an imagined other or igniting the spark of social change."⁵ The emphasis put on public grieving allows them to use it as a social script that binds a community together. By recognizing and participating in the formation of shared symbols, rituals, and monuments, an individual becomes part of the nation they belong to.⁶ These iterations of memory politics determine which pasts a society chooses to inhabit, and what emotional obligations those pasts impose.

Once sorrow becomes encoded as sanctified by a collective ingroup, people will tolerate idiosyncratic and diverging cultural facets they may oppose with the understanding that their inhibition would threaten their

¹ Gail Horst-Warhaft, "Introduction: The Theater of Mourning" In *The Cue for Passion: Grief and Its Political Uses* (Harvard University Press), 9.

² Horst-Warhaft, "The Theater of Mourning", 10

³ Theodor Herzl and Jacob De Haas, *A Jewish State: An Attempt at a Modern Solution of the Jewish Question*, trans. Sylvie d'Avigdor (Federation of American Zionists), 15.

⁴ Brady Wagoner and Ignacio De Luna, "Collective Grief," in *Cultural, Existential and Phenomenological Dimensions of Grief Experience*, 1st ed. (Routledge, 2021): 199.

⁵ Wagoner and De Luna, "Collective Grief," 209.

⁶ Meir Litvak, "Introduction: Collective Memory and the Palestinian Experience," 13.

ingroup's survival.⁷ As such, Judith Butler notes that "unbearable loss has enormous political potential," and that grief and outrage are "highly regulated by regimes of power and sometimes subject to explicit censorship."⁸ The state mediates collective grief by coaxing it out of personal consciousness and institutionalizing it as a public expectation. Either the act of grieving or grief itself, therefore, manages to become a symbol of inclusion and exclusion.⁹

The Jewish state of Israel allows its grief to structure around centuries of vulnerability. This mechanism is what allows grief to slide into a tool of obedience. Once collective memory equates survival with ethnonational unity and vulnerability with external threats, militarization becomes a collective value. Israel constructs this in the logic of its commemorative landscape via monuments, ritual calendars, military cemeteries, and school ceremonies, effectively turning grief into a sensory and spatial foundation of national identity. In this sense, Israel has a reservoir they can draw from to use as moments of grief.¹⁰ When a state positions itself as the guardian of that wounded past, it gains the power to determine which losses are nationally meaningful and which are to be rendered ungrievable.¹¹

⁷ Brady Wagoner and Ignacio De Luna, "Collective Grief," 199.

⁸ Judith Butler, "Frames of War: When Is Life Grievable?," *Journal of Power* 3, no. 3 (November 20, 2010): 460.

⁹ Brady Wagoner and Ignacio De Luna, "Collective Grief," 200.

¹⁰ In other words, expulsions from Spain, pogroms across the Pale of Settlement, and ultimately the Holocaust.

¹¹ Brady Wagoner and Ignacio De Luna, "Collective Grief," 200.

Public Spaces: Cultivating Collective Memory

Israel's commemorative landscape relies heavily on the strategic use of monuments and physical space to produce a shared national memory. Israel uses monuments during the ritual of public mourning to engage one's private grief in the national aesthetics of pain, basing Israeli legitimacy and citizenship in a collectively understood formula of grief. These rituals recapture past suffering, making grief a renewable civic resource for future mobilization.

Every Holocaust Remembrance Day, 1,500 youths, soldiers, and survivors gather at Yad Vashem, Israel's Holocaust remembrance museum, and march the 'linking path' to Mount Herzl, its national cemetery.¹² The walk begins through stone labyrinths commemorating pillaged European Jewish settlements, and continues past symbolic train stations, a cattle car donated by Poland, the Salvador monument to those who drowned en route to Palestine, and markers for Zionist fighters killed in Europe. It then culminates in the national cemetery of Israel's presidents and prime ministers. This shifts the concept of Jewish redemption from the traditional, individual, and eschatological beliefs associated with burial to a Zionist version, framing redemption as a national and historical process culminating in the restoration of Jewish independence.¹³ The ceremonial walk absorbs and standardizes

¹² Jackie Feldman. "Between Yad Vashem and Mt. Herzl: Changing Inscriptions of Sacrifice on Jerusalem's 'Mountain of Memory,'" 1155.

¹³ Maoz Azaryahu, "Mount Herzl: The Creation of Israel's National Cemetery." *Israel Studies* 1, no. 2 (1996): 51.

the grief of all participants, calling upon nationals to personally resonate with this grief as if each had “lived this link.”¹⁴ By concluding the walk at a military cemetery, the ritual ensures that grief steers toward militarization, teaching participants to interpret their sorrow as a call to defence. By fusing Holocaust innocence with military death, the state renders sacrifice sacred, framing military service as the redemptive continuation of Jewish survival.¹⁵

The “linking path” physically connects diasporic destruction to Israeli sacrifice. Its upward climb mirrors the Zionist narrative of immigration as salvation, binding past trauma to present duty.^{16,17} By recalling Jewish vulnerability, the ritual makes memory a lived, contemporary condition. Integrating Holocaust and diasporic suffering into the state’s security narrative reinforces the idea that all Israelis remain prospective victims without military strength or training. The path reinforces this logic by presenting vigilance as the sole responsible response to past suffering. This monument’s tone turns personal grief into a national duty by physically connecting Holocaust memory to military sacrifice.

¹⁴ Jackie Feldman, “Between Yad Vashem and Mt. Herzl: Changing Inscriptions of Sacrifice on Jerusalem’s ‘Mountain of Memory,’” 1153.

¹⁵ Feldman, “Between Yad Vashem and Mt. Herzl,” 1160.

¹⁶ This process is called *Aliyah*, which means to both ascend and to immigrate to Israel in Hebrew.

¹⁷ Most early conceptions of Zionism stemmed from Jews leaving the diaspora where they will always be victims. Israel is seen by Zionists as a physical and spiritual safe-haven.

Rituals of Lamentation

State-managed ceremonies do more than commemorate loss by regulating collective memory and channeling private grief into sanctioned political meaning. Grief becomes an instrument of governance: it scripts how citizens are allowed to feel, what they are encouraged to remember, and which emotional responses are legitimate. Israeli Remembrance Day exemplifies this dynamic, where the state orchestrates a day of despair. Shops close, two loud national sirens bring the country to a complete standstill, and all broadcasting shifts to stories of bereaved families. Leeat Granek describes it as “a day of remembrance for every soldier killed in every war, and every victim of every terrorist attack the country has ever faced since the establishment of the state.”¹⁸ The national siren acts as an infrastructural ritual of grief: a state-produced sound that arrests the entire country in unison, drilling into the body into a ubiquitous reflex to freeze, listen, and obey the state apparatus. This conditioned nervous-system jolt effectively compels citizens to silently rehearse the posture required in moments of emergency and war.

Collective bereavement manufactures meaning to the bereaved families’ losses and situates their deaths in the context of nation-building by moving individual grief into an automatic collective.¹⁹ Remembering as a community helps lessen the burden of individual suffering; however, this allows the

¹⁸ Leeat Granek, “Mourning Sickness: The Politicizations of Grief,” *Review of General Psychology* 18, no. 2 (June 1, 2014), 64.

¹⁹ A clear in-group that would be included because of inherent attributes that align with a nation’s values.

state to have more control over *how* and *what* should be grieved. Citizens are tempted to buy into this narrative because “rejecting this nationalistic and cultural narrative would mean that the deaths of their loved ones were meaningless and in vain.”²⁰ The ethos of sacrifice produced through these traditions, and through the portrayal of continued conflict as a form of redemption, allows the state to embed militarization into the national discourse, and encourages self-victimization amongst its citizens, suggesting that loss is an inevitable price the Israeli people must pay for their survival. Within this framework, rejecting militarization risks becoming akin to desecrating the memory of the dead. Moreover, the recalling of Jewish death and suffering within the history of the Israeli state and in the diaspora arouses a desire and willingness to avenge their legacies through military means.

This dynamic of collective memory is further illustrated through the ceremonies surrounding Israeli Memorial Day, occurring annually on 4 Iyar in the Jewish calendar, one day before Israeli Independence Day, and one week after Holocaust Memorial Day, respectively. It is impossible not to link these three ritualistic events together ideologically, psychologically, and emotionally, whereby Israelis move from a day of intense collective mourning over their dead directly into a day of celebrations for the establishment of the state.²¹ This sequencing binds grief and celebration into a single emotional arc, reinforcing a national cohesion in which military sacrifice becomes both the precondition and the justification for statehood.

²⁰ Granek, “Mourning Sickness,” 64.

²¹ Leeat Granek, “Mourning Sickness: The Politicizations of Grief,” 64.

Education: Memory’s Implementation in Schools

The primary school curriculum in Israel and adjacent school day ceremonies function as an early disciplinary system for children, instilling how they are to conceive of grief. The Ministry of Education instructs that the three aforementioned memorial days are to be held in a uniform manner in every school.²² The instructions for schools are mandatory, reflecting the state's centralized, bureaucratic ideology. According to the Ministry of Education, “[t]he Remembrance Day ceremony should be conducted so as to bridge sorrow and joy, grief and celebration. [...] It is desired that former graduate pupils, pupils' parents, as well as bereaved parents whose [children] were pupils in the school, be encouraged to attend the school ceremonies.”²³ On Remembrance Day, Israeli schoolchildren wake up to a lowered flag; they enter an assembly that includes a commemorative ceremony for the fallen soldiers of the Israeli Defence Forces (IDF), often including motivational speeches from diplomats or veterans. The ceremony must end with the assertion that “the champions of Israel went to the battle of freedom with open eyes, and in their death they commanded us to live.”²⁴ For Israeli children, this line frames military death as a legacy they must carry forward, instructing them that their future loyalty to the

²² Meira Weiss. “Bereavement, Commemoration, and Collective Identity in Contemporary Israeli Society.” *Anthropological Quarterly* 70, no. 2 (1997): 93.

²³ Weiss. “Bereavement, Commemoration, and Collective Identity,” 93.

²⁴ Weiss. “Bereavement, Commemoration, and Collective Identity,” 93.

state is the only meaningful response to past sacrifice.

Israeli children are required to join the army at age eighteen.²⁵ Therefore, it is critical to start teaching and integrating the grief that they will personally endure while they serve in the army at a young age. By constantly re-encountering the same tenets of grief from childhood into adulthood, the standardization of commemoration creates a feeling of ease and acceptance around war, as ideas of fighting and dying become interconnected with those of martyrdom.

The Manifestation of Collective Grief: Anti-Military Groups

When grief becomes the emotional core of national identity, there is little space left for political movements challenging militarism. Groups like *Peace Now*, *Four Mothers*, *Women in Black*, and *Yesh Gvul* have, across decades and conflicts, tried to push for long-lasting peace with Palestine— yet have been dismissed as naïve, traitorous, or external to the national consensus.²⁶ Since the First Intifada in 1987, Israeli society has intensified rituals of grief while further desensitizing the public to Palestinian deaths.²⁷ Israel itself is built on Palestinian loss, a historical truism that requires an enshrining of dissonance away from the pain they inflict. Such a phenomenon was on abject display when partnered private and public Israeli authorities destroyed a

thousand-year-old Palestinian Cemetery to build the Museum of Tolerance.²⁸ The destruction of a Palestinian cemetery into a monument to “tolerance” illustrates how Israeli-Jewish grief is preserved through the erasure of Palestinian memory. As Butler shows, some lives are grievable, monumentalized, ritualized, whereas others can be paved over, insofar as “one way of posing the question of who ‘we’ are in these times of war is by asking whose lives are considered valuable, whose lives are mourned, and whose lives are considered ungrievable.”²⁹ Over time, these mass rituals of grief have positioned Israel as the ultimate victim. This hierarchy becomes visible in the landscape itself.³⁰ It pushes the question of whose lives are deemed worthy of protection or mourning. Palestinian and Arab Israeli lives and memorials are not met with the same sharp focus and repetition, giving the underlying feeling that Israeli-Jewish loss is eternally greater.

This lack of tolerance is further demonstrated after the murder of 1,195 Israelis murdered and 250 hostages taken on October 7th, 2023.³¹ Yoav Gallant, Israel’s then-Defence Minister, announced a complete siege of Gaza and referred to opponents as “human animals,” stating, “Gaza won’t return to what it was before.”³² Finance Minister

²⁵ Orthodox and Arab-Israelis are encouraged, but not required.

²⁶ Udi Lebel, “POSTMORTEM POLITICS: Competitive Models of Bereavement for Fallen Soldiers in Israeli Society.” *Journal of Modern Jewish Studies* 5, no. 2 (2006): 166.

²⁷ Lebel, “POSTMORTEM POLITICS,” 166.

²⁸ Saree Makdisi, “The Architecture of Erasure.” *Critical Inquiry* 36, no. 3 (2010): 526.

²⁹ Judith Butler, “Frames of War: When Is Life Grievable?,” *Journal of Power* 3, no. 3 (November 20, 2010): 504.

³⁰ Wagoner and De Luna, “Collective Grief,” 209.

³¹ “October 7 Attack | Israel [2023] | Britannica.” n.d. www.britannica.com, <https://www.britannica.com/event/October-7-attack>.

³² “Defense Minister Announces ‘Complete Siege’ of Gaza: No Power, Food or Fuel.” *Times of Israel*, 2025.

Bezalel Smotrich claimed that Gaza is a land of “2 million Nazis who want to annihilate us.”³³ Semantically assigning the title of ‘Nazi’ to Gazans signals the same Jewish trauma that every Israeli has been conditioned to understand as being fundamental to their own identity. These proclamatory statements by members of the Knesset have deep associations with the volatile and unresolved feelings of grief that are kept alive by the state each year during Remembrance Day. By associating Gazans with Nazis and, in turn, October 7th with the beginning of the Holocaust, Smotrich effectively floods Gaza with years of Jewish trauma. October 7th has therefore become a recurring moment of retribution for the loss of Jews in the Holocaust. This trauma and mourning allow Israelis to dismiss the significant loss of Palestinian life over the two-year retaliation process.^{34,35} Israel is left as a society so oriented toward its own pain that it struggles to be moved by the grief of other nations.

Accordingly, it took over a year for a large-scale anti-war movement to gain momentum after October 7th.³⁶ While there were small-scale demonstrations criticizing the mass civilian casualties and displacement in Gaza, the overwhelming message across

Israel’s political spectrum remained: “Bring *Them* Home”, with “them” being the Israeli hostages. Even when anti-war movements finally rose in Israel, the motivation behind them stemmed primarily from sympathy for Israeli soldiers and hostages. 66% percent of Israelis wanted the war to end, but in all mainstream Jewish political camps, the danger to the hostages was the main argument used by those who support a cessation of hostilities in Gaza; only 2% of Jewish Israelis saw ceasing harm to the residents of Gaza as the main reason to stop the war.^{37,38} The state narrative therefore insisted that Palestinians do not qualify as ‘our’ people, and thus, that their deaths do not need to be incorporated into ‘our’ grief.

Conclusion

Jewish suffering is foundational to the political architecture of the Israeli state — ritualized, spatialized, and continuously reinscribed into the rhythms of national life. Through monuments, school ceremonies, memorial days, and spatial narratives like that of the Path of Resurrection, the state transforms loss into an organizing principle of national identity. Individual sorrow becomes absorbed into a collective script in which vulnerability is inseparable from defence, with bereavement becoming inseparable from the logic of militarization. In this commemorative landscape, grief becomes both the justification for state action and the emotional fuel for its continuation. By repeatedly invoking Jewish

³³ “Israeli Finance Minister Calls for Reestablishing Israeli Settlements in Gaza,” PBS News, January 8, 2024.

³⁴ “IDF Believes 70,000 Gazans Killed in War, as Claimed by Hamas; Civilian-Combatant Ratio Unclear.” *Times of Israel*, 2025.

³⁵ The Hamas Health Ministry estimates that the number was over 70,000, however, the source is not trusted by the Israeli people. The ADL claims the number is around half of that, with the underlying tone that many of them could be the 18,000 Hamas fighters.

³⁶ Davies, Wyre. “Thousands Throng Jerusalem to Oppose Netanyahu’s Gaza Expansion War Plan,” September 7, 2025.

³⁷ “Two Years Since Oct. 7: Majority of Israelis Say the Time Has Come to End the War,” The Israel Democracy Institute, September 30, 2025.

³⁸ Left, 54%; Center, 58%; Right, 45%. See Israel Democracy Institute, “Two Years Since Oct. 7.”

historical suffering and binding it to present-day military sacrifice, Israel constructs a memory culture in which the continuity of the state appears contingent on perpetual vigilance. The rituals that define national remembrance, from the sirens that immobilize the country to the standardization of school ceremonies, narrow the emotional vocabulary of citizenship. Mourning is instrumentalized into something that can be taught. The state teaches individuals *what* to mourn, *whose* grief is legitimate, and *how* sorrow must be politically expressed. The result is a powerful but exclusionary collective identity, one that positions Israelis as the primary victims and renders Palestinian suffering structurally ungrievable, impeding the successful emergence of anti-war movements.

Ultimately, Israel's political order relies on an emotional infrastructure in which grief becomes both the foundation of legitimacy and the mechanism of habituation. By controlling how loss is felt, performed, and shared, the state transforms trauma into a renewable political resource, one that binds the nation closer despite facing considerable criticism. In this landscape, the power of grief is immense, but its possibilities are tightly constrained. It becomes increasingly difficult for Israelis to imagine a future not organized around their own pain or to recognize the grief of others as equally real, human, and deserving of remembrance.

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Unveiling State Terrorism

*Walter Benjamin's Critique of Legal Violence
and the Fallacy of Terrorism*

Nuala O'Connell

Edited by Margaux Zani

Conceptualizing “Terrorism”

Western political thought characterizes terrorism as one of the most shocking and egregious acts committed against a nation-state. Although a disputed and broadly defined concept, agencies such as the Federal Bureau of Investigation (FBI) and the Government of Canada define terrorism, as violence motivated by “political, religious, or ideological” causes, with the intent of provoking fear and further political agendas.¹ The FBI, though, draws a distinction between international terrorism which involves “violent, criminal acts” influenced by, or in adherence with, foreign designated terrorist entities, whilst domestic terrorism stems from internal ideologies, including political, racial, or religious motives.² Despite such a seemingly straightforward definition, the ontological properties of terrorism remain deeply contested.³ Many point to instances of state violence reflecting similar intent and tactics, despite having been accepted, and even promoted, by various Western governments.⁴

According to Dr. Randall D. Law, terrorism can be conceptualized as “a means to

an end, (...) a strategy that undergirds other actions.”⁵ Under this definition, terrorism is stripped of its usual normative charge, treated in essence as an instrumental strategy. The concept, thus, becomes detached from the moral condemnation and delegitimization that accompany the designation of violent acts by non-state actors as “terrorism.” Nation-states, nevertheless, have leveraged this strategy as a mechanism of power and control, and this violence, rather than being recognized as terrorism, has been legitimized through claims of national defense and security. This reveals a fundamentally epistemological dimension inherent to the categorization of terrorism. That is, the classification of violence as “terrorism” is not merely descriptive, but rather becomes contingent upon the actor holding the authority to define it. Thus, dominant political actors, in particular powerful states, exercise hegemonic influence over this designation, enabling forms of violence to be framed as terrorism when enacted by adversaries, but as security, defense, or counterterrorism when enacted by themselves.⁶

Lawmaking and Law-Preserving: Benjamin’s Critique of Violence.

In his work *Toward the Critique of Violence* (1921), German-Jewish philosopher Walter Benjamin offers a crucial perspective on the use of violence, arguing that, for many states, the rule of law is instituted and maintained through the “assumption of power,

¹ Government of Canada, (2021), “Definitions of Terrorism and the Canadian Context.”

² Federal Bureau of Investigation, “Terrorism definitions.”

³ Anthony Aust, 2010, “The Law of Armed Conflict,” *Handbook of International Law, Second Edition*. 266.

⁴ In a 2003 speech, U.S. President George Bush stated “we acted in Iraq (...) in one of the swiftest and most humane military campaigns in history.” (Bush, “President Addresses the Nation,” 2003). According to the Watson School of International and Public Affairs, as well as the UK based NGO Iraq Body Count, conservative estimates of civilian deaths resulting directly from the U.S. led invasion and occupation of Iraq (2003-2011) range between 126,000 - 132,000. (Crawford 2011: 1; 2013: 1).

⁵ Randall D. Law, 2015, “Introduction,” *The Routledge History of Terrorism*, 6.

⁶ For more extensive analysis, see Frederick H. Gareau (2004), *State Terrorism and the United States*.

and to that extent an immediate manifestation of violence.”⁷ Through an examination of Benjamin’s work, one can begin to challenge the conventional distinction between state and non-state violence, revealing how legal frameworks operate as mechanisms through which state violence is legitimized and rendered lawful. Applying his theory to modern nation-states such as Canada and the United States reveals a double standard: while state violence is often legitimized through legal frameworks and state status, similar actions by non-state actors are condemned and delegitimized by being branded as terrorism.

Through his work, Benjamin seeks to explore the intimate relationship between legal structures and violence. Notably, he discusses what he refers to as the “pre-dominant” feature of mainstream Western legal theory: natural law. Contending that violence can be perceived as a product of nature unless it is utilized for unjust ends, Benjamin describes natural violence as the use of violent means to achieve just ends, no more problematic “than a man (who) sees in his ‘right’ to move his body in the direction of a desired goal.”⁸ Moreover, natural law draws a fundamental distinction between violence invoked for “just ends,” and that invoked for “unjust ends.”⁹ According to Benjamin, this understanding of violence must be rejected, as positive law – that is, the set of laws brought forth by the state through legislative bodies – asserts that all violence is indicative of its historical origins. Further, it must be brought to attention that various

instances of violence have been sanctioned and classified as legal. Thus, such a hypothetical distinction must, according to Benjamin, be grounded in the “presence or absence of a general historical acknowledgement of its ends.”¹⁰

Although Benjamin leverages the foundations of positive law to dismiss natural laws’ just/unjust distinction, he also questions the ability of positive law to provide an adequate critique of state violence. Instead, Benjamin attempts to consider acts of violence “within the sphere of means themselves,”¹¹ disregarding the ends they may serve.

Further, Benjamin examines how the legal authority of the nation-state is founded on a crucial distinction between “lawmaking” violence and “law-preserving” violence.¹² That is, the authority of the state is consolidated through a grand act of violence, assumed distinct from all subsequent acts and appearing alongside tactics of fear and control. Here, this founding violence established the authority from which legal frameworks emerge, enabling the state to institutionalize its power through law. However, it is impossible to separate founding violence from the violence that follows; once established, the legal order serves to legitimize and authorize subsequent acts of violence, which in turn function to preserve the authority which originated from the initial founding act. To continue, Benjamin argues that although certain forms of violence are permissible within a given legal framework, violence must be perceived

⁷ Walter Benjamin, 1996, “Toward the Critique of Violence,” *Water Benjamin, Selected Writings*. 248.

⁸ Benjamin, 1996, “Toward the Critique of Violence,” 236.

⁹ Benjamin, 1996, “Toward the Critique of Violence,” 238.

¹⁰ Benjamin, 1996, “Toward the Critique of Violence,” 238.

¹¹ Benjamin, 1996, “Toward the Critique of Violence,” 236.

¹² Benjamin, 1996, “Toward the Critique of Violence,” 243.

overwhelmingly as acceptable within legal systems in order for the system to sustain itself.¹³ Instances of state-violence such as the suppression of protests, military interventions, and extensive surveillance undergird the double standard surrounding the justification of violence, and the categorization of terrorism.

State Terror and the My Lai Massacre

In 1968, the United States (U.S.) military committed the brutal My Lai Massacre, during the Vietnam War. The Massacre resulted in the murder of up to 504 civilians, almost all women, children, and elderly men. Many bodies were found mutilated, and recorded instances of gang-rape on Vietnamese women and children by American soldiers¹⁴ reveal the extent of the violence exercised on civilians by the state. According to Benjamin's framework, it is the Western legal and political foundations—such as natural and positive law—which have enabled such brutality to occur. Framed as a state's strategy to preserve its power, to achieve a marked end, the My Lai Massacre can certainly be perceived as a deliberate attempt by the United States military to instill terror amongst the Vietnamese population – reinforcing control through rule-less violence, and further justifying it through epistemological narratives and institutionalized protections. From this perspective, the Massacre could be understood as an act of

terrorism through which violence against civilians was employed as a strategic tool by the state to consolidate control through fear. Today, the Massacre is largely classified as a war crime.¹⁵ However, it was never categorized as an act of terrorism, largely because it was committed by a seemingly democratic nation-state in the context of war, thus framed as an act of law preserving violence.

Within Benjamin's framework, the state emerges from an act of lawmaking violence, from which legal frameworks emerge to regulate and legitimize subsequent uses of force. Consequently, acts such as the My Lai Massacre can be condemned as criminal violations while remaining within the broader structure of legitimate state warfare. This narrative allows the U.S. to preserve its status quo through exerting epistemic power, structuring what is recognized as terrorism and dismissed as legitimate warfare. Thus, while the state's violence may be considered criminal, it falls outside the legal scope of what is labelled as "terrorism." Meanwhile, similar acts committed by non-state actors are often classified as terrorism, thus rendered illegitimate and unjustified.¹⁶

¹³ Benjamin, 1996, "Toward the Critique of Violence," 243.

¹⁴ Gary D. Solis, (2003), "The Vietnam War on Trial: The My Lai Massacre and the Court Martial of Lieutenant Calley (review)." *The Journal of Military History*.

¹⁵ Fred Borch, (2024), "The My Lai Massacre – Lessons from 50 Years Ago."

¹⁶ There are some possible exceptions for non-state actors. UNGA Resolutions such as Resolution 3034 may be perceived as "an acknowledgement" that National Liberation Movements (NLMs) may be justified in using terrorism. See Anthony Aust, 2010, "Law of Armed Conflict," *Handbook of International Law, Second Edition*. 266: "In the UN resolutions there is no exception for NLMs, but neither is terrorism defined in such a way as to include actions on behalf of NLMs. Hence the hackneyed saying, 'one person's terrorist is another's freedom fighter'."

Police Violence and Terror Tactics: The RCMP's Assaults on Indigenous Peoples

Although the acts violence committed by the U.S. in Vietnam were large-scale in their magnitude, brutality, and number of victims, state terror and control can also occur in more covert, coercive ways. In 2013, the Royal Canadian Mounted Police (RCMP) enacted violent measures, namely the use of riot gear, tear gas, and the arbitrary arrests of 40 people, against Mi'kmaq land defenders during the Elsipotog First Nation anti-fracking gas protests.¹⁷ According to Benjamin's theory, these government-sanctioned actions can be framed as law-preserving violence, employed by the state in order to maintain its own legal order and hierarchy. Keeping the unstable concept of terrorism in mind – understood here as a set of strategies rather than a sweeping classification – the RCMP's continued violence against Indigenous communities could be understood as an evocation of terror tactics, aiming to intimidate and coerce a specific group for political purposes. Adhering to Benjamin's logic, when the state suppresses dissent through force, while it mirrors the actions of non-state violence, it does so within frameworks entrenched into law that the state itself creates.¹⁸ Thus, the RCMP's actions may not only have served the purpose of enforcing the law, but can also be understood as perpetuating a form of legal state violence

which utilizes terror, aimed at controlling Indigenous resistance.

Further, as Benjamin articulates, the two forms of violence mentioned above – that is, lawmaking and law-preserving violence – converge in a particular way within modern state police forces. Here, the distinction between these two forms of violence ceases to exist. Instead, police brutality is lawmaking insofar as its prominent function is “the assertion of legal claims for any decree.”¹⁹ Thus, it can subsequently be understood as law-preserving, as this violence is entirely at “the disposal of these ends.”²⁰ In other words, while it is true that such violence may be towards legal ends, violence of this kind challenges the “empirical ends”²¹ which the state's legal system will consistently strive to achieve.

To further conceptualize the RCMP's aggression, surveillance, and tactics of terror against the Mi'kmaq land defenders, towards the end of his essay, Benjamin expresses that such police violence is much more detrimental in democracies rather than in absolute monarchies. In the case of the latter, legislative and executive power remain united, as police serve the power of a single ruler. On the contrary, in democracies, the existence of the police “elevated by no such relation, bears witness to the greatest conceivable degeneration of violence.”²² Here, the RCMP's violence is invoked not with a fixed legal end in mind, creating a certain power which can be understood as intangible, and as haunting.

¹⁷ Oscar Baker III, (2023), “10 years after the RCMP raided N.B. anti-fracking camp, Aboriginal title claim ongoing.”

¹⁸ See Civilian Review and Complaints Commission for the RCMP, (2013), “Executive Summary: CRCC Report Into the RCMP's Response to Anti-shale Gas Protests in Kent County, New Brunswick.”

¹⁹ Benjamin, 1996, 243.

²⁰ Benjamin, 1996, 243.

²¹ Benjamin, 1996, 243.

²² Benjamin, 1996, 243.

Concluding Remarks

According to Dr. Igor Primoratz, many neoliberal and seemingly democratic states have utilized strategies of terrorism on a “limited scale and for more specific purposes,”²³ a notion that mirrors Benjamin’s critique of law-preserving violence. As the RCMP’s continued raids on Indigenous communities and foreign atrocities committed by the United States government are rarely considered terrorism, similar acts committed by non-state actors are quick to be classified as such. On February 29th, 2024, Israeli forces opened fire on hundreds of unarmed Palestinian civilians gathered at the Nabulsi roundabout awaiting the arrival of a convoy of aid trucks set to deliver boxes of flour and canned goods to the besieged territory.²⁴ Once the shooting had begun, Israeli tanks advanced, running over many of those who had been killed or injured.²⁵ While the United Nations condemned the Israeli assault as a “massacre,” stating that “Israel must end its campaign of starvation and targeting of civilians,” there seemed to be little impetus to label the attack as a terrorist act.²⁶

Dr. Tina G. Patel has argued that an implicit and inherent racism lies at the heart of the categorization of terrorism, one that goes beyond its designation and extends the discourse surrounding counter-terrorism. Patel

asserts that this dialogue “serves (...) the civilizing undertone of (...) Western values” constructing Muslims as “suspect communities.”²⁷ As Walter Benjamin famously declared, there is “no document of civilization which is not at the same time a document of barbarism.”²⁸ Thus, rather than accepting the fixed classifications of terrorism set forth by nation-state governments and the Western rule of law, it is important to question the actions of state bodies both domestically and internationally, engaging with terrorism as a strategy and a set of tactics rather than a normative, moralizing term.

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²³ Igor Primoratz, (2015), “When talking about terrorism, let’s not forget the other kind.”

²⁴ Euro-Med Human Rights Monitor, (2024), “New evidence confirms Israel’s full involvement in ‘Flour Massacre’ of starving Palestinian civilians.”

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²⁶ United Nations, (2024), “UN experts condemn ‘flour massacre’, urge Israel to end campaign of starvation in Gaza.”

²⁷ Tina G. Patel, (2017), “It’s Not About Security, It’s About Racism: Counter-Terror Strategies, Civilizing Processes and the Post-Race Fiction.” 1.

²⁸ Walter Benjamin, 1968, “Theses on the Philosophy of History,” *Illuminations*. 256.

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Success and Stalemate

*Understanding Civil Conflict Resolution
through Northern Ireland and Israel-Palestine*

Sofia Gobin

Edited by Nuala O'Connell

Both Northern Ireland and Israel-Palestine are often cited as intractable conflicts, driven by a volatile mix of religion, nationalism, and territorial claims. As one scholar notes, they represent two of the Western world's "few violent conflicts based on a lethal mix of religion, nationality and territory."¹ In Northern Ireland, the 1920 partition of Ireland established a Protestant-majority entity within the United Kingdom, leaving the Catholic nationalist population as a marginalized minority within a state they largely viewed as illegitimate. Decades of political exclusion, sectarian violence, and militarized policing culminated in the eruption of the Troubles in the late 1960s, a thirty-year conflict marked by paramilitary campaigns and state repression. In contrast, the roots of the Israeli-Palestinian conflict lie in the 1948 establishment of the State of Israel, which displaced hundreds of thousands of Palestinians and ignited a decades-long struggle over sovereignty and self-determination. The 1967 occupation of the West Bank and Gaza further entrenched asymmetries of power, contributing to the current cycle of military domination and statelessness.

Despite these structural similarities, their trajectories have sharply diverged. Northern Ireland has transitioned, however imperfectly, from sustained sectarian violence to a negotiated political settlement through the 1998 Good Friday Agreement, which institutionalized power-sharing and provided frameworks for dual national identity. Meanwhile, Israel-Palestine remains mired in

cycles of extreme violence, diplomatic collapse, and deepening occupation. The Oslo Accords of the 1990s, once seen as a breakthrough, failed to resolve core issues of sovereignty and recognition, ultimately unraveling under pressure from spoilers, shifting political leadership, and the absence of public legitimacy.

This divergence has not only drawn scholarly attention but also shaped political discourse within Israel itself. In the aftermath of the Good Friday Agreement, Israeli media briefly held up the Northern Irish peace process as a potential model, prompting both cautious optimism and critical skepticism. While ultimately dismissed by many as an inapplicable analogy, this moment underscored a broader curiosity: whether the lessons of Northern Ireland might help illuminate why peace remained elusive closer to home. This paper addresses that central comparative question: can the Northern Ireland peace process offer infrastructure lessons for efforts to resolve the Israeli-Palestinian conflict?

The comparison is obviously imperfect; differences in statehood status, regional dynamics, and historical legacies must be taken seriously. As Ben-Porat notes, while both Israel and Northern Ireland grapple with minority groups that view imposed borders as illegitimate, the structural asymmetries differ: Northern Ireland involves a crisis of state legitimacy within a functioning state, whereas the Palestinian struggle remains defined by statelessness and occupation.² Moreover, while it is argued that

¹ Beatty, Aiden. "'Belfast Is Not Here': The Israeli Press and the Good Friday Agreement." *Israel Studies* 22, no. 2 (2017): 85.

² Ben-Porat, Guy. *Global Liberalism, Local Populism: Peace and Conflict in Israel/Palestine and Northern Ireland*. Syracuse, NY: Syracuse University Press, 2006, 262–263; Ni Cheallacháin, Orla. "Northern Ireland and

both Unionism and Zionism contain elements of settler-colonial logic and religious nationalism, the geopolitical contexts and the scale of militarized control differ substantially.³ Nonetheless, both cases feature deeply divided societies, contested national identities, and enduring public skepticism toward both external actors and internal elites. By looking at the diverging factors between the two regions, and examining the role of public consent, international mediation, political leadership, and the role of justice, this paper will examine what made peace possible in one case, and why it remains elusive in the other.

Elite Leadership and Institutional Stability

Strong, risk-taking leadership and elite continuity played a central role in the success of the Northern Ireland peace process, qualities largely absent in the Israel-Palestine context. In Northern Ireland, leaders on all sides demonstrated political will and flexibility necessary to sustain negotiations and build trust, “viewed as “drivers” of the process or as “held hostage” by events or their respective communities.”⁴ Successive British and Irish governments, particularly under the UK Labour Party and the Irish government, showed bipartisan commitment to peace and acted as credible proxies for the Unionist and Republican camps respectively, creating a stable, non-militarized environment

for dialogue.⁵ Crucially, state institutions, such as taxation, healthcare, education, remained functional throughout the conflict, allowing elites to take political risks while preserving public order and legitimacy.⁶ The Good Friday Agreement emerged from all-party talks that included factions tied to paramilitary groups. While the armed, paramilitary Irish Republican Army (IRA) itself was not a negotiating party, its ceasefire and organizational relationship with Sinn Féin, commonly known as the IRA’s political wing, were preconditions for the republican participation and prisoner release in the all-party talks.⁷ This inclusivity, underpinned by elite stability and functioning state mechanisms, helped broaden the bargaining range and create conditions for sustained compromise.⁸

In contrast, political leadership in the Israel-Palestine conflict has been fragmented and polarized. Israeli politics shifts repeatedly toward right-wing governments, many of which reject Palestinian sovereignty, unlike Britain’s willingness to recognize Irish statehood in 1922.⁹ On the Palestinian side, leadership has been marked by division: the Palestinian Liberation Organization (PLO), under chairman Yasser Arafat, came to be seen as corrupt and elitist, while Hamas’ militancy and international isolation have undermined its legitimacy as a negotiation

Israel-Palestine: Spoilers and the Politics of Inclusion. A comparative analysis of peace processes.” *Politikon (IAPSS)* 16.1 (2010): 59.

³ Beatty, “Belfast Is Not Here,” 88.

⁴ Beatty, “Belfast Is Not Here,” 79.

⁵ Beatty, “Belfast Is Not Here,” 85; Ni Cheallacháin, “Northern Ireland and Israel-Palestine,” 56.

⁶ Ni Cheallacháin, Orla. “Northern Ireland and Israel-Palestine,” 55.

⁷ O’Leary, Brendan. “The Nature of the Agreement.” *Fordham Journal of International Law*, 1999.

⁸ Handelman, Sapir. “Interwoven Models of Peacemaking – the Israeli-Palestinian Case and Beyond”, *Diplomacy & Statecraft*, 34:4 (2023), 744.

⁹ Beatty, “Belfast Is Not Here,” 89.

partner.¹⁰ Palestine's lack of essential state functions further weakens any leadership's credibility. Without basic institutions to ensure public services or legal order, political leaders face enormous constraints. Any concession risks appearing illegitimate or disconnected from the population's needs.

This leadership vacuum narrows the scope for negotiations and makes elite-driven diplomacy especially fragile. The Oslo Accords, for instance, relied heavily on elite-level channels, exemplifying what Sapir Handelman terms the "Political Elite Model", a top-down process centered on secret and official negotiations among political elites with little public involvement.¹¹ While initially effective in structuring dialogue, this model is vulnerable to spoilers and backlash, especially in the absence of grassroots support or public legitimacy. As Handelman argues, the "Political Elite Model" provides essential diplomatic tools but is not robust enough to survive the challenges of intractable conflict unless accompanied by broader institutional and societal mechanisms.

The asymmetrical nature of the conflict compounds these difficulties. Whereas Israel could feasibly organize a multiparty delegation, the fragmented and occupied Palestinian territories lack the institutional cohesion to do the same.¹² Without parallel domestic pressures, particularly the political costs for elites of rejecting peace, negotiations lack the incentives that drove progress in Northern Ireland. In this context, the peace process

becomes entirely dependent on political leadership. Without strong institutions or inclusive participation, it remains vulnerable to collapse under pressure.

The Role of International Mediation

The role of international mediation has been pivotal in both conflicts, but with starkly different outcomes. The key difference is largely due to the credibility, neutrality, and strategic interests of the mediators involved, which shaped the trajectory and legitimacy of each process.

In Northern Ireland, the British and Irish governments acted as co-guarantors of the peace process. Though they had vested interests, both were broadly perceived as "relatively neutral and committed to the long-term stabilization of the region."¹³ Representing opposing community interests, both governments maintained institutional legitimacy and cultivated an environment of trust without threatening military escalation, a dynamic absent in the Middle East.

The Israel-Palestine context lacks a stabilizing counterpart to the British-Irish partnership as neighbouring states with the trust or institutional strength to act as co-guarantors are absent. Instead, the region features destabilizing actors like Iran and Syria, who have supported Hamas with "arms, training, and political refuge."¹⁴ Rather than reinforcing trust, these actors have exacerbated conflict dynamics and weakened negotiation efforts. Unlike Northern Ireland, where mediators had broad legitimacy and spoilers

¹⁰Ni Cheallacháin, "Northern Ireland and Israel-Palestine," 59, 61.

¹¹Handelman, "Interwoven Models," 737.

¹²Handelman, "Interwoven Models," 740.

¹³Ben-Porat, *Global Liberalism*, 88.

¹⁴Ni Cheallacháin, "Northern Ireland and Israel-Palestine," 57.

were largely contained, the Middle East context features external sponsors of spoiler violence and a lack of cohesive international strategy, which has undermined efforts to create a stable environment for trust-building.

Ireland's regional positioning within the European Union provided a favourable geopolitical context for the Northern Ireland peace negotiations and enabled Ireland to act as an active mediator. According to Guy Ben-Porat's analysis, the EU "was able to provide each side to the conflict with a potentially satisfactory formula for citizenship and sovereignty," allowing for creative compromises that moved beyond rigid territorial claims.¹⁵ Shifting conceptions of borders and identity within Europe enabled solutions like dual citizenship and power-sharing that might otherwise have been politically unfeasible. The prospect of European integration also had important economic implications, enabling "the transnational class to make a strong case for a compromise."¹⁶ As Ben-Porat notes, "regional institutions can play a vital role in peace processes if they can create incentives for peace [and] offer nonterritorial alternatives."¹⁷ In Northern Ireland, the EU did precisely that, providing a framework that transformed sovereignty from a zero-sum demand into a shared and evolving arrangement.

United States involvement was also essential to the peace process. The Clinton administration was proactive, stepping in when negotiations stalled. "Clinton pressed the British to include Sinn Féin, allowed Adams to raise money in the United States, and

personally met with Sinn Féin's leaders."¹⁸ He also pledged "a \$100 million aid package to help turn the political agreement into lasting peace."¹⁹ These acts were both symbolic and strategic, creating political and economic incentives to stay the course.

By contrast, US mediation in the Israel-Palestine conflict, especially during and since the Oslo process, has often received credibility doubts. The Oslo Accords sidestepped several key issues important to Palestinians, including self-determination, refugee return, the status of Jerusalem, and settlement activity. As one Palestinian advisor noted, "for the Palestinians only self-rule was on the table."²⁰ Although the United States holds significant leverage over Israel, it has long been perceived by Palestinians as biased, repeatedly failing to use that influence to curb settlement activity or uphold international agreements.²¹ This has severely eroded its reputation as a neutral mediator. Furthermore, domestic political pressures within the US have limited its ability to act impartially, and its material and geopolitical interests in the region have made it a conflicted actor rather than a disinterested peacemaker.²² Unlike the multilateral and relatively balanced efforts in Northern Ireland, US diplomacy in the Middle East has largely served its own strategic interests, impeding its ability to act as a neutral broker. Former US President Clinton once claimed that the Belfast Agreement

¹⁵ Ben-Porat, "Global Liberalism," 267.

¹⁶ Ben-Porat, "Global Liberalism," 219.

¹⁷ Ben-Porat, "Global Liberalism," 271.

¹⁸ Ben-Porat, "Global Liberalism," 223–224.

¹⁹ Ben-Porat, "Global Liberalism," 250.

²⁰ Alashqar, Yaser. "The Failure of Mediation in the Israeli-Palestinian Conflict: Historical Junctures." 2024, 15.

²¹ Ni Cheallacháin, "Northern Ireland and Israel-Palestine," 58.

²² Alashqar, "The Failure of Mediation," 14.

offered a model for Israel-Palestine, emphasizing the need for “full intervention of an American mediator” and goodwill on all sides.²³ But this analogy falls short unless mediation is paired with perceived neutrality, long-term commitment, and balanced accountability. Without those, the legitimacy of peace efforts remains elusive.

Referendum and Spoiler Inclusion

A fundamental distinction between the Northern Ireland and Israel-Palestine peace processes lies in the degree of public endorsement, inclusion, and democratic legitimacy granted to each. In both cases, armed paramilitary organizations possessed the capacity to spoil negotiations through violence. Additionally, as Handleman notes, these conflicts are defined in that “ordinary people and not standing armies are at the centre of the confrontation”, underscoring the importance of public participation.²⁴ Peace processes that engage the public tend to be more durable, as they reflect popular will and constrain spoilers.

The Good Friday Agreement’s success succeeded in part because it absorbed rather than excluded spoilers, a strategy that proved essential to securing democratic endorsement through referendum. While internal armed groups such as the IRA and the UVF did not negotiate directly, political parties representing paramilitary-linked factions were constitutionally incorporated, for instance Sinn Féin and the Progressive Unionist Party.²⁵

Although the British government had long relied on militarized responses such as internment and emergency legislation, it eventually recognized, partly due to U.S. pressure, that peace required engaging actors capable of disruption.²⁶ Covert contacts with republican and loyalist paramilitary-linked actors began in the 1970s and were later formalized through party participation.²⁷ The introduction of the Mitchell Principles established conditions for participation, requiring the IRA’s commitment to non-violent procedures, embedding the transformation of armed movements into constitutional politics within the settlement itself²⁸. This positioned potential veto players to join as stakeholders without undermining the legitimacy of the process.²⁹

This inclusion made a public referendum possible. The simultaneous referenda in Northern Ireland and the Republic of Ireland gave the agreement a strong democratic mandate, reinforcing implementation and providing a buffer against backlash. While bottom-up approaches’ importance are often understated, by peace activists, development projects and community relations organizations, they worked complimentary to political leadership to reduce inter-communal tensions and identify community needs.³⁰ Additionally, “the desire to end the conflict, the changing context of world politics, and the evolving EU all

²³ Beatty, “Belfast Is Not Here,” 84.

²⁴ Handelman, “Interwoven Models,” 738.

²⁵ O’Leary, “The Nature of the Agreement,” 1658.

²⁶ Ben-Porat, “Global Liberalism,” 223–224.

²⁷ Beatty, “Belfast Is Not Here,” 80.

²⁸ O’Leary, “The Nature of the Agreement,” 1661–1663.

²⁹ Ni Cheallacháin, “Northern Ireland and Israel-Palestine,” 52.

³⁰ Hancock, “The Northern Irish Peace Process,” 217–223.

made it easier to ‘sell’ the agreement”.³¹ This mandate could not have existed without the inclusion of the very actors most capable of derailing the process.

By contrast, the Oslo Accords excluded Hamas, an emerging but increasingly central actor in Palestinian society by the early 1990s. Although Oslo created institutions like the Palestinian Authority (PA), it provided no institutional path for opposition groups to participate in the political process. Hamas, designated a terrorist organization by Israel and much of the international community, was treated solely as a spoiler rather than a potential stakeholder subject to conditional inclusion.³² Unlike in Northern Ireland, where political participation was explicitly tied to an enforceable commitment to non-violence, the Oslo framework lacked any agreed-upon mechanism comparable to the Mitchell Principles. By refusing to create a credible route for translating spoiler opposition into institutional legitimacy, the Oslo process missed an opportunity to legitimize itself through broader public consent and leaving it acutely vulnerable to violence

This exclusion had a cascading effect. Without engagement from all sides of the political spectrum, it was politically unfeasible to subject Oslo to a referendum. Despite involving deeply contentious issues—mutual recognition, territorial concessions, and questions of sovereignty—Oslo was never put to a popular vote. Scholars have speculated that a referendum shortly after Oslo’s signing might have strengthened its legitimacy. Scholars have argued that a referendum early

³¹ Hancock, “The Northern Irish Peace Process,” 251.

³² Ni Cheallacháin, “Northern Ireland and Israel-Palestine,” 62.

in the process could have strengthened the Rabin government’s mandate and undercut right-wing opposition.³³ Instead, the secretive nature of the talks alienated the public. Handleman notes that “the public was excluded from the talks and was not prepared to cope with expected and unexpected crises in the peacemaking journey”.³⁴

Lacking democratic validation, Oslo was vulnerable to delegitimization, weakened the authority of negotiators, and left the agreement vulnerable to violent disruption. Events like the Baruch Goldstein massacre and Hamas suicide bombings deepened public mistrust and reinforced the belief that “there are no partners for peace on the other side.”³⁵ The process ultimately collapsed with the outbreak of the Second Intifada. Even after Hamas’ electoral victory in 2006, its continued marginalization revealed that external legitimization remained a prerequisite for participation—one the international community was unwilling to provide.³⁶

Although holding a Palestinian referendum remains logistically and politically difficult under occupation, the broader point remains: peace processes without inclusive participation and public endorsement struggle to survive crises. In Northern Ireland, the inclusion of armed actors was a major factor in making the democratic mandate possible. As Handleman argues, “success is impossible unless those with the power to bring down the process with

³³ Beatty, “Belfast Is Not Here,” 84.

³⁴ Handleman, “Interwoven Models,” 738.

³⁵ Handleman, “Interwoven Models,” 738.

³⁶ Ni Cheallacháin, “Northern Ireland and Israel-Palestine,” 60.

violence are actively included.”³⁷ Public participation helped transform veto players into stakeholders. Handelman further explains that “the deficiency of public participation makes peace processes vulnerable to violent episodes,” enabling “radicals to use aggressive means to influence public opinion on both sides.”³⁸ The comparison highlights how public consent functions not only as a moral foundation for peace, but as a strategic tool to bolster implementation and insulate agreements from backsliding.

The Peace vs. Justice Dilemma

At the heart of the Israeli-Palestinian conflict’s stagnation is the fundamental asymmetry between peace and justice. Unlike in Northern Ireland, where an imperfect peace was ultimately accepted in exchange for institutional reform, the Israeli-Palestinian case demonstrates the limits of a peace framework that fails to deliver meaningful justice, identity recognition, or sovereignty.

In Northern Ireland, the Catholic nationalist population ultimately accepted the loss of full sovereign independence in exchange for institutional power-sharing, procedural fairness, and the hope of long-term peace. While the GFA did not resolve every historical injustice—“the agreement did not satisfy the demands and desires of many republicans and even more loyalists”—it nonetheless created a political framework through which former adversaries could coexist.³⁹ It recognized identity claims,

granted mutual veto powers, and embedded fairness into new political structures. Although violence was not fully eliminated and “political and economic uncertainties remain”, the agreement was seen as legitimate because it offered a tangible, if partial, form of justice.⁴⁰ That legitimacy was hard-won. Nationalists relinquished not only the dream of a united Ireland but also traditional notions of territorial sovereignty, in exchange for institutional guarantees. The peace that emerged was not transformative in every respect—sectarian divides persisted, as evidenced by “the limited success achieved by parties outside the ethno-national blocs and the lack of swing voting between the two blocs”—but it offered a viable pathway forward.⁴¹

By contrast, the Oslo Accords failed to deliver either full sovereignty or meaningful justice to Palestinians. The Israeli occupation continued, settlement construction accelerated, and restrictions on Palestinian movement and daily life remained entrenched. For many Palestinians, the peace process produced little material improvement, and thus lacked credibility and legitimacy. Simultaneously, Israel faced real and escalating security threats, including suicide bombings and rocket fire, which hardened public opinion and justified increasingly securitized policies.⁴² The result has been a self-reinforcing cycle of fear, distrust, and political paralysis.

Unlike Irish nationalists, who were ultimately willing to engage in difficult compromise for the sake of institutional

³⁷ Ni Cheallacháin, “Northern Ireland and Israel-Palestine,” 51.

³⁸ Handelman, “Interwoven Models,” 738.

³⁹ Ben-Porat, “Global Liberalism,” 251

⁴⁰ Ben-Porat, “Global Liberalism,” 257.

⁴¹ Ben-Porat, “Global Liberalism,” 268.

⁴² Ni Cheallacháin, “Northern Ireland and Israel-Palestine,” 54-55.

reform, Palestinian factions remained divided. Some leaders prioritized ideological or maximalist goals over negotiation, while others lacked the legitimacy or capacity to effectively represent their constituents. Meanwhile, the Republic of Ireland, with support from the European Union and the broader international community, treated peace in Northern Ireland as a long-term strategic priority rather than a short-term political calculation.⁴³

Conclusion

The divergent outcomes of the Northern Ireland and Israel-Palestine conflicts underscore the importance of structural conditions, credible mediation, and inclusive political frameworks in shaping peace processes. While both conflicts involve deep-rooted national, religious, and territorial divisions, Northern Ireland's transition from violence to negotiated settlement was facilitated by several key factors absent in the Israel-Palestine context: cohesive and risk-tolerant leadership, functioning state institutions, relatively balanced international mediation, and regional frameworks that enabled compromise.

The Good Friday Agreement emerged from a context where both state and non-state actors had clear incentives to pursue peace, where mediators were viewed as legitimate by the parties involved, and where institutional mechanisms existed to translate political will into durable structures. By contrast, the Oslo process relied heavily on elite diplomacy without parallel societal or institutional

support, in a context defined by asymmetry, occupation, and fragmented leadership. The lack of neutral co-guarantors, the absence of statehood for Palestinians, and the presence of regional spoilers further constrained the possibilities for sustained negotiation. As such, while Northern Ireland may offer instructive insights, its model cannot be directly transposed onto the Israel-Palestine conflict. The comparison instead highlights the specific institutional and geopolitical conditions under which negotiated peace becomes possible, and the limitations of diplomacy when those conditions are absent. This comparison also raises a broader question: can peace endure in the absence of justice? Is an imperfect peace, one that defers or overlooks existential grievances, preferable to continued conflict? In Northern Ireland, peace proved possible in part because it delivered a measure of justice: political representation, recognition, and a framework for future reform. In the Israel-Palestine context, initiatives that ignore core grievances—statehood, the right of return, security, and mutual recognition—lack legitimacy among key constituencies. A peace agreement that provides neither dignity nor rights is unlikely to be seen as a resolution; it is more often perceived as defeat. As Ben-Porat notes, “territorial compromises require creative solutions and trust, and consequently entail cooperation between the parties and the creation of mutual interests”—elements that zero-sum dynamics, such as those inherent in partition, do not foster.⁴⁴ Ultimately, sustainable peace requires more than the cessation of violence. It must also entail the presence of justice, anchored in

⁴³ Beatty, “Belfast Is Not Here,” 88.

⁴⁴ Ben-Porat, “Global Liberalism,” 273.

rights, recognition, and dignity for all sides. There is no one-size-fits-all model, only context-specific processes that must grapple with the realities on the ground. However, a future process will need to recalibrate what peace entails, ensuring it is not merely the absence of violence, but the presence of rights, recognition, and dignity for all sides.

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Who Holds the North?
*Indigenous Sovereignty and the Politics
of Presence in Canada's Arctic*

Arianne Fouse

Edited by Catriona Hayes Morris

Sovereignty has returned to the center of Canada's Arctic discourse, revived as both a moral consideration and a strategic concern. During the October 2025 Arctic Circle Assembly, northern policy was framed around the Kunming-Montreal Global Diversity Framework¹, which requires governments to treat Indigenous peoples as "partners" and rights-holders in conservation decisions to integrate ecosystem-based climate solutions into the country.² However, beneath the rhetoric of cooperation lies a more profound contradiction, as Canada's northern authority rests on Indigenous communities, whose opinions it continues to override. This article argues that Canada's Arctic strategy disguises dependency as cooperation, invoking inclusion while consolidating control. Through defence constitutional frameworks and international federal policy initiatives, sovereignty in the Arctic is increasingly expressed through presence and international credibility rather than through a genuine redistribution of political authority. Indigenous participation thus becomes a source of legitimacy for Canada's Arctic claims while remaining constrained within institutions that ultimately retain decision-making power in Ottawa.

The Geopolitics of Arctic Sovereignty

Canada's renewed focus on Arctic sovereignty reflects growing concern about

climate change mitigation in the region, while also responding to shifting geopolitical competition and renewed attention to the political significance of the North within Canada. As melting ice opens new shipping routes and resource frontiers, the Arctic has emerged as both an arena of strategic considerations and a domain of political identity.³ While these measures reinforce Canada's presence in the region, they often overlook the governance priorities and lived realities of northern communities whose presence supports Canada's Arctic claims. By subsuming northern authority within a generalized Canadian sovereignty narrative, federal strategy treats the region as a strategic space to be managed from the south instead of a homeland where authority is actively exercised by the communities that inhabit it.

From North American Aerospace Defence Command (NORAD) modernization to expanded Operation NANOOK initiatives, successive governments have pursued sovereignty through deterrence and continental defense, reflecting a framework still closely intertwined with U.S. strategic priorities.⁴ Nicolien van Luijk et. al., in *Inuit Perspectives on Arctic Sovereignty*, note that this "state-centric" analysis privileges security and extraction over Indigenous and environmental

¹ Convention on Biological Diversity, *Kunming-Montreal Global Biodiversity Framework*, Decision 15/4 (Montreal: Conference of the Parties to the Convention on Biological Diversity, December 19, 2022).

² "2025 Arctic Circle Assembly," *Arctic Circle*, Accessed November 10, 2025.

³ Nicolien van Luijk et al., "At the Front Lines of Increased Shipping and Climate Change: Inuit Perspectives on Canadian Arctic Sovereignty and Security," *Arctic Yearbook* (2021): 2-3.

⁴ Neale McDevitt, "McGill Roundtable on Arctic Sovereignty and Security Focuses on Co-Operation, Indigenous Partnerships," *McGill Reporter*, October 16, 2025. Accessed November 8, 2025.

realities.⁵ Meanwhile, the Yellowhead Institute likewise observes that the Carney government's *One Canadian Economy Act* extends this pattern by linking Arctic development to economic security and national unity by creating a single national framework for trade and labour mobility across the country.⁶ By merging resource policy and defense strategy, the North remains a space of federal management rather than land defined by the political authority of its communities.

Continental Defence and Arctic Infrastructure

Recent defense investments reflect how this state-centric approach is increasingly materialized through surveillance infrastructure across the North. In March 2026, the Government of Canada launched the first phase of its Arctic Over-the-Horizon Radar (AOTHR) project, a long-range monitoring system designed to track aerospace and maritime approaches across the Arctic and toward major North American population centres.⁷ The system will form part of a broader effort to modernize NORAD, establishing a network of early-warning sensors intended to replace elements of the aging North Warning System and strengthen

continental aerospace defence.⁸ By expanding radar coverage across northern regions, Canada reinforces its role within the shared defence structure that has long linked Arctic security planning to the United States.

The expansion of Arctic surveillance infrastructure also reveals the deeper contradiction within Canada's sovereignty discourse. Defence modernization is frequently presented by Ottawa as evidence of strengthened national sovereignty in a rapidly changing geopolitical environment. In practice, however, these systems operate within the binational NORAD command structure and broader continental security networks designed to monitor aerospace and maritime threats across North America.⁹ Arctic territory, therefore, functions less as an exclusively national domain of authority than as the geographic platform through which Canada contributes to continental defence. As surveillance expands across Northern land, Arctic sovereignty increasingly takes the form of presence through monitoring capacity and alliance integration, while the governance of those regions remains centralized within federal institutions that continue to mediate Indigenous participation without fundamentally redistributing jurisdictional authority.¹⁰

⁵ van Luijk et al., "At the Front Lines of Increased Shipping and Climate Change," 14.

⁶ Dakota Erutse, "Reflections on 'Northern Squalor' and Sovereignty," *Yellowhead Institute Brief* no. 174 (Toronto: Yellowhead Institute, October 16, 2025).

⁷ Stantec Inc., "Stantec Selected to Deliver Multidisciplinary Engineering and Design Services for Canada's Arctic Over-the-Horizon Radar Project," press release, March 4, 2026.

⁸ Stantec Inc., "Stantec Selected to Deliver Multidisciplinary Engineering."

⁹ Stantec Inc., "Stantec Selected to Deliver Multidisciplinary Engineering."

¹⁰ Martin Papillon, "Nation to Nation? Canadian Federalism and Indigenous Multi-Level Governance," in *Canadian Federalism: Performance, Effectiveness, and Legitimacy*, 4th ed., ed. Herman Bakvis and Grace Skogstad (University of Toronto Press, 2020), 401.

Indigenous Conceptions of Sovereignty

Indigenous political thought reframes sovereignty as fundamentally relational, grounded in kinship and collective responsibility toward “more-than-human” relatives rather than exclusive territorial control, thereby challenging the Western “singular locus of power” that relies on presumed consent and state supremacy.¹¹ Mowatt et al. argue that settler states such as Canada continue to restructure governance and political science around colonial hierarchies that marginalize Indigenous authorities and sustain an *illusion* of state supremacy.¹² Within their framework, sovereignty is not a possession but a relationship sustained through reciprocity and accountability to land and community.

Inuit leaders such as Mary Simon and Aaju Peter similarly emphasize that Canada’s Arctic legitimacy rests on Inuit “use and occupation,” rather than federal authority, suggesting that state jurisdictional claims are effectively meaningless without the recognition of Inuit as the long-term caretakers of the region.¹³ The country’s ability to assert sovereignty in the Arctic Circle and to have that recognized internationally is contingent on Inuit homelands and legal rights that predate the Canadian state itself. Canada, therefore,

depends on Inuit oppression, which it rarely acknowledges in governance. Indeed, the systems governing the North – including federal decision-making frameworks and resource-management initiatives – remain designed to centralize control in Ottawa.

Constitutional Constraints on Indigenous Authority

Therefore, even as Inuit presence forms the basis of Canada’s Arctic claims, the laws regulating Indigenous peoples continue to consolidate authority in the federal state. Section 91(24) of the *Constitution Act, 1867* grants the federal government exclusive jurisdiction over “Indians, and Lands reserved for the Indians,” embedding Indigenous governance within a constitutional framework defined by federal authority.¹⁴ Section 35 of the *Constitution Act, 1982* would later come to “recognize and affirm existing” Aboriginal treaty rights, yet it did not alter the division of powers established in 1867.¹⁵ While Section 35 did not textually reassign these powers, it altered the “substance of the law” by ensuring that any legislative exercise is now subject to the “supreme law of Canada” under section 52(1), rendering government actions inconsistent with those rights of “no force or effect”.¹⁶ Consequently, while Indigenous rights are constitutionally protected, the institutions responsible for interpreting and administering those rights remain negotiated

¹¹ Morgan Mowatt, Matthew Wildcat, and Gina Starblanket, “Indigenous Sovereignty and Political Science: Building an Indigenous Politics Subfield,” *Annual Review of Political Science* 27 (2024): 309.

¹² Mowatt et al., “Indigenous Sovereignty and Political Science,” 312.

¹³ van Luijk et al., “At the Front Lines of Increased Shipping and Climate Change,” 4.

¹⁴ *Constitution Act, 1867* (UK), 30 & 31 Victoria, c. 3, s. 91(24).

¹⁵ *Constitution Act, 1982*, being Schedule B to the Canada Act 1982 (UK), 1982, c. 11, s. 35.

¹⁶ *Constitution Act, 1982*, s. 52(1).

through the state's mandates and funding mechanisms.

Canadian jurisprudence reflects this structural limitation. In *Haida Nation v. British Columbia*, the Supreme Court affirmed that governments must consult Indigenous peoples when actions may affect their rights or claims.¹⁷ However, the Court also made clear that the duty to consult does not require governments to obtain Indigenous consent, nor does it grant Indigenous communities a veto over state decision-making. Instead, consultation is intended to ensure a process of reconciliation that balances Indigenous interests with broader governmental objectives.¹⁸ Participation, therefore, occurs within a framework in which ultimate authority remains vested in the Crown.

Christa Scholtz notes that the entrenchment of Indigenous rights in Section 35 has not fundamentally redistributed jurisdiction within the Canadian constitutional order. While modern treaties and land claim agreements may expand Indigenous administrative authority, they continue to operate within the existing division of legislative powers.¹⁹ Indigenous governance arrangements thus remain constitutionally ingrained within federal institutions, reinforcing a model in which the state recognizes Indigenous inclusion while

retaining authority to define the terms under which that participation occurs. The result is a sovereignty project that claims partnership while operating on the assumption that ultimate authority must remain within federal institutions.

Ottawa's Rhetoric vs. Northern Voices

The gap between policy discourse and lived experience becomes clearer when examining how sovereignty is articulated within northern communities themselves. At the McGill Roundtable on Arctic Sovereignty, held on September 17, 2025, just weeks before Canada's delegation to the Arctic Circle Assembly, participants pointed out a truth often missing from federal strategy: "you can't have national security without human security."²⁰ Sovereignty in the North is not tested through diplomacy or defense capacity, but through the state's ability to sustain the everyday lives of those who inhabit the region. Brigadier General Dan Rivière noted that Indigenous communities are "foundational to operations," yet continue to face inadequate housing and chronic underinvestment in local infrastructure.²¹ As Dakota Erutse argues in his *Yellowhead Institute Brief*, the persistence of "northern squalor" reflects how Ottawa continues to treat material well-being as secondary to geopolitical image-making.²²

¹⁷ *Haida Nation v. British Columbia (Minister of Forests)* 2044 SCC 73.

¹⁸ *Haida Nation v. British Columbia (Minister of Forests)* 2044 SCC 73.

¹⁹ Christa Scholtz, "Treaty Failure or Treaty Constitutionalism? The Problematic Validity of the James Bay and Northern Quebec Agreement," *University of Toronto Law Journal* 70, no. 3 (Summer 2020): 307-308.

²⁰ McDevitt, "McGill Roundtable on Arctic Sovereignty."

²¹ McDevitt, "McGill Roundtable on Arctic Sovereignty."

²² Erutse, "Reflections on 'Northern Squalor' and Sovereignty."

The gap between policy discourse and lived experience becomes clear when examining a recent *Policy Options Arctic Survey*, which found that while eighty-five per cent of respondents supported asserting Canadian sovereignty, most defined it through local empowerment and sustainable development rather than federal control.²³ The North is seeking material capacity, not epistemic symbolism, yet Ottawa's frameworks— from the Arctic and Northern Policy framework to its latest defense plans— continue to equate sovereignty with visibility. Military bases and patrols replace the more challenging task of governing alongside those who live there. Another study published in *Inuit Perspectives on Arctic Sovereignty* found many respondents felt uneasy about the “unknowns” of shipping traffic and the lack of say over marine areas, thus revealing a form of sovereignty enacted *on* communities rather than *with* them.²⁴ Ottawa may speak the language of partnership, but until decision-making genuinely shifts northward, that partnership remains rhetorical.

The Price of Presence

Ottawa's renewed investment in Northwest Territories housing— serving a population where Indigenous identity is held by nearly half the residents (49.6%), the majority of whom are First Nations (61.4%), alongside significant shares of Inuit (20.7%) and Metis (14.4%)— demonstrates how Arctic sovereignty increasingly operates through

²³ Abbas Qaidari, “Ottawa Must Heed Northern Voices on Arctic Strategy,” *Policy Options*, October 16, 2025.

²⁴ van Lwijk et al., “At the Front Lines of Increased Shipping and Climate Change,” 8-9.

federal legitimacy.²⁵ Long treated as a social issue, it now operates as a political instrument, proving that the federal government can “deliver” in the North. Yet, as Etruse observes, investment often functions as a “credibility mechanism” through which the federal government can demonstrate control and competence to both domestic and international audiences, rather than enabling self-governance.²⁶ Funding decisions and procurement remain centralized, reinforcing federal control over the pace and scope of development. Sovereignty is thus expressed through optics, in which housing projects symbolize federal presence without redistributing power. Legitimacy, therefore, is constructed not through accountability to northern residents but through performance before the global stage.

Sovereignty as Dependency

The tensions between rhetoric and reality reflect a deeper structural feature of Canada's Arctic governance. Indigenous sovereignty continues to be measured against state-defined standards, reinforcing Canada's colonial logic that equates the legitimacy of Indigenous governance to compliance with Canadian guidelines. Political scientist Kevin Bruyneel calls this the “third space of sovereignty”: Indigenous nations navigate between autonomy and dependence within the

²⁵ Statistics Canada, “Focus on Geography Series, 2021 Census of Population: Northwest Territories,” *Government of Canada*, last modified December 9, 2025.

²⁶ Etruse, “Reflections on ‘Northern Squalor’ and Sovereignty.”

boundaries of settler institutions.²⁷ Canada's Arctic policy operates in this space by drawing legitimacy from Indigenous participation to strengthen its moral authority abroad while restricting it domestically.

Sovereignty in Canada thus functions as a system that sustains federal control while appearing to share it. The dynamics of housing and infrastructure investment in the Northwest Territories reveal this logic on the ground, where steps toward reconciliation mask enduring hierarchies of governance.

Toward Northern-Led Sovereignty

A truly northern-led vision of sovereignty will depend less on who stands guard in the North and more so on who holds jurisdiction over its land, water, and resources. As emphasized at the McGill-led roundtable on Arctic sovereignty, universities, Indigenous governments, and private actors share a collective responsibility within a "whole of society" framework to distribute decision-making power in ways that replace hierarchy with reciprocity.²⁸ Authority over land and sea, therefore, must be grounded in safekeeping rather than administrative reach.

This shift echoes Mowatt et al.'s call to treat Indigenous sovereignty as "frameworks of accountability grounded in people and place," capable of reconfiguring what political

authority means in settler states.²⁹ Ottawa must now act as a facilitator rather than a guarantor of sovereignty, transferring authority to northern peoples capable of defining their own governance. Such a shift requires embedding Inuit legal orders into territorial governance to ensure that development agreements are negotiated directly between Indigenous governments and Ottawa as equal political authorities, rather than federal intermediaries that dilute Indigenous power.

Indigenous voices have too often been acknowledged symbolically only to be excluded from the decisions that shape their homelands. As Canada embeds its Arctic strategy within continental defence networks and global environmental governance frameworks, it increasingly performs sovereignty outward while centralizing it inwards. A country that claims to lead in the North must first recognize those who have sustained it, whose presence, wisdom, and care laid the very foundations of the nation. Canada's arctic future will not be measured by how visibly it governs, but by how deeply it remembers whose stewardship made that governance possible.

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²⁷ Mowatt et al., "Indigenous Sovereignty and Political Science," 306-307.

²⁸ Neale McDevitt, "McGill Roundtable on Arctic Sovereignty and Security Focuses on Co-Operation, Indigenous Partnerships," *McGill Reporter*, October 16, 2025.

²⁹ Mowatt et al., "Indigenous Sovereignty and Political Science," 307.

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Scars of the Past

*A Comparative Analysis of Chile and
Colombia's Plans for Transitional Justice*

Pablo Puerto Villegas

Edited by Margaux Zani

Videla, Franco, and Pinochet; much attention is often drawn to the horrors committed by dictators. However, the complex and emotional process of reconstruction and transformation that allows a democracy to heal from a dictatorship often remains overlooked. Governments face crucial challenges as they engage in transitional justice, seeking to heal the wounds of the past for a less violent, more stable future. The effectiveness – and success – of this process is critical to ensure that weakened democracies reconcile with their past. Chile is considered, to some extent, a nation that has successfully implemented processes of transitional justice in its endeavours to rebuild democracy, by prosecuting the crimes of the Pinochet regime. Other states, such as Colombia, are still tentatively attempting to implement reparations and a transition forward amid significant domestic criticism.

This essay will compare the transitional justice processes of both nations in their efforts toward attaining justice and peace, reconciling with state violence, and how both those factors affect the search for the missing and murdered. With this comparison, this paper seeks to uncover the sources of a successful transitional justice approach – such as in the case of Chile – and to understand its boundaries, illustrated by the challenges Colombia faces today. A proper study of the process of transitional justice is central to understanding how nations heal from the scars of past violence and resume their path towards democratic development.

I. Transitioning to Stability: A Trade-Off between Peace and Justice?

I.a. The Theoretical Bearings of Transitional Justice

The field of transitional justice remains undertheorized and with little consensus; it is critical to understand the conceptualizations and definitions this essay will use in the comparison of the transitional justice processes in Chile and Colombia.¹ The former UN Secretary General issued a report wherein transitional justice is defined as “the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice, and achieve reconciliation”.² Such a conceptualization is further supported by Jon Elster’s rejection of the construction of an explicit theory for transitional justice and David Crocker’s normative framework for transitional justice.³ Crocker’s theory outlines an explicit normative framework that is organized around moral goals, while Elster rejects the idea of constructing a universal normative blueprint of transitional justice.⁴ Elster believes broad generalizations would render the framework too narrow, unable to encapsulate context-dependent implementations.⁵ Even though Elster and Crocker may present two different understandings of transitional justice, both of their writings are consistent with the definition

¹ Pablo de Greiff, “Theorizing Transitional Justice,” *Nomos* 51 (2012): 32.

² de Greiff, “Theorizing Transitional Justice,” 31.

³ de Greiff, “Theorizing Transitional Justice,” 32.

⁴ de Greiff, “Theorizing Transitional Justice,” 32.

⁵ de Greiff, “Theorizing Transitional Justice,” 32.

of transitional justice mirrored in the UN Secretary General's report. In this essay, transitional justice will be examined in line with Pablo de Greiff's theorization of transitional justice. De Grieff identifies the two central goals of transitional justice, these being the discovery of the truth of past abuses and attaining justice – via reparations and/or criminal prosecutions – for victims.⁶

Nonetheless, through a comparative analysis of transitional justice processes in both Colombia and Chile, it becomes clear that attaining both of de Grieff's goals is difficult to achieve. Both nations share a similar politico-ideological trend – beginning in the early 70s with conservative leaders, then becoming increasingly liberal with centrists and center-left leaders in the following years, Colombia and Chile are now both presided over by leftist leaders. A central difference between the two countries must be highlighted. Chile is more of a traditional case of transitional justice, because the process of transitional justice is implemented to cement a transition from dictatorship to democratic governance. On the other hand, Colombia is an atypical case of transitional justice, seeking to resolve a civil conflict that occurred within a democracy. This underlines the differences in the nature of the crimes committed that transitional justice is attempting to address in both countries – the challenges, goals, and ultimately the process of transitional justice will therefore differ. This comparative study will show that these different challenges will lead to different processes of transitional justice, opening the door to a potential tradeoff between the two central goals of transitional

justice. We will observe how prioritizing one goal without addressing the other can result in an incomplete process of transitional justice.

I.b. Approaches to Conflict Resolution and Transition in Colombia and Chile.

Colombia is an atypical case. Its civil conflict is one of the longest ongoing domestic disputes in the world, lasting more than 50 years.⁷ Multiple actors have participated in the continuation of hostilities and the perpetration of abuse, from the state to right-wing paramilitaries and leftist guerrillas. The many parties involved have rendered the prosecution for these crimes extremely difficult in Colombia; instead of prioritizing reparations, the government has had to juggle between attaining peace and bringing justice to the victims. This is most clearly exemplified in the boundaries established for the criminal prosecution of members of the guerrilla group known as the FARC (Fuerzas Armadas Revolucionarias de Colombia).⁸

The FARC is a Marxist armed group whose purpose is to represent rural communities and advocate for reforms on their behalf.⁹ However, they have also engaged in drug trafficking, kidnappings, and extortion.¹⁰ Eventually, with limited substantive success in militarily defeating the guerrilla group, the

⁶ de Greiff, "Theorizing Transitional Justice," 39.

⁷ Niklas Eckhardt, "The Legal Framework for the Peace Process in Colombia and the Precarious Role of Transitional Justice," *Verfassung in Recht Und Übersee* 49, no. 4 (January 1, 2016): 368.

⁸ The Revolutionary Armed Forces of Colombia

⁹ Eckhardt, "The Legal Framework for the Peace Process in Colombia and the Precarious Role of Transitional Justice," 368.

¹⁰ Alfie Pannell, "Landmark Ruling Convicts Seven FARC Ex-leaders of Wartime Crimes," *Al Jazeera*, September 16, 2025.

government attempted to end the violence by negotiating a peace deal.

The latest peace process to address the conflict with the FARC started under the leadership of President Juan Manuel Santos in 2012. The intent was to demobilize the FARC and open avenues for the group to advocate for reforms peacefully through their own political party.¹¹ After the initial peace agreement was rejected by a referendum, the Colombian Congress approved a revised accord in 2016.¹² This 2016 accord added to the constitutional framework known as the Legal Framework for Peace (*El Marco Jurídico para la Paz*), which aimed to facilitate the peace process and transitional justice within Colombia.¹³

The process through which the constitutional framework achieved this was controversial. The new amendment created a legal framework for alternative and reduced sentencing for FARC members, allowing former combatants — at least those not accused of crimes against humanity — to participate in the political life of the state.¹⁴ This deviates from the retributive legal doctrine and norms of criminal punishment, and creates a conflict between two constitutional rights guaranteed to Colombians. The constitution explicitly guarantees the right to peace in Article 22, stating that it is a right and duty of mandatory

compliance.¹⁵ The right to justice is also embedded in several provisions of the Constitution. Article 2, for instance, explicitly states that all victims of unlawful conflict have the right to remedy any damage caused through the prosecution of those responsible.¹⁷ The Legal Framework for Peace, then, creates a tension between these rights: by permitting deviations from the norms of criminal punishment, the government calls into question victims' ability to obtain justice through prosecution of those responsible. However, rejecting the peace proposal would place the government in direct violation of the collective Colombian right to peace, as well as its constitutional responsibility to uphold it.¹⁸

Attempting to address this dilemma, the Colombian Constitutional Court ruled that the right to justice should be restricted to attain peace. The court determined that, without restricting the victim's rights, peace would not be possible, justifying its decision by stating that no rational armed actor would volunteer to their capture without an incentive.¹⁹ It is within

¹¹ Eckhardt, "The Legal Framework for the Peace Process in Colombia and the Precarious Role of Transitional Justice," 369.

¹² Eckhardt, "The Legal Framework for the Peace Process in Colombia," 369.

¹³ Eckhardt, "The Legal Framework for the Peace Process in Colombia," 370.

¹⁴ Eckhardt, "The Legal Framework for the Peace Process in Colombia," 370.

¹⁵ Eckhardt, "The Legal Framework for the Peace Process in Colombia," 377.

¹⁶ Article 22 of the Constitution establishes that peace is both a right of the Colombian people and a duty incumbent upon the state and society. The right to peace therefore possesses a dual character: it is generally understood as a collective right, but may also operate as an individual right depending on the circumstances. See Niklas Eckhardt, "The Legal Framework for the Peace Process in Colombia and the Precarious Role of Transitional Justice," *Verfassung in Recht und Übersee* 49, no. 4 (2016): 377.

¹⁷ Alejandro Gómez-Velásquez, "The Constitutional Framework for Transitional Justice in Colombia," journal-article, *Revista Opinión Jurídica Universidad De Medellín* 14, no. 28 (August 2015): 41.

¹⁸ Gómez-Velásquez, "The Constitutional Framework for Transitional Justice in Colombia," 41.

¹⁹ Eckhardt, "The Legal Framework for the Peace Process in Colombia," 379.

this context that the court finds it appropriate to impose restrictions on the victims' right to justice: to accomplish peace for the general Colombian populace.²⁰ Additionally, the court justifies this transgression by arguing that combatants are also renouncing their right to defence by accepting the deal offered – a necessary condition included in the deal.²¹ Nevertheless, the framework aims to provide the victims with partial restitution, providing them with closure by granting them access to the discovery of remains and information.²² This sets the stage for a tradeoff between combatants and victims when restoring peace for the general population.

In Chile, such a tradeoff never arose. After the Pinochet dictatorship, Chile was able to attain both peace and justice, with the prosecution of more former officials of the regime than any other country in Latin America.²³ Appreciating the collusion of the judiciary and the regime during the Pinochet era —which allowed for countless human rights transgressions— makes this transition a notable achievement.²⁴ As Chile's democratization began, the judiciary institutionalized its independence. The courts increasingly limited the military's self-granted amnesty, and the government filed charges for the disappearances that resulted from the former regime through the Ministry of the

Interior.²⁵ They reopened past cases, such as the Pedro Poblete 1974 disappearance, and brought over 600 legal actions against military personnel.²⁶

Many factors led to this drastic change in approach by the judiciary. Local activists attracted attention from the international community, allowing them to apply pressure on the regime. This led to Pinochet's detention in London. His subsequent extradition to Chile placed intense pressure on the government and the courts to prosecute the crimes of the regime.²⁷ This pressure was exacerbated by a vast media coverage.²⁸ This resulted in a large wave of convictions and the creation of various truth commissions, all aiming to attain justice for Chilean victims. Chile therefore implemented a process of building a new, restorative narrative, while prosecuting the crimes of the past regimes, thereby not sacrificing justice for peace.

The tradeoff that stands in the way of restorative justice – that is, between peace and justice – therefore depends on several factors and circumstances within each country. Colombia was already a democratic government and therefore did not need to consolidate or legitimize its institutions the same way Chile did. Moreover, a regime change similar to that in Chile was neither needed nor likely, as the political and military elites in Colombia remained quite entrenched and their politics greatly affected the

²⁰ Eckhardt, "The Legal Framework for the Peace Process in Colombia," 379.

²¹ Eckhardt, "The Legal Framework for the Peace Process in Colombia," 382.

²² Eckhardt, "The Legal Framework for the Peace Process in Colombia," 382.

²³ Alexandra Huneus, "Judging From a Guilty Conscience: The Chilean Judiciary's Human Rights Turn," *Law & Social Inquiry* 35, no. 01 (January 1, 2010): 100.

²⁴ Huneus, "Judging from a Guilty Conscience," 100.

²⁵ Huneus, "Judging from a Guilty Conscience," 102, 106.

²⁶ Huneus, "Judging from a Guilty Conscience," 105.

²⁷ Huneus, "Judging from a Guilty Conscience," 107.

²⁸ Cath Collins, "State Terror and the Law: The (Re)Judicialization of Human Rights Accountability in Chile and El Salvador," *Latin American Perspectives* 35, no. 5 (August 14, 2008): 34.

development and limitations of policy. This truth is only made clearer with the increasing participation of former FARC combatants in national politics, decreasing the likelihood of criminal prosecution occurring.²⁹ Any prosecution could be perceived as a political attack in the name of ideological differences rather than in the name of justice. Additionally, unlike Pinochet, who, by the time of his prosecution, had diminishing support from his own party, in Colombia, leftist parties are sympathetic to the FARC due to their Marxist roots.³⁰ Furthermore, in Colombia, factions of the congress continue to support the military and paramilitary, rejecting any narrative positing that the state committed any wrongdoings during the civil war.

In Colombia, the threat of violence and civil conflict persists. The peace agreement led by President Santos is a monumental accomplishment, yet it remains a partial and unpromised peace. Achieving peace remains contingent upon the willingness and ability of armed actors to reintegrate into society.³¹ Additional guerrilla groups and paramilitary groups could rise from the ashes of the FARC, and civil conflict could resume. The constitutional framework adopted to attain peace raises concerns about the violation of the legal principle of blind equality, as combatants are given less punishment in comparison to others convicted of the same crimes, thus opening the door for abuse to escape criminal accountability. Even

²⁹ Alison Sargent, "FARC Rebels Reinvent Themselves as Political Party, but Keep Acronym," *France 24*, September 1, 2017.

³⁰ Collins, "State Terror and the Law," 27.

³¹ Eckhardt, "The Legal Framework for the Peace Process," 380.

though the transitional justice process in Colombia is flawed – because it sacrifices the right to justice for the victims, for the general public's right to peace – it can be interpreted as a necessary first step to attain justice. The peace agreement creates a stable environment, similar to that of the post-Pinochet era, where tensions remained high but could lessen over time with careful implementation of the framework.

II. Reconciling with State Violence

II.a. Justice and Prosecution

The state in Colombia committed vast atrocities during the civil war period. These have only recently become common knowledge, post-peace agreement. Among the most egregious of these abuses was the 'false positive' scandal, in which members of the military extrajudicially executed civilians – primarily marginalized men – and subsequently misrepresented them as guerrilla fighters lawfully killed in combat.³² The military leadership incentivized these arbitrary killings by providing rewards for each kill, including bonuses, medals, and an additional leave day.³³ This resulted in the execution of over 3,000 civilians between 2002-2008.³⁴ A recruiter later testified that he had been paid \$500 for each of the men he recruited and delivered to them to be killed. He also stated

³² Eleanor Gordon, "Crimes of the Powerful in Conflict-Affected Environments: False Positives, Transitional Justice and the Prospects for Peace in Colombia," *State Crime Journal* 6, no. 1 (April 1, 2017): 133.

³³ Gordon, "Crimes of the Powerful in Conflict-Affected Environments," 137.

³⁴ Gordon, "Crimes of the Powerful in Conflict-Affected Environments," 133.

that they staged the scene of the killings to make it seem as though the innocent men were part of the guerrillas by placing weapons in their hands, changing their clothes, and putting combat gear on them.³⁵

Once this scandal was made public, the government's response was slow and obstructive. It has, since then, moved cases dealing with the false positive scandal from civilian courts to the military justice system, a move which furthered the possibility of impunity.^{36,37} The military justice system in the nation is viewed as incompetent, and the Prosecutor's office has opened investigations against them for gross negligence.³⁸ In contrast, the perpetrators of the crimes committed in Chile were prosecuted in civilian courts – not military courts. Even investigations against Pinochet, his indictments and criminal proceedings took place in civilian courts.³⁹ The members of the military regime in Chile did not receive amnesty, a stark contrast with the preferential treatment granted to military members in Colombia. Indeed, even though the peace agreement outlined that all of those who committed crimes during the civil war for

personal enrichment would not be exempt from criminal prosecution, this measure did not apply to military members, who could attain criminal amnesty regardless of personal enrichment.^{40,41} This measure, then, applies only to guerrilla groups but not the government, which can explain why high-ranking officers have evaded conviction even though they orchestrated the incentive structure of the False Positive atrocities.⁴² In addition to the (in)actions of the government, the proceedings of these cases have been hindered, with witnesses, victims, and even members of the judiciary receiving threats, being attacked, and even killed.⁴³ Evidence critical to the prosecutorial proceedings has also been lost or destroyed.⁴⁴ This illustrates the struggles the Colombian state has had in reconciling with past state abuses.

II.b. Education and Reparation

In Chile's early democratic era, a wave of anxiety against speaking out on state abuse towered over the victims for many years.⁴⁵ To

³⁵ Gordon, "Crimes of the Powerful in Conflict-Affected Environments," 135.

³⁶ Gordon, "Crimes of the Powerful in Conflict-Affected Environments," 141.

³⁷ *Impunity* within transitional justice frameworks is understood as the process by which state institutions—whether intentionally or due to weakness—fail to punish those responsible for crimes and abuses. Combating impunity is critical to ensuring justice for victims and preventing the repetition of abuses.

³⁸ Gordon, "Crimes of the Powerful in Conflict-Affected Environments," 142.

³⁹ Human Rights Watch, "Discreet Path to Justice?: Chile, Thirty Years After the Military Coup: A Human Rights Watch Briefing, September 2003," *Human Rights Watch* (Human Rights Watch, September 2003).

⁴⁰ Gordon, "Crimes of the Powerful in Conflict-Affected Environments," 143.

⁴¹ Amnesty is the formal removal of criminal liability for certain offences. Amnesty is typically granted by the state as a part of a political or peace process. Within processes of transitional justice Amnesty is often used to demobilize armed actors and to facilitate negotiations.

⁴² Gordon, "Crimes of the Powerful in Conflict-Affected Environments," 143-144.

⁴³ Gordon, "Crimes of the Powerful in Conflict-Affected Environments," 143-144.

⁴⁴ Gordon, "Crimes of the Powerful in Conflict-Affected Environments," 143-144.

⁴⁵ Manuel Cárdenas et al., "How Transitional Justice Processes and Official Apologies Influence Reconciliation: The Case of the Chilean 'Truth and Reconciliation' and 'Political Imprisonment and Torture' Commissions," *Journal of Community & Applied Social Psychology* 25, no. 6 (March 11, 2015): 516.

address this issue without endangering victims, Chile established two truth commissions: the 1991 National Commission on Truth and Reconciliation (NCTR) and the National Commission on Political Imprisonment and Torture (NCPIT). These commissions were meant to establish a collective truth about the period of violence, to recognize the suffering of the victims, and to contribute to the attainment of justice.⁴⁶ Reports from the two commissions found that more than three thousand people had died and that thirty-five thousand were politically imprisoned, all of which was realized at the hands of the police and the military.⁴⁷ Studies have shown that citizens believe these reports to be truthful and necessary.⁴⁸ Additionally, studies have also shown that even though victims remain critical of truth commissions, three-quarters of Chileans remain in favour of truth and reconciliation commissions.⁴⁹ The positive opinions on the commission's work demonstrate that it has helped to improve social forgiveness and the processing of collective trauma.⁵⁰

Chile also invested in the education and the memorialization of the Pinochet era, and was successful. A study analyzing attitudes after visiting the Museum of Memory and Human Rights – a museum which commemorates the victims of the dictatorship

– reported that individuals showed increased support for institutions associated with democracy and conciliatory transitional justice policies.⁵¹ These efforts, in addition to the wave of criminal prosecutions in the early 2000s, demonstrate that the Chilean government has had significant success in addressing the past state violence committed by the dictatorship. In contrast, the National Historic Memory Center in Colombia, an institute tasked with protecting the archives of victims of the civil conflict, questions the very existence of the armed conflict. This narrative raises doubts about the existence of extrajudicial executions during the civil war being state policy, and seemingly aims to rewrite history in favour of the armed forces and political institutions that perpetuated it.⁵² The transitional justice process in Colombia is, therefore, not only flawed in its inability to provide reparations and justice to the victims, but also in its inability to provide a narrative granting them recognition, despite aiming to establish peace and a sentiment of necessary national cohesion.

III. The Search for the Disappeared

This paper shall now examine the effect of these diverging approaches on a key issue of transitional justice: the search and justice for the disappeared. The implications of Colombia's approach to transitional justice can

⁴⁶ Cárdenas et al., "How Transitional Justice Processes and Official Apologies Influence Reconciliation," 516.

⁴⁷ Cárdenas et al., "How Transitional Justice Processes and Official Apologies Influence Reconciliation," 517.

⁴⁸ Cárdenas et al., "How Transitional Justice Processes and Official Apologies Influence Reconciliation," 517.

⁴⁹ Cárdenas et al., "How Transitional Justice Processes and Official Apologies Influence Reconciliation," 525.

⁵⁰ Cárdenas et al., "How Transitional Justice Processes and Official Apologies Influence Reconciliation," 526.

⁵¹ Laia Balcells, Valeria Palanza, and Elsa Voytas, "Do Transitional Justice Museums Persuade Visitors? Evidence From a Field Experiment," *The Journal of Politics* 84, no. 1 (April 15, 2021): 508.

⁵² Marta Lucía Giraldo and Daniel Jerónimo Tobón, "Personal Archives and Transitional Justice in Colombia: The Fonds of Fabiola Lalinde and Mario Agudelo," *The International Journal of Human Rights* 25, no. 3 (August 27, 2020): 543.

be examined through the case of Luis Fernando Lalinde. Luis was detained and murdered by the Colombian National Army. Subsequently, Fabiola, his mother, undertook a long search for answers – and justice.⁵³ She created a dossier known as “Operación Cirirí,” in which she meticulously collected documents, dates, and comments given to her, and utilized it to raise attention to her case and to pressure the government.⁵⁴ Instead of supporting Fabiola in her search for her son’s remains and for justice, the government arrested her on trumped-up narcoterrorism charges.⁵⁵ Nevertheless, she eventually succeeded in raising awareness of her case, bringing it to the Inter-American Commission on Human Rights, which weighed in on the issue and determined that the Colombian state was responsible for Luis’s disappearance.⁵⁶ The international pressure led the government to reverse its stance, and Luis’s remains were successfully found.⁵⁷ However, a criminal investigation into Luis’s death was still dismissed by the military justice system.⁵⁸

Chile chose to proceed differently. The state invested resources and deployed

personnel to aid victims and family members of the disappeared. As the initial truth commission had little success in discovering remains of the missing victims, the state agency known as the Programa de Derechos Humanos (the Program of Human Rights) was created under the Ministry of the Interior.⁵⁹ Once Pinochet was arrested in London, even more resources were poured into resolving this issue. The Chilean judiciary then gradually began to overturn the military regime’s self-granted amnesty, ensuring immunity did not apply in cases of disappearances.⁶⁰ Additionally, judges directed the Investigations Police Force (PDI) to complete day-to-day investigations and exhumations.⁶¹ The work of detectives was then used to collect evidence and carry out arrests.⁶² To aid judges in their judgments, the Rettig archives, collected by the Truth and Reconciliation Commission, were used as critical evidence against offenders of state-sanctioned crimes.⁶³ The vastly different approaches to supporting families of disappeared individuals highlight how the Colombian system of transitional justice falls short in supporting the search for truth and justice.

Conclusion

This juxtaposition between the two nations highlights the undeniable fact that

⁵³ Giraldo and Tobón, “Personal Archives and Transitional Justice in Colombia: The Fonds of Fabiola Lalinde and Mario Agudelo,” 534.

⁵⁴ Giraldo and Tobón, “Personal Archives and Transitional Justice in Colombia: The Fonds of Fabiola Lalinde and Mario Agudelo,” 536.

⁵⁵ Giraldo and Tobón, “Personal Archives and Transitional Justice in Colombia: The Fonds of Fabiola Lalinde and Mario Agudelo,” 535.

⁵⁶ Giraldo and Tobón, “Personal Archives and Transitional Justice in Colombia: The Fonds of Fabiola Lalinde and Mario Agudelo,” 535.

⁵⁷ Giraldo and Tobón, “Personal Archives and Transitional Justice in Colombia: The Fonds of Fabiola Lalinde and Mario Agudelo,” 535.

⁵⁸ Giraldo and Tobón, “Personal Archives and Transitional Justice in Colombia: The Fonds of Fabiola Lalinde and Mario Agudelo,” 535.

⁵⁹ Cath Collins, “Transitional Justice ‘From Within’: Police, Forensic and Legal Actors Searching for Chile’s Disappeared,” *Journal of Human Rights Practice* 10, no. 1 (February 1, 2018): 24.

⁶⁰ Collins, “Transitional Justice ‘From Within,’” 24.

⁶¹ Collins, “Transitional Justice ‘From Within,’” 24.

⁶² Collins, “Transitional Justice ‘From Within,’” 25.

⁶³ Anita Ferrara, “Archives and Transitional Justice in Chile: A Crucial Relationship,” *Human Rights Review* 22, no. 3 (July 23, 2021): 274.

Colombia's transitional justice process remains incomplete. Adhering to this essay's definition of transitional justice, Colombia still needs to complete the two central goals of transitional justice. Truth in Colombia has not been attained, with many missing and murdered individuals still unaccounted for. Justice in Colombia has also not been attained, with many perpetrators of the violence still escaping criminal accountability through amnesty.

It is imperative for the progress of transitional justice in Colombia that the state accomplishes these requirements. Without a proper transition, studies show that victims of past state violence will continue to distrust and feel aggrieved by the state.⁶⁴ If the proper process of transitional justice is neglected, it is likely that engagement in transitional justice will further decrease and increase the likelihood that citizens will take up arms.⁶⁵ This then poses an existential threat to the stability of Colombia's democracy, as it threatens to reignite a civil conflict that has plagued the country for decades.

The past crimes and abuses that torment Colombia's populace act as an open wound on the soul of the nation. A wound that can lead to infection, sepsis, and the death of a democracy. It is up to the state to recognize it, stitch up the wound, and tend to it so that the scars of the nation's past can heal.

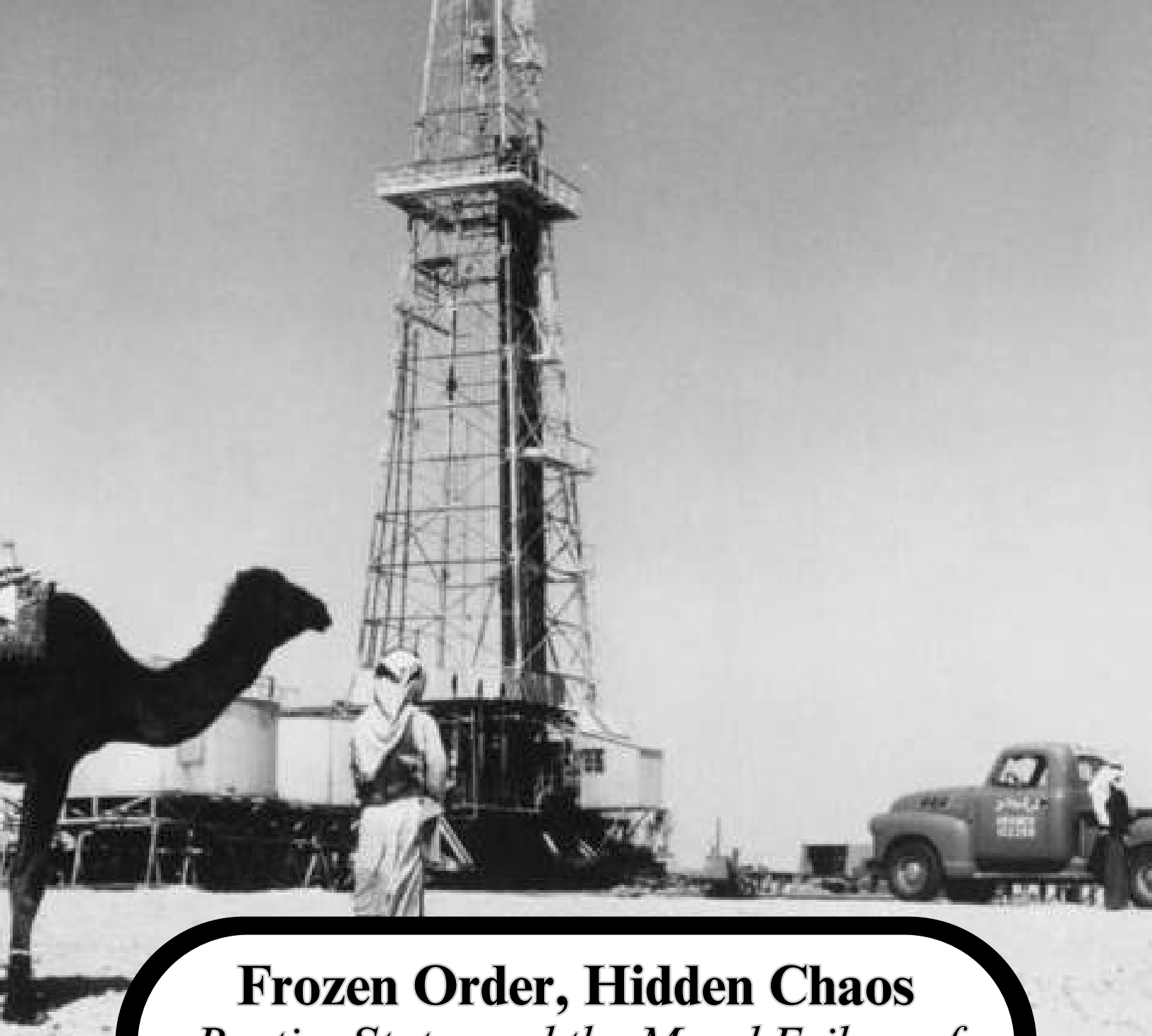
⁶⁴ Elsa Voytas and Benjamin Crisman, "State Violence and Participation in Transitional Justice: Evidence From Colombia," *Journal of Peace Research* 61, no. 6 (September 3, 2023): 1081, <https://doi.org/10.1177/00223433231180924>.

⁶⁵ Voytas and Crisman, "State Violence and Participation in Transitional Justice," 1081.

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Frozen Order, Hidden Chaos
*Rentier States and the Moral Failure of
Stability*

Dena Ojaghi

Edited by John Yaw Bollinger

Scholars remain divided on whether oil wealth sustains or undermines political stability in the Middle East. Proponents of classical rentier state theory (RST), such as Beblawi and Yamada, contend that oil rents underpin enduring authoritarian stability by financing welfare and patronage networks that substitute material appeasement for political participation, while critics like Ross and Gray claim this same system breeds long-term fragility, volatility, and corruption—arguing that stability is sustained only by the immediate flow of rents.¹ The relationship between oil wealth and stability is unequivocally more multifaceted than RST's causation. In fact, the conventional understanding of "stability" in Middle Eastern rentier states is a profound misnomer, rooted in a Western liberal bias that equates the absence of visible conflict with order. From a political-philosophical standpoint, what is termed "stability" is, in fact, structured political entropy—a systemic and intensifying chaos within the social contract. Oil rents do not create stability; they finance a massive, coercive project to suppress the natural political energy of a populace demanding rights they believe are unjustly withheld from them. The longer and more effectively this suppression persists, the more it violates fundamental principles of popular sovereignty and natural rights, making an eventual violent uprising not just possible, but inevitable.

Scholars have long argued that oil rents serve as the principal mechanism through which Arab states maintain political stability

¹ Michael L. Ross, *The Oil Curse: How Petroleum Wealth Shapes the Development of Nations*, STU-Student edition (Princeton, NJ: Princeton University Press, 2012).

and social order. According to Hazem Beblawi's rentier state theory, an influx of oil wealth allows governments to construct an equilibrium founded not on democratic participation or institutional legitimacy, but on distribution, patronage, and systematic control. In this framework, oil rents substitute for taxation, breaking the historical link between revenue generation and political accountability.² The state becomes financially autonomous, while citizens—freed from the burden of taxation—relinquish their claims to representation in exchange for welfare, subsidies, and employment guarantees. This "rentier social contract" creates a durable relationship in which citizens are appeased through material benefits while elites consolidate control through patronage and coercion.³ Further, Beblawi emphasizes that oil rents transform the entire political economy of the region, contaminating even non-oil states through inter-Arab transfers and aid, thereby reproducing a regional "rentier equilibrium."⁴ This system, however, depends on blurred lines between public and private interest—which can be seen as the original sin of rentierism—where state offices are seen as conduits for personal gain, reinforcing corruption and clientelism as normal features of governance.⁵

Building on Beblawi's framework, contemporary scholars like Hertog describe how this rentier social contract has evolved but remains central to the Gulf political economy, arguing that oil wealth continues to anchor

² Hazem Beblawi and Giacomo Luciani, eds., *The Rentier State*, 1st ed. (London: Routledge, 1987), 389.

³ Beblawi and Luciani, *The Rentier State*, 397.

⁴ Beblawi and Luciani, *The Rentier State*, 388.

⁵ Hazem Beblawi, "The Rentier State in the Arab World," *Arab Studies Quarterly* 9, no. 4 (1987): 387.

political stability by financing extensive welfare systems and subsidies in exchange for political acquiescence.⁶ During moments of potential unrest—such as the 2011 Arab uprisings—Gulf governments expanded public spending, revised subsidy structures, and created new state-controlled enterprises to absorb labor and quell discontent, reaffirming the resilience of rentier logic. This phenomenon reveals how state-controlled rent distribution functions as a political safety valve, substituting economic generosity for participatory reform. Schwarz also identifies a “new paradigm” of rentierism: as oil revenues fluctuate, regimes extend control beyond the oil sector through state-owned enterprises (SOEs) in non-oil industries, maintaining fiscal dominance and ensuring the continuity of the rentier contract⁷. In line with Social Contract Theory, this adaptation reflects elite self-preservation—political institutions evolve not toward inclusion but toward mechanisms that reproduce the power and wealth of the ruling class to maintain political stability.⁸

Empirical political economy research complements these theoretical claims, finding that oil rents do not increase civil conflict risk because ruling elites skillfully balance repression and concession.⁹ When oil income rises, elites tend to restrict political rights to

secure their rents while also seeking to distract the population through the perceived expansion of civil liberties. This dual strategy suppresses rebellion while maintaining a façade of social peace. As long as the state can deliver welfare and maintain security, the rentier model produces a form of authoritarian stability—one that is externally tranquil but internally dependent on continuous rent flows.¹⁰ In essence, scholars argue that oil rents stabilize MENA regimes not by creating justice, participation, or institutional strength, but by financially engineering obedience. The durability of these states thus rests on the political economy of dependence—where stability is bought, not built.

Critical Analyses of Rentier State Theory

While classical rentier theory posits that oil rents foster regime stability by enabling authoritarian governments to distribute wealth, Michael Ross’s *The Oil Curse* marks a decisive intervention in this debate, demonstrating that oil wealth produces an illusion of stability for ruling elites while engendering volatility, corruption, and conflict within society.¹¹ Ross elucidates that after the 1970s, oil producers in the Middle East and North Africa experienced stagnant growth, weak democratic development, and rising inequality—contradicting the assumption that resource wealth brings prosperity or durable order. He identifies three mechanisms of instability: economic volatility, fiscal secrecy,

⁶ Makio Yamada and Steffen Hertog, “Introduction: Revisiting Rentierism—with a Short Note by Giacomo Luciani,” *British Journal of Middle Eastern Studies* 47, no. 1 (2020): 3.

⁷ Rolf Schwarz, “The Political Economy of State-Formation in the Arab Middle East: Rentier States, Economic Reform, and Democratization,” *Review of International Political Economy* 15, no. 4 (2008): 612.

⁸ Schwarz, “The Political Economy of State-Formation in the Arab Middle East,” 603.

⁹ Meliha Benli Altunişik, “Rentier State Theory and the Arab Uprisings: An Appraisal,” *Uluslararası İlişkiler / International Relations* 11, no. 42 (2014): 86.

¹⁰ Benli Altunişik, “Rentier State Theory and the Arab Uprisings,” 88.

¹¹ Michael L. Ross, *The Oil Curse: How Petroleum Wealth Shapes the Development of Nations*, STU-Student edition (Princeton, NJ: Princeton University Press, 2012).

and coercive consolidation. Oil price fluctuations undermine long-term planning and incentivize short-term rent extraction, leaving economies vulnerable to collapse when revenues decline. The opacity of oil finances, funneled through national oil companies and off-budget accounts, severs the fiscal dependence between state and citizen, hollowing out accountability. Finally, the ability of regimes to use oil rents to strengthen their coercive apparatus entrenches authoritarianism and reduces the incentives for reform, ensuring that when crises occur, they are explosive rather than incremental.

Subsequent scholarship reinforces and refines Ross's argument. Herb defends the analytical core of RST but still challenges the theory by positing that its stabilizing functions produce long-term fragility.¹² The very mechanisms that maintain order—patronage, welfare distribution, and clientelism—become structural constraints on reform. This concept of “reform dissonance” captures how rentier states attempt modernization while simultaneously preserving the distributive arrangements that prevent it.¹³ Sayer similarly observes that the Gulf's sovereign wealth funds, once designed to safeguard collective resource wealth, now engage in high-risk investment strategies to sustain the rentier social contract under conditions of economic diversification.¹⁴ This evolution demonstrates, as noted in Krane, that the fiscal and political legitimacy of Gulf regimes is increasingly

endangered by risky economic behaviour, imposing severe adaptation costs, and ultimately exposing the unsustainable foundations of rentier governance.¹⁵

Gray's theory of “Late Rentierism” further clarifies that oil wealth no longer guarantees stability even in its heartland. He argues that oil states have adapted their distributive and repressive systems to new challenges—unemployment, Islamist mobilization, and technological change—yet their continued dependence on rents perpetuates the same vulnerabilities faced in the traditional rentier environment.¹⁶ To that end, Brynen's analysis of authoritarian persistence and collapse underscores this paradox: oil rents allow regimes to build a “matrix of control” combining patronage, repression, and managed liberalization, but once fiscal or social pressures exceed the regime's capacity to maintain these levers, collapse can be rapid and uncontrollable. The Arab Spring revealed the fragility of these systems, where decades of rent financed stability unraveled almost overnight.¹⁷ Taken together, these critical analyses demonstrate that oil wealth's supposed stabilizing effect conceals a far deeper instability rooted in economic volatility, corruption, institutional weakness, and absent popular participation.

Although Ross, Yamada, Young, and Gray successfully identify the deeper

¹² Michael Herb, “No Representation without Taxation? Rents, Development, and Democracy,” *Comparative Politics* 37, no. 3 (April 1, 2005): 304.

¹³ Herb, “No Representation without Taxation?” 312.

¹⁴ Andrew Sayer, “Rentiership, Improperly and Moral Economy,” *Environment and Planning A: Economy and Space* 55, no. 6 (2020): 1477.

¹⁵ Jim Krane, *Energy Kingdoms: Oil and Political Survival in the Persian Gulf* (New York: Columbia University Press, 2019), 45

¹⁶ Matthew Gray, “A Theory of ‘Late Rentierism’ in the Arab States of the Gulf,” *SSRN Electronic Journal* 7 (2011): 14.

¹⁷ Rex Brynen, Pete W. Moore, Bassel F. Salloukh, and Marie-Joëlle Zahar, *Excerpted from Beyond the Arab Spring: Authoritarianism and Democratization in the Arab World* (2012), 7.

implications of oil wealth on instability, they fail to deconstruct and develop the crux of this finding which is that the standard metric of stability—regime persistence—is analytically bankrupt. Their frameworks treat instability as a policy problem—a failure of accountability, economic volatility, or reform—rather than as the natural outcome of a social contract predicated on domination. These scholars ultimately contend that during periods of low oil prices, rentier states face a dilemma: they cannot sustain earlier high rates of wealth distribution, but decreasing payments dramatically risks undercutting their legitimacy and thus the inability to develop and implement effective policy responses to these fiscal crises can lead to political instability. This is where my argument departs from theirs. The instability of rentier states cannot be understood merely as economic brittleness or institutional weakness, but as the expression of a deeper philosophical contradiction: regimes built on the denial of representation and the commodification of loyalty cannot achieve legitimate stability, only its coercive simulation. By focusing on empirical indicators—such as GDP growth, fiscal balances, or unemployment—scholars like Gray and Yamada obscure the ontological crisis at the heart of the rentier order: the severing of the moral contract between ruler and ruled.

I find that true political stability is the consensual, dynamic equilibrium of a legitimate social contract where the state is an expression of the popular will.¹⁸ Oil rents, however, create a coercive equilibrium, an

antithesis of the consent-based counterpart, in which stability is maintained, but at the expense of chaos for the citizenry whose political selves are negated. In truth, as Locke and Rousseau would argue, a system that suppresses liberty and nullifies popular sovereignty is already unstable, regardless of its endurance.¹⁹ Therefore, the rentier state completely severs the link of citizen consent whereby authoritarian regimes achieve this through the total provision of social services, the abolishment of social cleavages, and the paternalistic framing of the autocrat.

RST—which posits that externally derived payments relieve the state of taxation, and thus reduce political pressure and enhance stability—is no longer adequate to the task of understanding the dynamics in the MENA. I specifically challenge RST's benign interpretation of observed stability positing that the stability observed in allocation states may, in fact, mean political immobilism.²⁰ By virtue of not paying taxes, regimes fundamentally avoid the obligation to represent the citizenry which becomes a substantive violation of the Lockean contract where regimes become separate, unaccountable entities, not representative trustees.²¹ Critically, what becomes apparent is that what is frozen is not necessarily peace, but conflict; not freedom, but oppression providing the analytical foundation of my hypothesized "structured political entropy."²² For Locke, taxation is not merely an economic exchange

¹⁸ Jean-Jacques Rousseau, *The Social Contract*, Book 1, Chapter 6 (1762).

¹⁹ John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988).

²⁰ Giacomo Luciani, "Allocation vs. Production States: A Theoretical Framework," in *The Arab State*, 65–84 (Berkeley: University of California Press, 1990), 67.

²¹ Locke, *Two Treatises of Government*.

²² Luciani, "Allocation vs. Production States," 69.

— it is the mechanism through which citizens consent to political authority. The act of paying taxes is part of the social contract: it reflects that individuals invest in the political community and possess the right to hold rulers accountable by providing the foundational link between the polity and authority.²³

In the same manner, most rentier states use oil wealth to help fund generous social programs (free healthcare, housing, guaranteed government employment). Altunışik puts forward that oil rents facilitate the use of distributive policies (public employment, subsidies, social welfare) which help states "consolidate power" and undermine challenges from rival social groups. By buying allegiance outright instead of negotiating with the people this results in citizens trading off their political acquiescence for a share of revenues, ultimately characterizing the social contract as an "authoritarian bargain."²⁴ For instance, in Libya, large oil windfalls enabled Qaddafi's regime to engage in extensive public spending. Libya's government expenditure on health care and education increased dramatically such that in the 1970s, virtually every Libyan could benefit from free education, medical care, and transportation which was extremely popular with the population and provided the regime with some measure of legitimacy.²⁵ Even during later periods of financial constraints (after the 1980s), government expenditure on

welfare remained high while it was estimated that simultaneously the public sector was still able to maintain full-time employment for around three-quarters of the labor force since the 1970s.²⁶

The population's subservience to the regime across virtually all spheres of public and private life makes Loyalty the most popular course of action and contributes directly to neutralizing not only political opposition but political agency as a whole. Because leaving the country (exit) usually results in a loss of income and social welfare, seeking Voice (political expression/demand) becomes a dangerous proposition and thus loyalty remains the most popular with the majority. The individual citizen has little or no objective ground to claim that one should get more of the benefits, since his contribution is generally dispensable anyhow or in other words dependence on state generosity, absolves the populace of any bargaining power against the grasp of the state. This ultimately reveals that oil wealth allowed regimes to substitute consent with compensation: by distributing subsidies, guaranteeing employment, and providing welfare, rulers could manufacture short-term loyalty and stability. This precisely deconstructs the very moral pillars that the Lockean social contract depends on while Rousseau would also contribute that when citizens are pacified materially rather than engaged politically the general will is silenced.²⁷ The Qaddafi regime, like many, transformed oil wealth into a mechanism of

²³ John B. Noone, "The Social Contract and the Idea of Sovereignty in Rousseau," *The Journal of Politics* 32, no. 3 (1970): 701.

²⁴ Meliha Benli Altunışik, "Rentier State Theory and the Arab Uprisings: An Appraisal," *Uluslararası İlişkiler / International Relations* 11, no. 42 (2014): 87.

²⁵ Camilla Sandbakken, "The Limits to Democracy Posed by Oil Rentier States: The Cases of Algeria, Nigeria and Libya," *Democratization* 13, no. 1 (2006): 139.

²⁶ Sandbakken, "The Limits to Democracy Posed by Oil Rentier States," 141.

²⁷ Noone, "The Social Contract and the Idea of Sovereignty in Rousseau," 706.

depoliticization—what appears as stability transformed citizens into passive subjects whose political selves are systematically negated. By conditioning material security on loyalty, the regime reshapes the very consciousness of its citizens, transforming them into agents of their own subordination all the while capacity to question or resist unjust power is eroded by the very comfort that binds citizens and state, facilitating a mechanism of ideological pacification.²⁸

Qaddafi extended this dynamic to ensure no independent class or group could develop the leverage needed to seek collective rights and challenge the regime. One of Qaddafi's key "accomplishments" was to continuously uproot any sign of class or political grouping that might become a source of opposition in Libya like for instance his marginalization of Technocrats after a coup attempt in 1975, in which "religious and academic communities were gradually and successfully neutralized."²⁹ Additionally, by nationalizing all private capital and business, Qaddafi eliminated room for an independent middle class to effectively exist while the upper echelons of the military and government equally experienced periodical purges to prevent individuals from gaining relative power.³⁰ At its core, because the government is seen as "benefiting everybody" through its material provisions, individuals

who feel undeserved view "the solution of manoeuvring for personal advantage within the existing setup" is always superior to seeking an alliance with others. As Meijer argues, repressive oil states are built on a denial of conflict and the forced notion of "social harmony," where class differences are obfuscated, and repressed.³¹ This manufactured unity requires the populace to accept the ban on strikes removing the ability to exercise reason to replace unjust rule—a system that looks static but is decaying because it suppresses the moral and rational energies that characterize genuine humanity.³² Therefore this "denial of conflict" is essential: class antagonism, if acknowledged, would reveal the hollowness of rentier "stability" where the entire state system depends on keeping the social climate invisible.³³ When citizens are inhibited from using their reason to hold their trustee accountable this becomes not just "authoritarianism"; but the government actively betraying the very reason for its existence.

The specific characteristics of paternalistic rulership in authoritarian oil states put forward by Meijer directly illustrates the systemic and intensifying chaos pressuring for a legitimate social contract. This power dynamic evident from Libya to Iraq degenerated into rulers regarding the nation as a family where in which citizens' relationship to the ruler is framed not as one of economic exploitation or political exclusion, but as a

²⁸ Hachemaoui and O'Mahony, "Critical Review of the 'Rentier State' and 'Resource Curse' Théories," *Revue Française de Science Politique (English Edition)* 62, no. 2 (2012): 221.

²⁹ "Critical Review of the 'Rentier State' and 'Resource Curse' Theories," 224.

³⁰ J. Craig Jenkins, Kathie Meyer, Matthew Costello, and Heba Aly, "International Rentierism in the Middle East Africa, 1971–2008," *International Area Studies Review* 14, no. 3 (2011): 12.

³¹ Roel Meijer, "Active and Passive Citizenship in the Arab World," *Middle East Journal* 73, no. 4 (2019): 612.

³² John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988).

³³ Meijer, "Active and Passive Citizenship in the Arab World," 614.

familial bond of loyalty and gratitude.³⁴ The Autocrat becomes the ‘father’ of the nation — a rhetorical strategy that neutralizes and mystifies the language of class and rights altogether. Rousseau conceives sovereignty as the unified power of the citizen body to legislate in accordance with the general will—the expression of their collective agreement in the social contract. The paternalistic model, however, involves the personalization of power where the leader holds absolute political agency.³⁵ For instance, Qaddafi sought to convey the impression that he embodied Libya himself and regarded the Libyan people as his “children” implying citizens should be “guided, educated, and led, but not consulted”, let alone be allowed to exert influence on the direction of state affairs.³⁶ Through Rousseau it becomes clear that Qaddafi’s assertion of himself as a father figure is a mechanism for destroying the civic body, turning potential citizens (active participants in sovereignty) into subjects (passive recipients of benefits) and keeping the populace in a state of political immaturity and alienation³⁷. Based on this dynamic, it is logical to conclude that when the economic half of the authoritarian bargain unravels, inevitably due to rent volatility, the citizenry is left with both economic hardship and the complete denial of their basic rights. The paternal framing depoliticizes society by

recasting political participation as unnecessary, even inappropriate: if the ruler is the “father” and the people are “children,” then dissent becomes childish disobedience. Over time, this creates a structurally brittle political order—one that appears stable only because political conflict has been submerged as individuals cease to see themselves as co-authors of the political order and instead internalize a role of passive recipients of state benevolence.

Classical rentier theory assumes that the distribution of oil wealth alone can generate stability, under the logic that material benefits buy loyalty. Instead, the Libyan case challenges this by illustrating that if lack of domestic taxation and patronage were sufficient to maintain stability, the regime would not have needed to implement extensive coercive, corrupt, and repressive behaviours. Instead, Qaddafi moved far beyond simple rent distribution: he subordinated citizens’ political agency, eliminated independent social and economic actors, and built a pervasive ideological apparatus where authoritarian measures were not incidental but deliberately designed to obscure political turbulence. By monopolizing political agency while presenting the state as “benefiting everybody,” the regime trapped individuals in a system that inverted Locke and Rousseau’s vision of government as a mutual covenant grounded in consent, protection of rights, and the capacity for reasoned challenge.

At the same time, the short-term context that defines Qaddafi’s governance—rooted in the volatility and perceived impermanence of oil revenues—further exposes the structural fragility of rentier states. As Meijer observes,

³⁴ Meijer, “Active and Passive Citizenship in the Arab World,” 608.

³⁵ Jean-Jacques Rousseau, *The Social Contract*, Book 1, Chapter 6 (1762).

³⁶ Mohammed Hachemaoui and Michael O’Mahony, “Does Rent Really Hinder Democracy? A Critical Review of the ‘Rentier State’ and ‘Resource Curse’ Théories,” *Revue Française de Science Politique (English Edition)* 62, no. 2 (2012): 224..

³⁷ Rousseau, *The Social Contract*, bk. 1, ch. 6.

oil-rich states are “littered with ambitious infrastructure projects that have been abandoned or are crumbling” precisely because long-term institutional development is incompatible with the constant need to allocate rents toward buying loyalty and suppressing dissent.³⁸ The regime cannot invest in impartial courts, predictable bureaucracies, or sustainable infrastructure when its survival depends on continually redistributing immediate benefits to neutralize the ever-present threat of political awakening. This short-termism is not simply a fiscal flaw—it is the operative mechanism of structured political entropy: the state cannibalizes the institutional foundations of its own durability in order to maintain a coercive equilibrium in the present. This “get it while it’s there” approach thus illuminates the Rentier Paradox, where short-term coercive stability masks long-term systemic instability, creating a climate of deferred justice poised to erupt once the rent-financed equilibrium falters. This paradox—where the concentration of power produces the very rupture it seeks to prevent—emerges because what scholars call “authoritarian upgrading” functions as a mechanism to freeze political conflict rather than resolve it, suspending grievances in the short term while intensifying them over time.³⁹

Teleological Uprising: The Nature of the Arab Spring Protests

The failed perspectives on the outcomes of oil rents on stability and

instability are unable to holistically consider the future of rentier states through a teleological lens of political development—one that recognizes the human drive toward dignity, liberty, and justice. From Locke’s life, liberty, and estate the third wave of democratization faltered in the MENA such that rent-dependent regimes blocked the emergence of political participation, delaying the innate human advance toward liberty and justice while leaving the underlying demand for rights unresolved.⁴⁰ My proposed concept of a Rentier Paradox puts forward the very mechanism that provides short-term regime security—buying off dissent and repressing opposition -- simultaneously amplifies long-term systemic risk. Each distribution of rent is a testament to the state’s power to grant privileges, not rights, thereby reinforcing the fundamental injustice of the system. The “brittleness” of MENA oil regimes is the direct result of accumulated, compressed energy awaiting a trigger to be released kinetically, and for the case of the MENA region this is illustrated by the Arab Spring uprisings.⁴¹

Oil wealth sustained decades of autocratic persistence, however many MENA regimes collapsed almost overnight in 2011. Following the international sanctions of the 2000s and the subsequent decline in production, Libya’s oil sector struggled to recover fully, even after partial reintegration

³⁸ Meijer, “Active and Passive Citizenship in the Arab World,” 606.

³⁹ Meijer, “Active and Passive Citizenship in the Arab World,” 620.

⁴⁰ J. Craig Jenkins, Kathie Meyer, Matthew Costello, and Heba Aly, “International Rentierism in the Middle East Africa, 1971–2008,” *International Area Studies Review* 14, no. 3 (2011): 9.

⁴¹ Hazem Beblawi and Giacomo Luciani, eds., *The Rentier State*, 1st ed. (London: Routledge, 1987), 387.

into global markets in the late 2000s.⁴² The erosion of oil revenues rendered the rentier social contract untenable, making it remarkably difficult for these regimes to sustain the distributive façade of legitimacy that had long masked the coercive foundations of their rule—violating what Charles Tripp calls the “moral economy of distribution”. The dissonance between past prosperity and present exposed the state’s fragility which transformed loyalty into moral disillusionment.⁴³ In Libya, Political parties were banned, dissent was criminalized, and citizens were expected to express loyalty through the “Jamahiriya” system—a pseudo-direct democracy that, in practice, concentrated all power in Gaddafi’s hands. Yet, because the pillars of the preceding rentier social contract could not sustain, obedience no longer guaranteed security and welfare, and political defiance became innate.⁴⁴ This breach in the moral economy violated citizens’ expectations of reciprocal obligation, revealing the extent to which “order” depended on material appeasement rather than consent. The resulting unrest during the Arab Spring was less an economic reaction than a political awakening, representing a collective moral reckoning. The protesters’ slogans in Libya—calling for *karama* (dignity), *hurriya* (freedom), and *adala ijtima’iyya* (social justice)—were not demands for new privileges but assertions of natural rights: rights that exist

prior to, and independent of, the state’s recognition of them.⁴⁵

The moral reckoning embedded within Arab Spring protests exposes the central fallacy of RST: its conception of stability is epiphenomenal, entirely contingent on the flow of resource rents rather than grounded institutional and political legitimacy. Even its critics, who attribute instability to volatility, corruption, or failed modernization, remain bound by a technocratic lens which fails to see that the absence of turmoil does not signify the presence of legitimate stability.⁴⁶ By contrast, I find that the foregrounds of the moral dimensions of governance—consent, rights, and participation—are the true foundations of political stability. Oil rents may finance obedience, but they can never substitute the legitimacy grounded in the collective will. The Arab Spring revealed this paradox with unprecedented clarity: when material provisions failed, the suppressed moral energy of the populace reasserted itself, transforming what appeared as stability into proof that repression had merely delayed, not prevented, collapse. This underscores a critical analytical gap in common critiques of rentierism which account for weaknesses in what regimes do to control populations—that may lead to instability—but not for the inevitability that citizens internalize, resist, or eventually overturn the social contract. Post-2011 survey data underscores that the supposed ‘stability’ of rentier regimes concealed deep political discontent. Despite decades of welfare provision and state-controlled patronage, 83 %

⁴² Giacomo Luciani, “Allocation vs. Production States: A Theoretical Framework,” in *The Arab State*, 65–84 (Berkeley: University of California Press, 1990), 72.

⁴³ Raymond Hinnebusch, “The Rise and Decline of the Populist Social Contract in the Arab World,” *World Development* 129 (2020): 4.

⁴⁴ Sandbakken, “The Limits to Democracy Posed by Oil Rentier States,” 138.

⁴⁵ Locke, *Two Treatises of Government*.

⁴⁶ Matthew Gray, “A Theory of ‘Late Rentierism’ in the Arab States of the Gulf,” *SSRN Electronic Journal* 7 (2011): 14.

of Libyans expressed support for democracy and demanded accountability —revealing a persistent, though suppressed, normative desire for participation.⁴⁷ Even a 2006 regime-sponsored survey acknowledged public awareness of elite corruption, suggesting that citizens were both politically apathetic and structurally silenced. These findings expose the paradox of the rentier state's coercive equilibrium: stability was maintained not through consent but through the systematic negation of civic agency. Despite decades of surveillance, ideological control, and brutal repression under Qaddafi's rent-financed regime, citizens ultimately recognized that material provision could not substitute for political dignity.⁴⁸

Once a government ceases to guarantee citizens their material provisions under the 'rentier social contract', it dissolves the bargain itself and the respective institutionalized loyalty. At that point, revolt is not rebellion; it is a restoration of justice.⁴⁹ Similarly, Locke argues the people have not just a right, but a duty to revolt. From this perspective, the "stability" of the rentier state is an illusion. It is not peace; it is the successful, prolonged suppression of a justified rebellion. The *impending chaos* is the Lockean *right of revolution* in waiting. The longer the suppression, the greater the tyranny, and the more legitimate and violent the eventual

correction becomes. This ultimately establishes the very existence of a 'rentier social contract' as a state of war against its own people.⁵⁰

All things considered, the traditional critiques of RST reveal that the stability rents claim to produce is neither political nor moral but merely coercive and temporary and that by conflating the endurance of authoritarian regimes with the existence of order, RST mistakes the suppression of conflict for its resolution. However, based on my findings I find it logical to conclude that oil rents, rather than generating genuine equilibrium, fund a project of depoliticization that transforms citizens into dependents and erodes the moral foundations of governance. The result, as the Libyan experience demonstrates, is a system that achieves stability only by hollowing out the very principles that make stability legitimate: consent, participation, and accountability. What appears as peace is in fact political entropy—a frozen disordered chaos sustained by patronage, repression, and ideological pacification. From a political-philosophical perspective, this inversion of the social contract represents the collapse of the Lockean and Rousseauian vision of governance as a trusteeship of the people's will.

Rentier regimes survive by denying the rational and moral capacities of their citizens, violating both the spirit and the purpose of the state itself. Yet, this denial cannot persist indefinitely. The teleological arc of political development—anchored in humanity's innate striving for dignity and freedom—renders such coercive equilibria self-defeating. The longer

⁴⁷ Mohammed Hachemaoui and Michael O'Mahony, "Does Rent Really Hinder Democracy? A Critical Review of the 'Rentier State' and 'Resource Curse' Theories," *Revue Française de Science Politique (English Edition)* 62, no. 2 (2012): 217.

⁴⁸ J. Craig Jenkins, Kathie Meyer, Matthew Costello, and Heba Aly, "International Rentierism in the Middle East Africa, 1971–2008," *International Area Studies Review* 14, no. 3 (2011): 11.

⁴⁹ Locke, *Two Treatises of Government*.

⁵⁰ Jean-Jacques Rousseau, *The Social Contract*, Book 1, Chapter 6 (1762).


oil wealth suppresses the natural energy of self-determination, the more forcefully it accumulates beneath the surface, ensuring that rupture becomes not accidental but inevitable. The Arab uprisings, and the Qaddafi regime's collapse in particular, expose this paradox as moral and historical truth—the façade of order concealing the slow implosion of a system that has, from its inception, mistaken control for consent.

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SOMMET DE LA COALITION DES VOLONTAIRES
ENSEMBLE POUR LA PAIX ET LA SÉCURITÉ
COALITION OF THE WILLING SUMMIT
TOGETHER FOR PEACE AND SECURITY
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The Coalition of the Willing
A Neoclassical Realist Analysis

Loris Sabot

—
Edited by Soane Ricard

In 2025, French President Emmanuel Macron and British Prime Minister Keir Starmer co-chaired the “Coalition of the Willing” at a critical moment in diplomatic and military developments. On October 16 2025, a total of 26 countries, including France, Great Britain, Poland, Germany, and Italy pledged to deploy troops in Ukraine “on the ground, at sea or in the air”.¹ This historical agreement includes diplomatic, military and financial support for Ukraine and even harsher sanctions on Russia. In the broader context of a new European framework of shared defence and security, Starmer described this event as something happening “once in a generation.”² Russia’s suspected drone incursion in the European airspace (e.g., Baltic states), have contributed to spreading the perception among Europeans that collective action might soon become necessary to counter the Russian threat. This new Coalition of the Willing is a step toward deterring Russia and promoting fair negotiations through the indispensable presence of the Ukrainian leadership during negotiations. Danish intelligence services urged the European Union (EU) for a rearmament program, as they believe Russia could be materially capable of waging a large-scale war in Europe as soon as 2030 in the case of a weakened NATO.³

Given the systemic threat, one would expect the emergence of a Waltzian

balance-of-power logic: Europe aligning with the United States through NATO.⁴ However, evidence suggests otherwise. This paper will seek to assess why European leaders, in France and in the United Kingdom (UK), have chosen an ad hoc coalition rather than the EU/NATO frameworks to respond to the Russian threat. I argue that France and the UK’s decision to bypass NATO and EU frameworks is a result of how systemic stimuli are filtered through domestic incentives. On the one hand, international organizations are not efficient enough to quickly ensure Ukraine’s sovereignty, as well as deter a large-scale Russian attack on the rest of Europe. On the other hand, internal factors, such as France and England’s strategic cultures, provide explanations for understanding why Europeans are increasingly opposed to Russia. This paper is situated within the scholarship on Neoclassical Realism (NCR) which integrates elements from structural realism but also posits that states’ foreign policies are filtered through domestic intervening variables. Indeed, key domestic factors participate in explaining the choice made by Macron and Starmer in choosing the Coalition of the Willing (CoW).

I will start presenting the paths unavailable to Europeans, delving into the slow-moving frameworks and inefficiencies of NATO and the EU. Moreover, I will address the domestic factors explaining why strategic cultures in France and the UK lead their respective head of states to perceive Russia as a threat. Finally, domestic institutions and state-society relationships contribute to

¹ French Ministry for Europe and Foreign Affairs, “Coalition of the Willing pledges Ukraine security guarantees,” *Diplomatie.gouv.fr*, October 16, 2025.

² Associated Press, “UK, France and Ukraine Agree to Work on a Ceasefire Plan for Russia’s War in Ukraine,” *CNBC*, March 2, 2025.

³ Jennifer Rankin, “As Real as It Can Get’: EU to Loan €150bn for European Defence from Invasion,” *The Guardian*, March 19, 2025.

⁴ Kenneth Waltz, *Theory of International Politics* (Addison-Wesley Pub. Co, 1979).

explaining how studied states were at the helm of this newly founded coalition.

Theoretical framework

Under anarchy, states seek to maximize their security most of all. They sometimes enter into alliances but they remain in a “self-help” system in which trusting partners is a real dilemma.⁵ When facing a regional emerging power, like Russia, structural realism predicts that states either provide “internal” or “external” efforts (or both) to balance the threat. In other words, states can increase their economic or military capabilities, especially through reinforcing alliances. However, structural realism falls short of explaining why the most powerful states in the Old Continent have decided to embark on an ad hoc coalition. Formal alliances like NATO or the EU impose higher political and reputational costs for defection and therefore have greater “staying power” than ad hoc coalitions, which are looser and easier to abandon.⁶ Hence, one needs to look within the “black box,” unravelling the many ways domestic factors influence the decision to pursue this option rather than to engage with traditional institutional frameworks. Neoclassical realism best explains why the Russian threat could be interpreted differently depending on domestic level variables in France and England.

Drawing from Ripsman et al., I will be using their fixed categorization of domestic-level intervening variables, which

includes leader images, strategic culture, state-society relations, and domestic institutions. These intervening variables in turn, influence three “domestic processes,” namely perception, decision-making, and policy implementation.⁷ It influences how leaders perceive systemic incentives, how such perception is translated into concrete choices, and how far a state can mobilize resources and institutions to make those choices a reality.

Although the war in Ukraine resulted in a systemic shock across Europe in 2022, the foreign policy responses of its member states did not converge in terms of degree, pace, or institutional choice. Countries employ strategic culture and domestic politics to illustrate how “minilateralism” was Europe's sole answer. As a result, smaller groups form, such as the UK prioritizing NATO, or France promoting European structures.⁸

I. Contemporary institutional framework: NATO and the European Union

I.a. NATO's Reliability Deficit

To be effective, security guarantees must be unconditional. In that sense, the United States' political volatility sows doubts for Europeans on the US intentions to enter in direct confrontation with the aggressor of a NATO member in the case of an attack. Trump's first term was driven by the slogan

⁵ Waltz, *Theory of International Politics*, 118.

⁶ Sarah Kreps, “Elite Consensus as a Determinant of Alliance Cohesion: Why Public Opinion Hardly Matters for NATO-Led Operations in Afghanistan,” *Foreign Policy Analysis* 6, no. 3 (2010): 191.

⁷ Norrin M. Ripsman, et al., *Neoclassical Realist Theory of International Politics* (Oxford University Press, 2016): 61.

⁸ Benjamin Martill and Monika Sus, “Winds of Change? Neoclassical Realism, Foreign Policy Change, and European Responses to the Russia–Ukraine War,” *The British Journal of Politics and International Relations* 27, no. 4 (2024): 2.

“America First,” promoting some sort of an isolationist mindset.⁹ While he devoted his time to peace in the Middle East, Trump questioned NATO’s relevance after the Cold War and complained about other countries’ underinvestment in the alliance’s budget.¹⁰ Under Trump’s first administration the conflict in Ukraine had not yet reached the stage of interstate conflict, and Macron considered NATO to be “brain dead.”¹¹

Biden’s term offered reassuring moves to Europeans with the President reaffirming “America’s support to NATO.”¹² His administration provided about \$70 billion in military assistance to Ukraine since the 2022 Russian invasion. Nonetheless, Trump’s return to power brought instability and a lack of predictability in the alliance, compelling NATO members to commit 2% of their GDP to NATO’s budget.¹³ While the American president has called Putin a “genius”, a 28-point proposal (seemingly favouring Russia) was recently discovered.¹⁴ According to this proposal, Ukraine would renounce entering the EU, and Ukrainian territories controlled by Russia would *de facto* become part of the Russian state.¹⁵

⁹ “Donald Trump’s Foreign Policy Positions,” *Council on Foreign Relations*, accessed December 24, 2025.

¹⁰ Reuters, “Explainer: The Foreign Policy Legacy of Trump’s First Term,” *Al Jazeera*, August 25, 2020.

¹¹ Jonathan Marcus, “Nato Alliance Experiencing Brain Death, Says Macron,” *BBC News*, November 7, 2019.

¹² Barbara A. Perry, “Joe Biden: Foreign Affairs,” *Miller Center, University of Virginia*, accessed December 24, 2025.

¹³ Reuters, “Explainer: Foreign Policy Legacy of Trump’s First Term.”

¹⁴ Joseph Gedeon, “Trump Calls Putin ‘Genius’ and ‘Savvy’ for Ukraine Invasion,” *Politico*, February 23, 2022.

¹⁵ Sarah Shamim, “Trump’s 28-Point Ukraine Plan in Full: What It Means, Could It Work?,” *Al Jazeera*, November 21, 2025.

The trust issue that member states exhibit towards NATO is partially the result of contemporary US foreign policy. Stéphane Séjourné (Executive Vice President for Prosperity and Industrial Strategy of the European Commission) claims Trump treats Europe as “just one continent among others” rather than a historically privileged ally.¹⁶ It would seem Europeans increasingly view the Atlantic Treaty as an unreliable means of countering Russia. Trump’s disapproval could block Article 5, which has provoked doubts about the US commitment to the defence of Europe in the European leadership. Hence, Europeans start looking elsewhere for greater stability.

I.b. EU Strategic Sluggishness

Since the early 2000s, the EU’s Common Security and Defence Policy (CSDP) has been conceptualized in the Treaty of Lisbon as a “progressive framing of a common Union defence policy.”¹⁷ However, Article 4(2) of the Treaty on European Union (TEU) clearly states that national security is the sole responsibility of each member state.¹⁸ The CSDP requires that resolutions in the European Council be made unanimously. As a result of these institutional contradictions, tensions often arise when the Commission invites member states to adopt policies that require high coordination among members with

¹⁶ Ramona Bloj, “The Dual Equilibrium Doctrine: A Conversation with Stéphane Séjourné,” *Groupe d’études géopolitiques*, June 24, 2025/.

¹⁷ European Parliament, “Treaty of Lisbon,” *European Parliament*, 2007, accessed December 24, 2025.

¹⁸ European Union. “Consolidated Version of the Treaty on European Union (TEU)”, *Official Journal of the European Union*, October 26, 2012.

diverging interests. Such initiatives require member states to accept binding commitments that limit unilateral decision-making. If as little as one state objects, resolutions can be definitively halted. For instance, Hungary is often considered a “Trojan Horse” for Putin’s regime within the EU, as Orbán’s government repeatedly vetoed propositions favouring Ukraine’s EU membership.¹⁹ Lately, Orbán rejected the proposal to issue Eurobonds (joint debt backed by the EU budget) to Ukraine. This alternative was under consideration in the context of a €165 billion loan issued to Ukraine using Russian frozen assets, which Hungary also rejected.²⁰ Belgium is also concerned about the proposition, fearing the financial consequences, as it holds the majority of Russian frozen assets in the EU.²¹ Therefore, it would be hard for Europeans to act jointly in the case of a Russian attack.

In Brawley’s terms, NATO and the EU have a slow rate of transformation (ROT).²² In other words, these institutions lack the ability to rapidly convert economic and industrial resources into deployable military power. While the US military hegemony is increasingly sympathetic towards Putin’s Russia, the rules of European institutions slow down the possibility of implementing concrete actions.

¹⁹ Eloise Hardy, “How Orbán holds EU enlargement hostage,” *The Parliament Magazine*, November 12, 2025.

²⁰ Bjarke Smith-Meyer, “Hungary Shoots Down Eurobonds as Alternative to EU’s Russian Asset Plan,” *Politico*, December 5, 2025.

²¹ Smith-Meyer, “Hungary Shoots Down Eurobonds.”

²² Mark R. Brawley, “Neoclassical Realism and Strategic Calculations: Explaining Divergent British, French, and Soviet Strategies toward Germany between the World Wars (1919–1939),” in *Neoclassical Realism, the State, and Foreign Policy*, ed. Steven E. Lobell, et al., (Cambridge: Cambridge University Press, 2009), 80.

Following Christensen’s logic, according to which the timing and tightness of alliances depend on the perceptions of leaders of the “offence-defence balance,” European leaders’ perceptions are prevalent in explaining France and Britain’s choice to circumvent traditional institutional frameworks and create the CoW.²³ If leaders believe that a defence balance is more advantageous (wars are slow and attrition-based), they will be more prone to “buck-passing” (relying on allies). However, ad hoc arrangements suggest urgency. European leaders seem to align with the idea that if Russia wins in Ukraine, the consequences in the near future would “cost twice as much [to Europe] as supporting Ukraine.”²⁴ Europe’s increasingly “restrictive environment”²⁵ compels its member states to forge a cohesive, unconditional alliance in support of Ukraine. In this context, leaders’ perceptions, shaped by their strategic cultures, drive the direction of foreign policy, especially in response to the looming Russian threat.

Strategic culture refers to the complex set of shared norms and assumptions about “national and international security” held among elites and broader society.²⁶ It informs the self-conception of one’s own country and how one thinks the world views it. The foreign policy executive (FPE) is the most informed

²³ Thomas J. Christensen, “Perceptions and Alliances in Europe, 1865–1940,” *International Organization* 51, no. 1 (1997): 66.

²⁴ Lucy Pakhnyuk, “Russian Victory Would Cost Europe Twice as Much as Supporting Ukraine, Study Finds,” *The Kyiv Independent*, November 29, 2025.

²⁵ Ripsman, et al., *Neoclassical Realist Theory of International Politics*, 60.

²⁶ Gesine Weber, “Zeitenwende à la française: Continuity and Change in French Foreign Policy after Russia’s Invasion of Ukraine,” *The British Journal of Politics and International Relations* 27, no. 4 (2024): 1157.

decision-maker, impacting directly and prevalently the perception a country has of another one.²⁷ The initiative to launch the CoW came from Macron and Starmer, both of whom shared the view that stopping Russia before it won in Ukraine was necessary. Ripsman et al., inform us that in situations of high clarity where the environment is highly restrictive, “leader images should matter most in the short term.”²⁸

II. Comparing Strategic Cultures in France and the UK

II. a. France’s Strategic Vision: Between Gaullist Legacy and European Leadership in the Face of Russian Threats

The current Fifth Republic which dates back to the 1958 Constitution (drafted under the General de Gaulle) established a strong presidency. To this day, the French president endorses the role of “guarantor of national independence, the integrity of the territory and observance of treaties”²⁹ (Art. 5). In carrying out his duty, the president assigns ambassadors, negotiates and ratifies treaties (Art. 52). While domestic affairs are debated in Parliament, foreign policy is a *domaine réservé* (reserved sector) of the president, and his government executes his policies.³⁰ Last November's agreement between France and

Ukraine symbolizes President Macron's freedom of action. Ukraine has committed to buying 100 Rafale (a multirole combat aircraft), an expensive offer that the EU planned to finance through Eurobonds, using frozen Russian assets.³¹

Various opinion pollings indicated that a majority of French people supported Macron's initiative toward the CoW. When asked whether inaction would lead to further Russian aggression in Europe and Asia, 63% of the respondents agreed with that statement.³² Moreover, according to the Vice-President of the Association of Ukrainians in France (AUF) the idea of a “peacekeeping mission” to Ukraine in the event of a ceasefire is approved by 67% of French people.³³

Among European heads of states, Macron has had the most decisive individual impact on foreign policy.³⁴ However, while he has consistently sought to increase the EU’s autonomy in defence and security, overlapping crises have dominated his two terms and prevented him from advancing his vision of a more integrated European defence framework. Accelerating climate change, the COVID-19 pandemic, the wars in Ukraine and the Middle East, and a more adverse international environment shaped by increasingly predatory

²⁷ Ripsman, et al., *Neoclassical Realist Theory of International Politics*, 62.

²⁸ Ripsman, et al., *Neoclassical Realist Theory of International Politics*, 91.

²⁹ République Française, “Constitution du 4 octobre 1958,” *Légifrance*, October 4, 1958.

³⁰ Direction de l’information légale et administrative, “Qu’est-ce que le domaine réservé au président de la République ?,” *Vie-publique.fr*; March 3, 2024,.

³¹ “L’Ukraine et la France signent un accord ‘historique’ pour l’achat d’avions de chasse,” *Radio-Canada*, November 17, 2025.

³² Ipsos, “Global Attitudes to the Ukraine War,” April 4, 2025.

³³ Volodymyr Ivanyshyn, “Coalition of the Willing Meets, Agrees to Develop ‘Robust Security Guarantees’ for Ukraine amid Peace Talks,” *The Kyiv Independent*, November 26, 2025. ; Ukrainian World Congress, “Most French People Support Sending Peacekeepers to Ukraine, UWC VP Says,” March 10, 2025.

³⁴ Łukasz Maślanka, “Twilight of Jupiter: The Legacy of Macron’s Foreign and Security Policy,” *Centre for Eastern Studies*, July 18, 2024, 1.

behaviour from both China and the United States have all constrained his agenda. Macron's first term was characterized by repeated attempts at creating relationships with Russia: "pushing Russia away from Europe is a profound strategic error," said President Macron in 2019.³⁵ Indeed, the same year the French president launched the "trust and security dialogue with Russia" putting himself and Europe as the principal negotiators with Russia after the 2014 annexation of Crimea.³⁶ The election of Zelensky, unfavourable to Putin's regime, was welcomed by France, which sought to build ties with former post-soviet countries through the Normandy Format summit in Paris in December 2019.³⁷

In 2021 Joe Biden's inauguration as the new US president significantly eased relationships between Europe and the US. Concurrently with the start of the war in Ukraine, NATO went from "brain dead" to "revived" by Putin's war.³⁸ Macron maintained phone calls with Russia, inviting partners not to "humiliate" its leaders.³⁹ Nonetheless, Putin's static position and the attritional war he carried in Ukraine reaffirmed Macron's will to assert European sovereignty against systemic changes in global relations. In 2024, Macron argued that "the solution [in being sovereign] lies in our ability [...] to make huge strategic

decisions [...] and to address them with strength, prosperity and humanism."⁴⁰

Trump's return to the White House exacerbated this view: Macron envisions a European Union with larger budgets towards defence and security, as the transatlantic alliance seems less reliable than it once was. The president is not the only one adopting this view, indeed, the former French president, François Hollande also claimed that "Donald Trump is no longer our ally."⁴¹ Furthermore, Putin's commitment to expand Russia's armed forces by 300,000 soldiers, 3,000 tanks, and 300 aircrafts by 2030 highlights, in the eyes of the French government, the urgency of strengthening both the national and European military response.⁴² Additionally, the new army chief-of-staff (highest position in the French army, directly under the orders of the President) Gen. Fabien Mandon, recently claimed that France should prepare for the possibility of "losing its children" in the eventuality of a direct conflict with Russia.⁴³ Policymakers, when coining a foreign policy response, presuppose several ideas pertaining to a nation, often informed by their analysis of that nation's strategic culture. Weber's *Zeitenwende à la française* describes the continuity of foreign policy across eras. Gaullism is the movement that is most characteristic of France's vision of the world and its resulting foreign policies. General de

³⁵ Emmanuel Macron, "Discours du président de la République à la Conférence des ambassadeurs," *Élysée*, August 27, 2019.

³⁶ Maślanka, "Twilight of Jupiter," 1.

³⁷ Maślanka, "Twilight of Jupiter," 2.

³⁸ Ania Nussbaum, "Macron Says Putin Brought 'Brain Dead' NATO Back with Electroshock," *Bloomberg*, May 31, 2023.

³⁹ Maślanka, "Twilight of Jupiter," 3.

⁴⁰ Emmanuel Macron, "Europe Speech," *Élysée*, April 24, 2024.

⁴¹ Solenn Cassini and Thomas Wieder, "François Hollande: 'Donald Trump Is No Longer Our Ally'," *Le Monde*, February 28, 2025.

⁴² SGDSN, *National Strategic Review 2025*, (Paris: République Française, 2025).

⁴³ Hugh Schofield, "Outcry at Army Chief's Warning France Must Prepare to 'Lose Children' in War," *BBC News*, November 21, 2025.

Gaule sought to establish France as a major power in the aftermath of WWII. This new strategic culture relied on a feeling of great powerness based on nuclear deterrence, sovereignty, and interventionism.⁴⁴ In subsequent decades, France has often showcased its “independence” vis-à-vis Washington's will. In that sense, possessing a nuclear arsenal and not needing to rely on the NATO nuclear umbrella, ought to safeguard France's ability to decide for itself. Historically, Gaullist reluctance toward the EU stemmed from a fear of being too tied to Brussels' decisions. However, increasingly threatening Russian behaviour towards the EU and France, led Macron to consider a “Europe of defence”: a unified and strong partnership among Europeans, pooling resources to develop the European military industry and defence sector.⁴⁵ In this scenario, the leading European powers (e.g., France, the UK, Germany) shall defend democratic norms against the authoritarian regimes that threaten them. The French foreign policy executive and the country's strategic culture perpetuate core Gaullist values that, in practice, pragmatically value Europe as a unified continent through the CoW.

II.b. The UK Between European Pragmatism and Transatlantic Dependence: A Post-Brexit Rebalancing Strategy

The UK government is formed by a majority of seats won in the House of Commons, one of the two organs of the British bicameral system. Hence, the legislature is less

independent than in France or the US. Even if MPs can summon a “confidence vote” or block the budget, it surely does not happen when the governing party has a majority of seats in the House of Commons. Neal notes that, since the 80s, there has been an increasing “parliamentarization of security”: a matter of everyday discussion stripped of its “only-executive-domain.”⁴⁶ Yet, this does not translate to full parliamentary control over foreign and security policy. With 404 seats against the Conservatives' 119, Starmer's Labour government still enjoys ample room for manoeuvre; the launching of the Coalition of the Willing and the pledge of £283 millions in bilateral assistance to Ukraine for 2025–26 reflect political will within the government for more robust support to Kyiv.⁴⁷

Although the last 2024 elections saw the rise of the Labour Party (moderate left), the 2016 Brexit referendum left a crucial mark on the UK's foreign policy.⁴⁸ Following Brexit, cooperation with the EU was viewed with a dismissive eye, with national “sovereignty” re-established as the central concern of the state.⁴⁹ While Reform UK and the Tories often claimed that Brexit was “betrayed” in the years following the referendum, Starmer now clearly voiced his wish to increase collaboration with the EU.⁵⁰ Starmer's “fundamental reset” of

⁴⁶ Andrew W. Neal, “The Parliamentarisation of Security in the UK and Australia,” *Parliamentary Affairs* 74, no. 2 (2021): 464.

⁴⁷ UK Government, “UK Support to Ukraine: Factsheet,” updated February 6, 2026.

⁴⁸ Benjamin Martill, “Withdrawal Symptoms: Party Factions, Political Change and British Foreign Policy Post-Brexit,” *Journal of European Public Policy* 30, no. 11 (2023): 2477.

⁴⁹ Martill, “Withdrawal Symptoms,” 2477.

⁵⁰ Mark Paul, “Brexit's Back: Starmer Flirts with EU as Economic Growth Flatlines,” *The Irish Times*, December 4, 2025.

⁴⁴ Weber, “Zeitenwende à la française,” 1157.

⁴⁵ Weber, “Zeitenwende à la française,” 1158.

EU-UK relations, stating that “[Britons] are moving a lot closer to the EU,” is inaugurating renewed collaboration among the European major powers.⁵¹ The UK shows “congruence between actions and pre-existing norms and identities.”⁵² Indeed, Starmer is aware of the “fair democratic vote” that happened in 2016 and must be careful not to provoke pro-Brexit citizens.⁵³ All in all, Keir Starmer needs to compromise between a fairly strong institutional commitment to European cooperation and a reluctant society toward the EU. The CoW is a good fit as it is a non-binding organization, allowing the UK flexibility in its commitments.

For the British foreign policy executive, the Russian threat is deemed existential, as is the case in France. The UK's latest strategic defence review, published in June 2025, depicts Russia as “an immediate and pressing threat.”⁵⁴ The report further argues for the need for increased support to Ukraine. As of 2025, the UK has already committed up to £21.8 billion to Ukraine, £13 billion of which were allocated to fund military efforts.⁵⁵ The view widely shared by the British leadership is that in the event of a ceasefire, Russia would be able to rebuild its military capabilities, which would increase the probability of a large-scale war in the upcoming years.⁵⁶ Moreover, 73% of Britons believe inaction would lead to further Russian

actions in Europe and Asia, a perception widely shared by the French population as previously mentioned.⁵⁷

In this context, Starmer's pragmatic stance towards UK-EU cooperation allowed for renewed proximity with its geographically closest allies. The CoW is very telling of this motivation, for it is a mutual initiative with France guided by shared convictions about the need to enter into new frameworks of defense and security to deter the Russian menace. Starmer understood well that Brexit appeared to the rest of the world as an “inward” policy. Though the UK tried to join the EU's Security Action for Europe (SAFE) (a plan to rearm Europe by boosting defence spending up to €800 billion), UK-EU relationships hit a wall when the time came to financially commit, with defence secretary John Healey arguing the UK would not sign up at “any price,” refusing to pay the entry fee of up to €6 billion.⁵⁸ The fact that Starmer is the current Primer Minister, and not someone else, is crucial to understanding the UK's position at the forefront of the Coalition of the Willing. Starmer himself argues that “there is no way on earth” Nigel Farage, head of the far-right party Reform UK, would be part of [the CoW], given his ties with Putin.⁵⁹

However, contrary to France's foreign policy executive, Starmer still demonstrated “faith” in UK-US relations, as illustrated by the American £150 billion investment into the

⁵¹ Keir Starmer, “Transcript: An Interview with Keir Starmer,” interview by *The Economist*, December 4, 2025.

⁵² Martill and Sus, “Winds of Change?,” 12.

⁵³ Starmer, interview.

⁵⁴ UK Ministry of Defence, *Strategic Defence Review, Making Britain Safer: secure at home, strong abroad* (London: UK Government, 2025): 15.

⁵⁵ UK Government, “Ukraine: Factsheet.”

⁵⁶ UK Government, “Ukraine: Factsheet.”

⁵⁷ Ipsos, “Global Attitudes to the Ukraine War.”

⁵⁸ Alexandra Topping, “Talks for UK to Join EU Defence Fund Collapse in Blow to Starmer's Bid to Reset Relations,” *The Guardian*, November 28, 2025.

⁵⁹ Cécile Ducourtieux, “Royaume-Uni : le leader d'extrême droite Nigel Farage sommé de faire la lumière sur les liens de son parti avec la Russie,” *Le Monde*, November 26, 2025

UK.⁶⁰ This transatlantic posture is reinforced by Labour's "unshakable commitment to NATO," described by the defence secretary Healey⁶¹ who pushed to raise the "defence spending to 2.5% of GDP," as prescribed by Trump. Moreover, the latest strategic defence review asserts a "NATO first" ambitious policy, aiming to build up to 7,000 new long-range weapons in the UK, for "greater European deterrence."⁶² The difference between Starmer and Macron, is that the latter is arguing for independence from NATO, while the former seeks to increase Europe's defence capacities while maintaining a strong commitment to the alliance.

Britain's recent history, gives much importance to the "special relationship" that it has maintained with the US since the Second World War.⁶³ Beyond a shared language and history, the two countries are bound by deep intelligence and defence ties. Along with the 1958 Mutual Defence Agreement, the British nuclear deterrence, Trident, primarily relies on American technology and maintenance. Sharing military bases (Diego Garcia in the Chagos Islands) allows the UK to be a competent nuclear power but simultaneously raises concerns related to Trump's volatile behaviour.⁶⁴ Shapiro is clear when saying that this relationship is special for London, but not

as much for Washington. Brexit stripped the UK of its utility as America's voice inside the EU. Trump seems now more interested in Germany as a new potential special partner, considering it is the largest economy in Europe. The UK's reliance on the US, echoes Tony Blair's "hug them close" foreign policy, which according to Shapiro equates the fact that for the UK maintaining a close relationship to the US has become an end in itself rather the most desirable policy. Moreover, Shapiro deems Starmer "delusional" for believing that such an asymmetric relationship will give the UK real leverage or protection from Trump's America.⁶⁵

Until it completely severed ties with the EU in 2016, Britain had a long history of being considered as the "awkward partner." For the UK, the EU was often perceived as an "optional extra" within a broader toolkit that includes NATO, the US, and "minilateralism."⁶⁶ EU security and defence cooperation was never the "master framework" but just a useful add-on, with NATO, the US and small coalitions always treated as the fundamental core of British security policy.⁶⁷ Martill and Sus argue that, despite strong shared interests, the absence of a UK-EU security deal after Brexit is best explained by what they call the "politics of withdrawal."⁶⁸ What is meant by that is that due to the UK's need to perform Brexit, close institutionalized

⁶⁰ Starmer, interview.

⁶¹ UK Ministry of Defence, "Defence Secretary Speech at RUSI Land Warfare Conference 2024," July 23, 2024.

⁶² UK Ministry of Defence, *The Strategic Defence Review 2025*.

⁶³ Catherine Haddon and Jill Rutter, "The US-UK Special Relationship," *Institute for Government*, February 26, 2025.

⁶⁴ Marc Messmer and Olivia O'Sullivan, "The UK's Nuclear Deterrent Relies on US Support – but There Are No Other Easy Alternatives," *Chatham House*, March 24, 2025.

⁶⁵ Christopher S. Chivvis and Jeremy Shapiro, "How Pivotal Is the United Kingdom? The Future of U.S.-UK Relations," *Carnegie Endowment for International Peace*, May 5, 2025.

⁶⁶ Martill, "Withdrawal Symptoms," 2473.

⁶⁷ Martill, "Withdrawal Symptoms," 2473.

⁶⁸ Monika Sus and Benjamin Martill, "When Politics Trumps Strategy: UK-EU Security Collaboration after Brexit," *International Political Science Review* 43, no. 3 (2022): 408.

security cooperation becomes politically toxic. The CoW materializes the UK's will to champion European defence, enabling the UK to build a healthier relationship with the US by cooperating with European powers to dispel the "little brother" image it has endorsed for a long time.⁶⁹

Overall, leader images and strategic culture share a symbiotic goal of balancing Russia. However, differences regarding NATO's or the US's role vary from one side of the channel to the other. The choice of forming an ad hoc coalition aligns with the interests of its founders, France and the UK and is envisioned not as a replacement to NATO or the EU, but as an alternative channel for rapid action when the traditional institutions are too slow or constrained.

Conclusion

Throughout this essay, I argued that Europeans – especially the UK and France – have chosen to create the ad hoc Coalition of the Willing instead of relying on established organizations, like the EU or NATO. The paper shows how systemic threats are filtered through domestic-level variables such as leader's image, strategic cultures, institutions and societal support which together shape threat-perception, decision-making and implementation.⁷⁰ First, I explained how the rate of transformation (ROT) shaped leaders' perceptions of NATO and the EU, making these institutions appear too slow and unreliable in responding to rapidly evolving

threats. A low ROT is characterized by high bureaucratic friction, which directly constrains the European Union's ability to swiftly deter Russian aggression. I then argued that NATO and the EU appear increasingly sluggish, partly due to rising uncertainty regarding Trump's foreign policy positions and the divergence of interests among European member states. Second, Gaullist traditions in France and the legacy of Brexit in the United Kingdom helps explain contemporary decision-making through the lens of each country's strategic cultures. These domestic-level variables explain how both countries position themselves on the European scene, and the impact of Keir Starmer's and Emmanuel Macron's activist leadership.

The Coalition of the Willing reflects French and British institutional and societal dynamics, where relatively autonomous executives can advance their visions of European sovereignty, supported by relatively strong public backing for assistance to Ukraine. While this paper focused on why the CoW was formed, it does not yet assess its effectiveness. Evaluating this question will require further time-sensitive information, such as whether the pledged peacekeeping mission is ultimately implemented. How far CoW members are willing to commit depends on their domestic circumstances. For instance, the consequences of Brexit explains why Starmer remains constrained in pursuing deeper integration with the EU. Could the CoW ever develop the strong institutional structures and binding obligations characteristic of the EU? By nature, the coalition remains a non-binding agreement, leaving significant room for members to withdraw without meaningful consequences. Even though it preserves

⁶⁹ Chivvis and Shapiro, "How Pivotal Is the United Kingdom?"

⁷⁰ Ripsman, et al., *Neoclassical Realist Theory of International Politics*, 58.


national autonomy, it leaves collective defence open to fluctuating domestic politics and leaders' short-run calculations. This concern also raises broader questions about the motivation of other European states, such as Germany and Italy, which are behaving differently, even though altogether facing the same threat.

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**From Power Politics and Regime
Ideology to Differing Leadership**
*Understanding the Roots of the Saudi-Iran
Rivalry*

Ronak Yazdi Maghaddam

Edited by Soane Ricard

In recent years, the Middle East has endured a wide variety of political changes and turbulence. From the fall of the Assad regime after a tenuous civil war in Syria to the war in Gaza, all of which have drawn in multiple regional actors with competing interests. It is in this context that a longstanding rivalry between Saudi Arabia and Iran has been brought to the spotlight, as their competition for regional hegemony has shaped many of the Middle East's political and military trajectories from Syria to Yemen. Their struggle for influence has played out not through direct confrontation, but through involvement in the internal politics of weaker states and the use of indirect policies to tip the balance of power in their favour.¹ Thus, an understanding of this new Middle East Cold War is vital for a more thorough analysis of the security and politics of the region.² However, before an examination of how this rivalry has played out, one must ask: why has it emerged in the first place? We will first delve into the two states' struggle for regional dominance, followed by the two regimes' clashing ideological bases. Finally, the impact of the individual leaders at the helm of those two states and their philosophies will also be explored to better understand the foundations of the Saudi-Iran rivalry.

Theoretical Background

To begin with, it is necessary to

establish the theoretical foundation of this paper in order to frame the analysis of the new Middle East Cold War. This discussion proceeds primarily from the assumptions of the realist paradigm in international relations, integrated with elements of constructivism.

As Mohammed and Moorthy highlight, national security, autonomy, and the well-being of a state, including its citizens, territory and institutions, is a central concern in global politics, as every state seeks to safeguard its survival and strategic interests.³ Thus, a realist understanding of international relations posits that anarchy permeates the international system, and that power and security are what drive states' decision-making process.⁴ In a zero-sum game, states will look to increase their power and influence in international affairs in order to ensure their security and prosperity are maximized. Similarly, balance of power theory predicts that to maintain stability in multipolar systems, countries will join forces or attempt to increase their own power in order to neutralize the rising threat.⁵ The Middle East is notably multipolar, with many regional powers such as Iran, Saudi Arabia, Israel and Turkey, balancing each other's influence and capabilities.⁶ In the same vein, containment theory also plays a role, as

¹ Gregory F. Gause, *Beyond Sectarianism: The New Middle East Cold War* (Brookings Doha Center, 2014), 1.

² Junaid Jahandad and Ali Mustafa, "Saudi-Iran Rivalry: A Sectarian Divide or Security Dilemma?," *Journal of Contemporary Studies* 11, no. 2 (2023): 87.

³ Ahmed Anwer Mohammed and Ravichandran Moorthy, "Saudi-Iran Rivalry in the Middle East: Implication to National Security," *Journal of Social Sciences and Humanities* 16, no. 1 (2019): 2.

⁴ Jahandad and Mustafa, "Saudi-Iran Rivalry: A Sectarian Divide or Security Dilemma?," 101.

⁵ Muharrem Ekşi, "Regional Hegemony Quests in the Middle East from the Balance of Power System to the Balance of Proxy Wars: Turkey as Balancing Power for the Iran–Saudi Rivalry," *Journal of Gazi Academic View* 11, no. 21 (2017): 136.

⁶ Gause, *Beyond Sectarianism*, 25.

countries in power struggles take on the geopolitical strategy of looking to limit any adversaries' ability to pose a serious threat or challenge to their own interests and security.⁷ However, one cannot have a full understanding of the region's politics and relations without acknowledging how states construct and vary in their perception of what the political reality actually is. Indeed, due to anarchy in the international system, uncertainty is prevalent, which further leads to fear over other actors' intentions and increases concerns about one's own national security.⁸ As a result, countries' identities, as well as past and present relations, impact their behaviour towards each other.

In addition to these paradigms, this analysis is situated within the theoretical framework developed by Lorenz Lüthi, which seeks to de-center the Cold War from a purely superpower rivalry between the United States and the Soviet Union. Instead, Lüthi argues that the Cold War unfolded simultaneously through multiple regional Cold Wars, particularly in Asia, Europe and the Middle East, where local actors possessed significant agency and shaped the dynamics of conflict within their respective regions.⁹ This perspective emphasizes that many regional conflicts had roots independent of the global bipolar rivalry and were only later influenced or intensified by it. Applying this framework to the Middle East highlights how regional actors such as Iran and Saudi Arabia were not

simply passive participants in a global ideological struggle but rather autonomous powers pursuing their own strategic interests and competing for regional influence.

I. Power Politics: The Roots of the Rivalry

I.a. Cold War Context: From the 1950s to 2003

Saudi Arabia and Iran have shared a decade-long rivalry and complicated history. During the reign of the Shah, the Kingdom of Saudi Arabia (KSA) and Iran shared many interests and fears. The two monarchies were allies of the United States, wary of Soviet encroachment in the region.¹⁰ They also stood steadfast together against the rising power of the Ba'ath party in Iraq, cooperating to counterbalance the Iraqi threat.¹¹ As Wehrey notes, the two were the "twin pillars" of the United States in the Middle East, even sharing its de facto leadership, especially as the British slowly withdrew from the Gulf by the 1970s.¹²

However, by the end of the decade, the Shah was ousted and the Islamic Revolution brought forward a new Iran. The Islamic Republic of Iran (IRI), born of the 1979 Revolution, is an anti-American, anti-Western, theocratic republic whose goal is to spread its own version of Shia political Islam and

⁷ Hassan Ahmadian and Payam Mohseni, "From Detente to Containment: The Emergence of Iran's New Saudi Strategy," *International Affairs* 97, no. 3 (2021): 782.

⁸ Jahandad and Mustafa, "Saudi-Iran Rivalry: A Sectarian Divide or Security Dilemma?," 89.

⁹ Lorenz Lüthi, *Cold Wars: Asia, the Middle East, and Europe* (Cambridge University Press, 2020), 1–4.

¹⁰ Ramazan İzol and Murat Cingöz, "Iran–Saudi Arabia Rivalry and the Yemen Crisis," *Journal of Gazi Academic View* 16, no. 31 (2022): 351.

¹¹ Athina Tzemprin et al., "The Middle East Cold War: Iran-Saudi Arabia and the Way Ahead," *Croatian Political Science Review* 52, no. 4 (2015): 188.

¹² İzol and Cingöz, "Iran–Saudi Arabia Rivalry and the Yemen Crisis," 357.

governance throughout the Middle East.¹³ This stands in direct opposition to the rule of the Al-Saud Dynasty, a Sunni monarchy allied with the United States. This religious and ideological antagonism brought the two main powers of the region to perceive each other as an existential threat.¹⁴ This led to new alliances, such as during the Iran-Iraq war (1980-1988) when Saudi Arabia supported Iraq in order to counterbalance the Iranian regime's rise to power and influence.¹⁵ However, this once again changed when Saddam Hussein decided to invade both countries' neighbour, Kuwait in 1990. The Saudis now shared common interests with the Islamic Republic, looking to fend off the Saddam threat once more. In fact, Iranian officials at the time even claimed that the Saudis and other Gulf states had apologized for their role in helping Iraq during the brutal Iran-Iraq war of the previous decade.¹⁶

Thus, from Lüthi's perspective on regional Cold Wars, the Middle East was not simply an arena where the United States and the Soviet Union competed for influence, but rather a region where local actors actively pursued their own strategic interests and shaped the balance of power¹⁷. The relationship between Iran and Saudi Arabia during the Cold War, therefore, reflects regional security calculations as much as

global ideological competition. This shifting pattern of alliances illustrates Lüthi's argument that regional actors possessed significant agency within the Cold War system, frequently shaping the strategic environment of their region rather than merely responding to the policies of the superpowers.

By implication, the periods of detente and rivalry between the two states showcase the nuanced and longstanding relationship of mutual defiance, concerns for national security and power politics between the two regional powers. Both countries, acting as expected by the paradigms, have changed their position towards one another depending on the current distribution of power in the region with the goal of protecting their own security interests and the multipolarity of the region.

I.b. 21st Century: Power Vacuums and Ongoing Rivalry

The collapse of key regional actors in the decades that followed created significant power vacuums that partly reignited and entrenched Saudi-Iranian competition. The reversion to rivalry first began in the Spring of 2003, as the United States, with the help of a military coalition, overthrew Iraq's Saddam Hussein. Previously, Saddam was a major player in the region, increasing Iraq's military capabilities and even invading multiple states. However, with his demise and the subsequent US occupation of Iraq, the region lost a powerful actor.¹⁸ This left the Middle East with one less power composing the region's

¹³ Mohammed and Moorthy, "Saudi-Iran Rivalry in the Middle East," 4.

¹⁴ İzol and Cingöz, "Iran-Saudi Arabia Rivalry and the Yemen Crisis," 352.

¹⁵ Akbar Khan and Allauddin Kakar, "Securitization and State Sponsorship of Non-State Actors: Analyzing the Saudi-Iranian Rivalry," *Fudan Journal of the Humanities and Social Sciences* 16, no. 4 (2023): 480.

¹⁶ Ahmadian and Mohseni, "From Detente to Containment," 784.

¹⁷ Lüthi, *Cold Wars*, 1-4, 493.

¹⁸ Ekşi, "Regional Hegemony Quests in the Middle East," 135.

multipolar order. Iraq thus became more vulnerable to foreign interference by other key regional players, including Riyadh and Tehran.¹⁹ This power vacuum became especially relevant with regard to the Saudi-Iran rivalry at the time of the 2011 Arab Spring. By the end of the uprising, states like Syria and Egypt, as well as Libya after the NATO intervention, were no longer important and powerful entities within the system. This led to a wide power void and allowed the remaining states more space to increase their regional influence and near hegemony.²⁰ Thus, with powerful states now fragmented in the region, states with relative strength were drawn into the rivalry as the multipolarity was reduced, making a clash more likely. This mainly involved Iran and Saudi Arabia since other key players in the region, such as Turkey and Israel, while strong militarily, do not have the same ideological reach.²¹

II. Ideological Foundations of the Rivalry

II. a. Genesis of the Ideological Rift

Lüthi's interpretation of regional Cold Wars also suggests that ideological developments within particular regions could evolve beyond the rigid bipolar structure of the global Cold War.²² In the Middle East during this period, the growing prominence of political Islam introduced a new ideological

layer to regional politics that was not solely defined by alignment with either the United States or the Soviet Union. Instead, regional actors increasingly articulated their own competing political visions. The confrontation between Iran's revolutionary model of Shia Islamic governance and Saudi Arabia's Sunni monarchical order illustrates this dynamic. Their rivalry was therefore not only a reflection of broader Cold War tensions but also the product of locally rooted ideological projects, as both states advanced distinct claims about legitimate political authority and leadership in the Muslim world.

Indeed, after the birth of the Islamic Republic following the 1979 revolution in Iran, the country moved from a US-backed monarchy to that of a theocratic republic championing Islamic revolution, drawing from the country's primarily Shia identity. From the onset, bolstered by the fervour of revolutionary ideology, the new regime quickly stood in explicit opposition to both the institution of the monarchy as well as Western imperialism and influence in the region.²³ While the Supreme Leader, Ayatollah Khomeini's, new government emphasized clerical authority above all in politics, the ruling Al-Saud family of the KSA—although empowered by Wahabi-Sunni rule—ultimately gave priority to the monarchy for state affairs.²⁴ Moreover, because the Kingdom had long derived its regional legitimacy from the custodianship of Islam's two holiest sites, Iran's arrival as a powerful, ideologically

¹⁹ Mohammed and Moorthy, "Saudi-Iran Rivalry in the Middle East," 3; Jahandad and Mustafa, "Saudi-Iran Rivalry: A Sectarian Divide or Security Dilemma?," 96.

²⁰ Ekşi, "Regional Hegemony Quests in the Middle East," 134.

²¹ Gause, *Beyond Sectarianism*, 19.

²² Lüthi, *Cold Wars*, 489-493.

²³ Mohammed and Moorthy, "Saudi-Iran Rivalry in the Middle East," 4; İzol and Cingöz, "Iran-Saudi Arabia Rivalry and the Yemen Crisis," 350.

²⁴ Frederic Wehrey, "Uprisings Jolt the Saudi-Iranian Rivalry." *Current History* 110, no. 740 (2011): 353.

mobilized Shia actor represented a direct challenge to Riyadh's historic claim to leadership of the Muslim world.²⁵ Tehran viewed the monarchy's reliance on the United States as a form of subordination and dependence that violated true Islamic governance, while the Saudis saw Iran's revolutionary message and rejection of the Sunni order as an existential threat to their political model and role as guarantor of regional stability.²⁶ With both governments deriving legitimacy from Islam but advocating incompatible political structures, a lasting ideological rivalry emerged. Theocratic Iran gave itself the responsibility of "the protection of the oppressed and oppressed peoples in the Islamic world," due in part to the Saudis' failure to do so.²⁷

In order to fulfill this undertaking, the IRI had to stand against the Gulf monarchies and other states in the region that still cooperated with the "devils" of Western imperialism.²⁸ Therefore, Iran securitized Saudi Arabia's regional role, meaning it framed certain issues as threats to its national security in order to enact extraordinary measures, with the goal of justifying its rhetoric and actions against the state.²⁹ In line with this, Tehran's self-imposed task also required exporting the ideas and positions of the revolutionary government to the Middle

East populace, in order to entrench the IRI's position as the world's pan-Islamic champion and regional superpower.³⁰ As a result, immediately following the success of the Shia activists in overthrowing the Iranian monarchy and their anti-Western rhetoric, unrest in Saudi Arabia's Shia-majority Eastern province bloomed, with rioting and clashes with security forces.³¹ The latter was viewed as a direct result of Iranian incitement by Riyadh.³² Additionally, with the demographic reality that many of Saudi Arabia's Shia communities live in an important oil-producing area, the KSA's fear grew over Iran's ideology and mode of governance, possibly threatening the foundations of Saudi economic and political stability.³³ The Saudis, governing through autocratic rule, feared the spread of an Islamic revolution centred on anti-monarchy and anti-West rhetoric. As highlighted by Abbasi and Qazi, states with closed political systems and no sharing of power are vulnerable to foreign exploitation and interference, a threat to the ruling elites' consolidation of power.³⁴ However, the IRI's revolutionary message resonated beyond Saudi Arabia and directly challenged the power politics of the region as a whole, mainly through Iran's approach of spreading its ideology rather than direct confrontation with the KSA.

²⁵ Tzemprin et al., "The Middle East Cold War," 189-190.

²⁶ Mehran Kamrava, "Institutions and Policy in Iran's Relations with the GCC," *Muslim World* 111, no. 3 (2021): 416.

²⁷ İzol and Cingöz, "Iran-Saudi Arabia Rivalry and the Yemen Crisis," 348.

²⁸ İzol and Cingöz, "Iran-Saudi Arabia Rivalry and the Yemen Crisis," 350.

²⁹ Khan and Kakar, "Securitization and State Sponsorship of Non-State Actors," 480.

³⁰ Riham Bahi, "Iran-Saudi Rivalry in Africa: Implications for Regional Stability," *Middle East Policy* 25, no. 4 (2018): 32.

³¹ Mohammed and Moorthy, "Saudi-Iran Rivalry in the Middle East," 4-6.

³² Muhammad Umar Abbasi and Afsah Qazi, "Revisiting the Nature of Iranian Threat to Saudi Arabia," *Journal of Contemporary Studies* 8, no. 1 (2019): 28.

³³ Abbasi and Qazi, "Revisiting the Nature of Iranian Threat to Saudi Arabia," 28.

³⁴ Abbasi and Qazi, "Revisiting the Nature of Iranian Threat to Saudi Arabia," 17.

It is important to note that Tehran could not afford to engage militarily with Riyadh over its ambitions. Although Iran has the capacity to choke the Saudi economy through its control over the Strait of Hormuz, vital for oil transport, its historical financial and military weakness vis-à-vis its Gulf neighbour renders it near impossible.³⁵ Moreover, both actors will likely avoid confrontation as a direct war could become costly and endanger both the ruling elites and states overall.³⁶ It is because of this that the two let their rivalry play out in the form of asymmetric power deployment, which further exacerbated the showdown.

II.b. Ideology in Practice: Proxy Warfare

Due to the IRI's ideological provenance and limited capabilities, the political elites of the republic chose a public diplomacy throughout the region that centred the people, rather than states.³⁷ In line with the post-revolutionary foreign policy of exporting the beliefs of Khomeini, Tehran moved to win the hearts and minds of Shia and oppressed groups rather than politicians.³⁸ In other words, due to limitations and ideology, Iran's moves against the kingdom emphasized a bottom-up approach to regional dominance.³⁹

This policy, furthermore, presented itself as a viable option for Iran's Realist quest

for regional influence due to the rise of fragile and collapsing states in the Middle East. As Gause explains, the new Middle East Cold War is driven by "the weakness or breakdown of state authority [which] creates domestic political vacuums" that draw in other regional actors.⁴⁰ In these contexts, foreign powers do not need to impose themselves, rather, local actors invite patrons to help tip the balance in their domestic struggles. The importance of weak states becomes clearer when considering periods in which Iran's asymmetric strategy could not succeed. Immediately after its revolution, Iran attempted to extend its message across the region, yet no Arab regime fell since states such as Iraq and the Gulf monarchies had strong internal institutions capable of managing dissent.⁴¹ This demonstrates that Iran's ideological appeal alone was insufficient without a permissive structural environment. Iran's influence remained limited to unique cases like Hezbollah or Syria, which aligned with Iran due to shared enemies rather than ideology.⁴² Still, even during this period, Iran rhetorically framed itself as the champion of oppressed Muslims, symbolically fostering Islamist or Shia movements across the region.⁴³

The 2003 US occupation of Iraq and the Arab Spring dramatically altered these conditions. As Tzemprin et al. explain, the uprisings "transformed the political landscape of the Middle East and elevated sectarian violence to an unprecedented level."⁴⁴ Regime collapses and civil wars recreated the

³⁵ Abbasi and Qazi, "Revisiting the Nature of Iranian Threat to Saudi Arabia," 29.

³⁶ Khan and Kakar, "Securitization and State Sponsorship of Non-State Actors," 485.

³⁷ Ekşi, "Regional Hegemony Quests in the Middle East," 142.

³⁸ Tzemprin et al., "The Middle East Cold War," 191.

³⁹ Gause, *Beyond Sectarianism*, 8.

⁴⁰ Gause, *Beyond Sectarianism*, 8.

⁴¹ Gause, *Beyond Sectarianism*, 9.

⁴² Gause, *Beyond Sectarianism*, 13.

⁴³ Bahi, "Iran-Saudi Rivalry in Africa," 27.

⁴⁴ Tzemprin et al., "The Middle East Cold War," 188.

weak-state environments necessary for proxy warfare. Iran attempted to frame these events as an “Islamic Awakening,” portraying them as a delayed extension of its own 1979 Revolution, while the kingdom saw these mobilizations as dangerous to its continued rule.⁴⁵ With the power vacuum widening, Iran intensified its asymmetric involvement. The Quds Force of the IRI organized and financed groups such as Hezbollah in Lebanon, Iraqi Shia militias, Shia fighters in Syria, and the Houthis in Yemen.⁴⁶ These networks strengthened the perception of a coherent Iranian-led “Shia Crescent,” areas with significant Shia presence or collaboration stretching from Iran through Iraq and Syria into Lebanon.⁴⁷ Leaders such as Hosni Mubarak and senior Saudi officials claimed that Shia populations across the region were more loyal to Iran than their own governments, turning a demographic pattern into a potent political narrative of a Shia fifth column.⁴⁸

Saudi Arabia, therefore, intensified its own containment strategy by employing defensive countermeasures to slow down its perceived Iranian advances in regional influence, intensifying the rivalry. It, for one, utilized its superior economic position over Iran in oil production and exportation as well as its international pull and petrodollars to

campaign against the IRI internationally.⁴⁹ Simultaneously, it also intervened in Bahrain in 2011 to suppress Shia protests, funded Sunni factions in Lebanon to counter Hezbollah and launched the Yemen war in 2015 to prevent Iranian influence from reaching its border.⁵⁰ The latter, in fact, became a core arena. Although Iranian support to the Houthis was initially limited, the movement adopted anti-Saudi and anti-American rhetoric that reflected Iran’s ideological cause and influence, leading to an alliance.⁵¹ Saudi leaders interpreted the Houthi advance as evidence that the Shia Crescent was extending into the Arabian Peninsula, its backyard. Meanwhile, Iran saw Yemen as an opportunity to keep its Saudi adversary “bogged down” at low cost.⁵² Crucially, this proxy warfare not only reshapes regional rivalries but also deepens and prolongs the internal crises of the states where it has unfolded. In Syria, Iranian support for Assad against, in part, Saudi-backed groups, helped turn a popular uprising into a protracted civil war.⁵³ And in Yemen, the rivalry between Iran and Saudi Arabia transformed a localized internal conflict into one of the world’s worst humanitarian disasters, with each escalation by one side triggering counter-escalation by

⁴⁵ Bahi, “Iran–Saudi Rivalry in Africa,” 27; Ekşi, “Regional Hegemony Quests in the Middle East,” 145.

⁴⁶ Abbasi and Qazi, “Revisiting the Nature of Iranian Threat to Saudi Arabia,” 29.

⁴⁷ Ekşi, “Regional Hegemony Quests in the Middle East,” 141.

⁴⁸ Ekşi, “Regional Hegemony Quests in the Middle East,” 141.

⁴⁹ Saeed Mirtorabi, “Saudi Arabia’s Aggressive Oil Policy against Iran (2011–2016),” *Journal of World Sociopolitical Studies* 3, no. 1 (2019): 208.

⁵⁰ Tzemprin et al., “The Middle East Cold War,” 191; Wehrey, “Uprisings Jolt the Saudi-Iranian Rivalry,” 357; Mohammed and Moorthy, “Saudi-Iran Rivalry in the Middle East,” 8–10.

⁵¹ Gause, *Beyond Sectarianism*, 14.

⁵² Kamrava, “Institutions and Policy in Iran’s Relations with the GCC,” 421.

⁵³ Mohammed and Moorthy, “Saudi-Iran Rivalry in the Middle East,” 10–11.

the other.⁵⁴

Thus, across states like Lebanon, Syria and Yemen, weak institutions, ideological narratives and strategic calculations combined to turn local conflicts into arenas of the Saudi–Iranian rivalry. Each state interpreted the other’s actions as offensive, reinforcing a mutually escalating security dilemma.⁵⁵ Identity served as both a resource and a weapon, enabling Iran and Saudi Arabia to project influence far beyond their borders in a prolonged Cold War–style struggle for regional hegemony — but at tremendous cost to the societies caught in the middle. It is important to note that, conversely, while sectarianism was repeatedly deployed as a political instrument, neither state adhered rigidly to sectarian boundaries in practice. Iran cooperated with Sunni groups such as Hamas due to shared anti-Israel and anti-U.S. objectives, while Saudi Arabia opposed Sunni Islamist movements like the Muslim Brotherhood despite sectarian commonality.⁵⁶ This reveals that sectarian rhetoric often masks fundamentally strategic, interest-driven alliance choices.

III. The Role of Leadership

While shifting balances of power and diverging ideological worldviews shaped the Saudi-Iran rivalry, the individuals leading each state have also played a decisive role in shaping the intensity of the confrontation and

periodic detente. The rivalry has not remained constant, instead, it has surged or softened depending on the personalities, priorities and ideological commitments of those in power in Tehran and Riyadh. As Mohammed and Moorthy highlight, unitary actors and internal political changes within states can greatly impact the foreign policy decisions of states and the balance of power in the international arena.⁵⁷

III.a. Iran: From Khomeini to a Renewed Revolutionary Spirit Under Ahmadinejad

The death of Ayatollah Khomeini in 1989 initiated a significant shift in the country’s regional posture. According to Gause, after Khomeini’s passing, “Iranian diplomacy lost much of its revolutionary élan.” Though the Islamic Republic continued to oppose the United States and Israel rhetorically, its leaders increasingly adopted pragmatic, state-to-state diplomacy during the late 1980s and 1990s.⁵⁸ This period, which included the presidencies of Rafsanjani and Mohammad Khatami, reflected a conscious move away from the confrontational activism of the revolutionary era. Mohammed and Moorthy note that both Rafsanjani and Khatami were regarded as less contentious than their predecessor, with Khatami in particular striving to improve Iran’s relationship with Saudi Arabia and to curtail covert activities that had previously targeted the Kingdom. American pressure also shaped Iranian leadership behaviour during this

⁵⁴ Mohammed and Moorthy, “Saudi-Iran Rivalry in the Middle East,” 9–10; İzol and Cingöz, “Iran–Saudi Arabia Rivalry and the Yemen Crisis,” 358.

⁵⁵ Jahandad and Mustafa, “Saudi-Iran Rivalry: A Sectarian Divide or Security Dilemma?,” 102.

⁵⁶ Gause, *Beyond Sectarianism*, 12–13.

⁵⁷ Mohammed and Moorthy, “Saudi-Iran Rivalry in the Middle East,” 3.

⁵⁸ Gause, *Beyond Sectarianism*, 12.

period. For instance, Khatami's outreach to Saudi Arabia was partly a response to Washington's urging of Gulf states to isolate Iran due to apprehensions regarding Tehran's role in terrorism and nuclear activity.⁵⁹ In this context, Khatami's willingness to engage diplomatically represented a period in which leadership decisions temporarily softened the rivalry and created potential pathways for limited cooperation, putting aside ideological differences and commitments.

However, these gains were not durable. The election of Mahmoud Ahmadinejad and the new conservatives in 2005 marked a renewed commitment to the revolutionary aspirations of the Islamic Republic. Gause describes how Ahmadinejad brought to power a faction "more committed to the revolutionary rhetoric of Ayatollah Khomeini and to spreading Iranian influence to the domestic politics of other states." Under Ahmadinejad, and compounding with the power vacuum created by the fall of Saddam, Iran's regional reach expanded considerably, and by the mid-2000s, it had become one of the dominant foreign actors in Lebanon, Syria, and Iraq.⁶⁰ Thus, the new Iranian leader's assertive position heightened Saudi fears and reignited the rivalry.

III. b. Saudi Arabia: From Cautious Engagement to Hawkish Containment

Saudi leadership changes were equally consequential. Under King Abdullah, relations with Iran oscillated between periods of tension

⁵⁹ Mohammed and Moorthy, "Saudi-Iran Rivalry in the Middle East," 4.

⁶⁰ Gause, *Beyond Sectarianism*, 12.

and cautious engagement, reflecting Abdullah's generally conservative but measured approach to regional affairs.⁶¹ However, a dramatic turning point occurred with the rise of King Salman in 2015 and the rapid consolidation of power by his son, Crown Prince Mohammed bin Salman (MbS). As Ekşi demonstrates, King Salman adopted a markedly "hawkish policy" upon taking the throne, most clearly demonstrated by launching the Yemen war in March 2015 as a display of Saudi determination to assert regional leadership.⁶² This intervention signalled the beginning of a more emphatic Saudi foreign policy aimed explicitly at countering Iran's influence.

Kamrava similarly observes that the political ascent of MbS "catapulted competing Iranian and Saudi national role conceptions to new and unprecedented heights."⁶³ MbS articulated a more overtly confrontational view of Iran, using rhetoric that described a triangle of evil consisting of Iran, the Muslim Brotherhood, and terrorism. His foreign policy actions, such as threatening to take "the battle inside Iran," initiating the Qatar blockade and alleged assassination of journalist Jamal Khashoggi, reinforced Tehran's perception of a more aggressive and unpredictable Saudi state. Iranian officials thus came to view the Kingdom under MbS as an inexperienced but dangerously assertive actor.⁶⁴ These leadership dynamics, furthermore, affected Iran's strategy.

⁶¹ Ahmadian and Mohseni, "From Detente to Containment," 788.

⁶² Ekşi, "Regional Hegemony Quests in the Middle East," 134.

⁶³ Kamrava, "Institutions and Policy in Iran's Relations with the GCC," 421.

⁶⁴ Ahmadian and Mohseni, "From Detente to Containment," 788.

Iranian policymakers were taken aback by Saudi actions, particularly after leaked claims that Riyadh had encouraged the United States to attack Iran.⁶⁵ This led the IRI to reconsider whether its prior detente efforts were reasonable and whether to introduce a new policy of containment. The construction of the Saudi state by Iran changed, increasing threat perception once more. Thus, leadership changes in Riyadh did not merely provoke reaction, they actively reshaped Iranian assessments and calculations.

Taken together, the Saudi–Iranian rivalry is not solely the product of structural forces or ideological incompatibilities. Individual leaders, through their personalities, priorities and ambitions as well as rhetoric, have repeatedly reshaped the contours of regional competition. Reformists in Iran temporarily eased tensions while hardliners revived revolutionary aspirations and verbiage. Cautious diplomacy under earlier Saudi kings shifted into an era of unprecedented assertiveness under King Salman and MbS. Lüthi’s emphasis on regional agency also underscores the importance of leadership in shaping the trajectory of regional Cold Wars. Decisions made by political leaders could significantly alter alliances, ideological narratives and regional balances of power. Leadership, therefore, acts as a catalyst that can either revive the rivalry or create windows of opportunity for de-escalation.

Conclusion

The roots of the Saudi-Iran rivalry can

⁶⁵ Ahmadian and Mohseni, “From Detente to Containment,” 789.

be traced to the balancing of power in the Middle East, the opposing ideological drivers of both states, as well as key decision makers in both governments. The new Middle East Cold War has played out on multiple fronts in the region, with Riyadh and Tehran using proxies and deepening regional crises, as well as utilizing their economies and domestic power in order to counter the other. With ebbs and flows, one can only speculate about where their relationship is headed. This is particularly the case with recent developments, including the Gaza war, a strengthening Israel against Iran and its proxies, in addition to the fall of the IRI-backed Assad regime in Syria, a key playground in this rivalry.

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The Speculation Arms Race

*How Venture Capital is Creating Security
Dilemmas Before Weapons Exist*

Spencer Clark

Edited by Jude Archer

Editorial Revisions by Alex O'Neill

The international condition of anarchy, due to a lack of overarching authority in the international system, imbues international relations with insecurity. The anarchic nature of the international system is the foundation of the security dilemma, as it structurally embeds reciprocal insecurity in international relations, as states cannot entirely know a rival's intentions or technological capabilities.¹

Venture capital speculation in the defence sector has the potential to accelerate a security dilemma in which venture capital-funded defence start-ups, in pursuit of lucrative government contracts and investment, intensify reciprocal insecurity by creating hype around future capabilities before they are fully developed. The anarchic system's characteristic insecurity and fear are worsened by the dual-use nature of many technologies, both military and civilian. Increases in defensive capabilities, including Terminal High-Altitude Air Defence (THAAD) missile defences and other anti-access and area-denial technologies, inherently contain some offensive capability. Beyond this material insecurity, an increase in defensive posture can be perceived as a preemptive maneuver undertaken before offensive action. One state's defensive measures are perceived by others as a threat, prompting their own development and a self-reinforcing arms race. Dual-use technologies — notably among them, aircraft advancements, nuclear facilities, and satellite development — can have both civilian and military uses. This potential for military use creates insecurity in rivals, even if

technological development is solely for civilian purposes.²

Beyond creating conditions of reciprocal insecurity and arms racing, uncertainty about a rival's intentions and their technological capability enables actors to justify taking extraordinary measures like preventive strikes or their own military development as a response to anticipated capabilities.

Increases in military or civilian, and defensive or offensive technologies, respectively, intensify the reciprocal insecurity of the anarchic system and lay the groundwork for a security dilemma. Venture-capital speculation adds new market-driven mechanisms to the logic of reciprocal insecurity, and remains distinct from traditional defence financing due to its set focus on maximal financial returns for interested domestic actors within a set period. Traditionally, venture capital avoided the defence sector for four reasons³: dominance of major defence companies such as Lockheed Martin and Boeing, who had the manufacturing network for hardware-centric development, long government acquisition and procurement timelines, low returns relative to the commercial sector, and reputational risk.

In the 2010s, dual-use technologies emerged out of Silicon Valley, such as generative artificial intelligence, facial recognition, and autonomous navigation. Tech companies saw a huge boom in investment, and were able to develop manufacturing and

¹ Shipping Tang, "The Security Dilemma: A Conceptual Analysis," *Security Studies* 18, no. 3 (2009): 587–88.

² Tang, "The Security Dilemma" 587–88.

³ Elke Schwarz, "From Blitzkrieg to Blitzscaling: Assessing the Impact of Venture Capital Dynamics on Military Norms," *Finance and Society*, published online January 7, 2025, 6–9.

research networks which rivalled the major defence manufacturers. The focus of defence development shifted away from hardware towards software, creating a new market for investors wishing to capitalize on government interests in quick development and procurement of emerging technologies.⁴ The novelty and quick development of emerging technologies intensifies reciprocal insecurity and incentivize states to bypass long procurement periods and oversight on the basis that other states could be developing and scaling parallel technologies. The unique aspect of this venture-capital-driven security dilemma is that it exists outside of the defence establishment, but attracts its investment, while driving reciprocal insecurity through the promise of future capabilities which may or may not materialize.

Venture capital speculation in the defence sector has the potential to accelerate a security dilemma wherein venture capital-funded defence start-ups, in pursuit of lucrative government contracts and investment, intensify reciprocal insecurity by creating hype around future capabilities before they have been fully developed.

Venture-Capital and Speculative Investment

Interest in emerging technologies from Western militaries is partly a hard-power response to China's rapid expansion of its armed forces. Chinese intelligentization doctrine⁵, a strategic vision for integrating artificial intelligence (AI), autonomous

systems, and predictive algorithms across military apparatus deployable by the People's Liberation Army, treats Western technological advancement as a known threat which requires an accelerated response. Developments, like unmanned drones showcased at the September 2025 China Victory Day Parade in Beijing,⁶ further justify this speculative investment on the Western side. The doctrine explicitly frames technological competition as a domain of warfare in itself. This framing mirrors, and arguably precedes, the speculative logic now driving Western procurement: China is not responding to observed Western capabilities so much as to anticipated ones, effectively acting on their own volition, and setting the precedent to which Western powers assess *their* capabilities.

Chinese tech companies operate under legal obligations to cooperate with state security arms, which structurally entangle civilian use with military capability. The potential for easy and quick dual-use, enabled by state oversight, is another factor which drives insecurity. Both the U.S. and China treat the other's anticipated capabilities as justifications for developing their own. Venture capital-driven defence markets raise private and public capital for defence technologies before the technology and the capability it enables exist. The impact of venture capital-driven defence companies is apparent in the U.S. Replicator initiative, which speeds up procurement and investment, and NATO's Emerging Disruptive Technologies initiative, which is also investment-focused.

⁴ Schwarz, "From Blitzkrieg to Blitzscaling," 9–12.

⁵ China Aerospace Studies Institute, trans., *Science of Military Strategy 2020* (Montgomery, AL: China Aerospace Studies Institute, January 2022), Chapter 3.

⁶ T. Wong, "What New Weapons on Show at Huge Parade Say About China's Military Strength," *BBC News*, 2025,

The DoD's Replicator and NATO's Emerging Disruptive Technologies (EDT) align on three key dimensions: first, they both identify how emerging technologies, including AI targeting, autonomous systems, and predictive algorithms, are important for defence; they both posit that technology is developing so rapidly that future capabilities cannot be anticipated, because they may not yet exist; and they share a solution, which is to rapidly increase procurement and investment in Western tech companies developing emerging AI technologies with the goal of identifying and developing military capabilities at the pace of technological advancement. As such, former head of the U.S. Indo-Pacific Command, Admiral John Aquilino, is quoted in the 2023 U.S. Defence Innovation Unit (DIU) memo explicitly identifying the goals of the Replicator initiative, noting how "[his] number one priority is to accelerate and deliver the capabilities needed to stay ahead of any competitors, integrated across the joint force and in concert with Allies and partners, to fight and win any potential conflict."⁷ Similarly, NATO's EDT initiative, outlined in its 2022 strategic concept, states that "EDTs (emerging disruptive technologies) bring both opportunities and risks, and that they are altering the character of conflict, acquiring greater strategic importance and becoming key arenas of global competition."⁸, thereby

illustrating that NATO and the Pentagon officially view emerging technologies as frontiers of defence and security.

Meanwhile, Kathleen Hicks, Deputy Secretary of Defence under the Biden administration, stated directly in a Defence News Conference that Replicator systems are ones the Pentagon "we might use for 3-to-5 years, before we move on to the next thing — as we must, given a dynamic, fast-moving adversary and the pace of innovation."⁹ This indicates that the Pentagon views emerging technologies as rapidly advancing to the point where future capabilities — even within a short-term, three-to-five year window — cannot be anticipated. NATO's Rapid Adoption Action Plan, which is under the EDT initiative umbrella, states in its vision that "the speed at which new technological products are being developed outpaces the Alliance's ability to procure and integrate them." It proposes that NATO "aims to significantly accelerate the pace at which the Alliance adopts new technological products and integrates them into Allied armed forces" by accelerating procurement and integration, de-risking through testing, and aligning the private defence sector with NATO goals.¹⁰

The aforementioned alignment leads to a near-identical approach to a solution on the tenet of rapidly increasing procurement and investment in Western tech companies developing emerging AI technologies in the hopes of identifying and developing military capabilities at the pace of technological

⁷ Defense Innovation Unit, "Implementing the Department of Defense Replicator Initiative to Accelerate All-Domain Attributable Autonomous Systems to Warfighters at Speed and Scale," November 30, 2023, For the formal Replicator-2 direction, see also Department of Defense, "Replicator 2 Direction and Execution," Memorandum, September 27, 2024.

⁸ NATO, *NATO 2022 Strategic Concept*, adopted at the Madrid Summit, June 29, 2022, para. 45,

⁹ Kathleen Hicks, "Unpacking the Replicator Initiative" (remarks at the Defense News Conference, Arlington, VA, September 6, 2023), U.S. Department of Defense,

¹⁰ NATO, "Summary of NATO's Rapid Adoption Action Plan," June 25, 2025,

advancement. Replicator explicitly emphasizes the role of private-sector tech companies not only as sources of innovation but also as capable of scaling. Of the over 800 companies involved in Replicator-1, 75%¹¹ of them are non-traditional defence contractors, including hardware and software companies. NATO's EDT initiative stresses speed and private investment through a \$1 billion venture fund to keep up in the AI arms race. All three dimensions — insecurity about rivals' capabilities, a need to develop one's own, and the solution of investment in the private defence sector — reflect venture-capital-driven security dilemmas. The insecurity about rivals' emerging technological capabilities are vested in venture-capital defence companies' hype, and incentivize the solution of both U.S. and NATO investment in private technology companies.

The “Hype” Cycle

Investment in AI technologies is driven by projected capability gaps. Companies hype capabilities to attract investment and contracts, resulting in speculative deals. In the speculation-driven security dilemma, rivals react to announcements — real or not — by funding their own programs before actual capabilities exist. For tech companies hoping to court some of the massive resources states allocate—both in the form of government contracts and political backing—exaggeration of an emerging technology's potential to revolutionize defence serves to attract investment. As states continue to invest

massively in emerging technologies, the hype builds, attracting further investment. In a speculative-security dilemma, hype becomes a political asset that legitimizes large expenditures with limited oversight; for example, the valuation of Palantir, a publicly-traded data integration and analytics firm favoured by US government agencies, has soared on AI defence narratives.¹² Militaries have adopted this Silicon Valley ethos to release an imperfect technology with urgency rather than to wait and perfect it. This fuels over-investment, rushed procurement, and the deployment of untested systems. Hasty deployment and integration of emerging technologies carries real risks of harm, especially as many companies — such as Palantir — propose using their systems for target identification. When decision-makers act on uncertain knowledge and treat speculation as intelligence, valuation and hype begin to bleed into strategic assessment.

Jürgen Habermas' concept of the legitimation crisis offers a framework for understanding why hype functions as a political cover for investment logic. In *Legitimation Crisis* (1973), Habermas argues that late-capitalist states face a tension between two imperatives: facilitating capital accumulation while maintaining democratic legitimacy. This tension produces a legitimation crisis when the gap between state rationale and actual drive becomes intelligible to the public, where the public is aware that state decisions serve market logic over

¹¹ U.S. Department of Defense, "Deputy Secretary of Defense Kathleen Hicks Announces Additional Replicator Allocation," news release, May 2024,

¹² Anthony King, "Digital Targeting: Artificial Intelligence, Data, and Military Intelligence," *Journal of Global Security Studies* 9, no. 2 (June 2024),

collective welfare.¹³ National security discourse provides a further legitimating frame that renders market-serving decisions politically viable. Accelerating procurement timelines and treating venture-capital technologies as proxies for adversary capability becomes defensible under the logic of existential technological threat. In this scenario, the tensions between capital accumulation and democratic legitimacy are resolved through promised results. If emerging technologies underperform or cause harm in deployment through civilian casualties, friendly fire, or mis-targeting, the legitimacy of state investment is undermined. This exposes the gap between security rationale and market interests, and leads to a crisis of legitimation.

In a speculative dilemma, promised results are themselves speculative: the state is borrowing legitimacy, through the promise of future gains, based on capabilities which may not materialize. This is in line with what Habermas terms a rationality crisis, where a state's administrative systems make decisions based on corrupted signals.¹⁴ In the speculative dilemma, the corrupted signal is hype. The state's rational planning apparatus is fed inputs optimized for investor confidence, with promises of quick gains, revolutionary potential, and fast development. This produces procurement decisions which are rational within a market logic, as venture-capital-based defence firms are strong investments, but potentially irrational as a security strategy.

Venture capital speculation can accelerate a security dilemma in which venture

capital-funded defence start-ups intensify reciprocal insecurity by creating hype around future capabilities before they are fully developed. Instead of focusing on real capabilities, the speculation-driven dilemma centers on perceptions of future capabilities that may or may not materialize. Because capabilities are imagined rather than observed, escalation is based on hype created by venture-capital-based defence companies seeking to attract government investment.

Conclusion

As the Pentagon's *Replicator* initiative and NATO's *EDT* initiative illustrate, states perceive the speed of technological advancement as a security risk, because they cannot predict future capabilities other states will possess. This reciprocal insecurity is exacerbated by venture-capital based defense companies which claim that their technology—which may not be tested or fully developed—will be revolutionary, effective, and scalable. As governments invest more in these companies, they face pressure to legitimize investments, which could lead to hasty development and deployment. Venture capital speculation in the defence sector accelerates a speculative security dilemma wherein venture capital-funded defence start-ups intensify reciprocal insecurity by creating hype around future capabilities before they have been fully developed. Together, these forces entrench a feedback loop between markets and militaries. High valuations further incentivize state investment: hype becomes a driver of national security. By treating market speculation as a proxy for adversary capability,

¹³ Jürgen Habermas, *Legitimation Crisis*, trans. Thomas McCarthy (Beacon Press, 1975).

¹⁴ Habermas, *Legitimation Crisis*.

states risk accelerating a cycle of escalation detached from material reality.

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**In the Digital Age, is Freedom an
Illusion?**

Anyue Zhang

Edited by Martin Rojas

Editorial Revisions by John Yaw Bollinger

Advocates of the digital era have promised that this development would set us free: from boredom, from work, from isolation, and from ignorance. Instead, in the age of big data, algorithmic curation, and Leviathan tech corporations, autonomy has become increasingly scarce. Freedom today must be understood less in the negative sense as the absence of physical restraints, but rather, positively as the ability to see—and resist—our own cognitive blind spots.

This idea is explored in the digital context by the twenty-first-century philosopher Byung-Chul Han. However, Jean Jacques Rousseau, the Enlightenment philosopher from the eighteenth century, is one of the first proponents of the same basic concept of unfreedom. While these two theorists belong to entirely different traditions of thought and respond to concerns that are centuries apart, both Han and Rousseau propose strikingly similar theories of freedom—or more appropriately here, *unfreedom*. Instead of coercion and compulsion acting on the material human body—whether through capitalist exploitation of labour or brute physical force—both Han and Rousseau home in on the primary cause and manner of unfreedom as rooted in the *psychological*.

In a world where threats to freedom seem more salient than ‘unfreedom’ itself, why might it be useful to reflect on the latter idea? The answer is simple: It is only by acknowledging the extent of our unfreedom that we can begin to grasp the freedom we do possess, and imagine how we might expand it.

Theories of Unfreedom

What is freedom? Simply put, there are both positive and negative interpretations of the concept. In the liberal tradition, freedom is understood in a *negative* sense;¹ in liberal societies, freedom is ‘freedom *from*’ the undue infringement of others in our own lives. Yet, this is not the only way to interpret the meaning of freedom. Rather than freedom *from*, people also have the freedom *to* do, think, and feel—positive freedom accounts for humans as autonomous agents. Rousseau and Han develop their theories in line with the latter understanding of freedom.

Han attributes our unfreedom to the overwhelming positivity of what *appears* to be freedom—an expansive phenomenon enabled by the entwinement of capital and technology.² In a world where we feel like we *can* do anything, it seems as though we *must* always be doing something. Rather than a “real feeling of freedom”³ stemming from our capacity to engage in fruitful and fulfilling relationships with others—ones that are devoid of an external purpose—Han argues that as capitalism has permeated the immaterial realm of information, a profuse amount of positive freedom resembles compulsion more than it does a lack of constraint.

What enables Han’s conception of this capitalist system of positive unfreedom, rather than a form of politics which acts on and against our physical bodies, is what Han terms ‘smart power’. This form of power operates

¹ Ian Carter, "Positive and Negative Liberty", *The Stanford Encyclopedia of Philosophy* (Spring 2022 Edition), ed. Edward N. Zalta.

² Byung-Chul Han. *Psychopolitics*. Verso, 2017.

³ Han, *Psychopolitics*, 3.

positively by ‘activating,’ ‘motivating,’ and ‘optimizing’ us, “constantly calling on us...to communicate our opinions, needs, wishes, and preferences—to tell all about our lives.”⁴ What is relevant in the information age is therefore not *biopolitics*—through which power is exercised positively on human life—but what Han calls *psychopolitics*, a form of power whose external origin is masked by its operation on our psyches.

In this sense, psychopolitics is intrinsically tied to the prevalence of data in driving our own personal lives, as well as society as a whole. According to Han, digital society “makes intensive use of freedom,” as “data is not surrendered under duress so much as offered out of an inner need.”⁵ This unbounded ‘freedom’ we have to share every aspect of our lives in the digital sphere—whether it is the positive compulsion to do so on social media, or through the data collected passively on our online presences—functions as total control and surveillance: a digital panopticon.⁶

Despite living before the advent of modern technology, Rousseau laid the foundation for psychopolitics with the idea that society corrupts our positive freedom by obstructing our deliberative capacity and rational autonomy, especially when it comes to deliberating our own self-worth. Reduced from true self-dignity—*amour de soi*—to mere appearances, *amour propre* means that one always exists outside themselves: one is “capable of living only in the opinions of

others... [deriving] the sentiment of [their] own existence solely from [others]’ judgement.”⁷ While society presents opportunities for collaboration and cooperation, we also find that interacting with others opens us to competition for esteem. Recognition becomes a rivalrous concept, and rather than being simply satisfied by others merely acknowledging our value, we seek to be considered as superior; comparison on the societal level is internalized in the individual. The end point of this psychological development—or devolution—is *amour propre*. *Amour propre* obscures our access to *amour de soi*, a corruption that, to a large extent, is beyond our individual control. This phenomenon, where our most basic freedom to think is subverted without our knowing, is exactly what we witness through the operation of smart power in the digital age.

Bearing this in mind, power is not merely a basic ability to achieve self-preservation (the object of *amour propre*), but operates psychologically. Rousseau attributes our ineffectiveness at reforming society to this fundamental error in recognizing the root of conflict:⁸ the misperception of our dependencies on the opinions of others to the extent that we consider society’s warped measures of value to be ones that we have imagined ourselves. Veiled by positivity, this unfreedom of thought is also described by Han’s account of psychopolitics: *amour propre* does not ‘forbid or deprive’, but rather ‘pleases and fulfills’.⁹ Society’s corrupting influence

⁴ Han, *Psychopolitics*, 14–15.

⁵ *Psychopolitics*, 9.

⁶ *Psychopolitics*, 9; drawing on Jeremy Bentham’s concept of a panopticon as a self-enforcing form of total surveillance.

⁷ Jean Jacques, Rousseau. *Second Discourse on Inequality*, in *The Discourses and Other Early Political Writings* (Cambridge University Press, 2019), ed. Victor Gourevitch, 192.

⁸ *Second Discourse on Inequality*, 193.

⁹ *Psychopolitics*, 14.

eliminates a true freedom of choice, instead “[making] way for a free selection from among the items on offer.”¹⁰ Rather than exercising an independent capacity, we become subject to the influence of the private interests of others.

Unfreedom: the Digital Age in Perspective

While the pairing might feel incongruous, Han and Rousseau’s ideas, taken together, can make sense of unfreedom in the modern context—especially given the growing entrenchment of artificial intelligence into our personal and public lives. Employing Han’s psychopolitics and Rousseau’s *amour propre*, we can understand the real threat to freedom not as the actual redirection of our interests by technology, but our *unawareness of just how far our interests are directed without our knowing*.

According to Han and Rousseau, unfreedom lies in the misperception of the range of our autonomy: not understanding the extent to which our choices are really our own. The language of the Internet seems to imply a degree of autonomy: one is a “user” of digital platforms, actions are governed by buttons that must be actively pressed, and you can always unplug when you feel like it. Being lulled into this false sense of security, however, leaves us vulnerable to a rapidly changing landscape where avoiding technology or not leaving a digital footprint is almost impossible: Even registering for a bank account or filing taxes requires an email and phone number; by simply stepping out of the house, one is subject

to physical surveillance that is in turn filtered through AI systems.¹¹

The prevalence of algorithms in daily life is precisely what Han describes when he conceptualizes smart power in psychopolitics. While there exists a responsivity between ourselves and algorithms, the increasing speed and complexity of these algorithms blinds us to the extent to which we truly curate the information with which we engage online. In essence, we can curate algorithms, but the algorithm presents us with new material based on our past feedback. Where your feed is tailored to your tastes, while always offering new content as trends cycle and new information emerges, it is increasingly difficult to apprehend when you are truly in an echo chamber. Indeed, by nature of engaging with digital media that is governed by algorithms, we all exist in echo chambers of our own making. However, this phenomenon is far from benign; The effects of these algorithmic feedback loops in the public arena have been well-documented, from their contribution to the rise of partisanship in the United States to the facilitation ethnic violence in Myanmar.¹²

While bringing up the issues algorithms can create seems hardly controversial, a more nebulous topic—and one to be explored through the lens of Han and Rousseau’s psychopolitics—is the smart power potential of AI. To most people, even the technologically

¹⁰Psychopolitics, 14-15.

¹¹ Nora T. Lamontagne, “La police de Montréal peut maintenant vous surveiller en temps réel avec l’IA,” *Le Journal de Montréal*, December 1, 2025.

¹² Megan A. Brown et al., “Echo chambers, rabbit holes, and ideological bias: How YouTube recommends content to real users,” *Brookings*, October 13, 2022. ; “Myanmar: Facebook’s systems promoted violence against Rohingya; Meta owes reparations,” *Amnesty International*, September 29, 2022.

apt, AI remains somewhat of an abstraction, albeit a vaguely threatening one. While we are widely aware of the economic and social shocks AI presents in a concrete sense,¹³ there remains a lack of consensus among experts on the nature of the potential future risks of AI in the realms of both material human existence and psychological stability.¹⁴

Despite AI models—specifically large language models (LLMs)—being creatures of human creation and trained on ‘tangible’ data, their inner machinations remain largely opaque to the general population. Prompts can override one another to bypass content filters, highlighting our inability to guide certain AI capabilities.¹⁵ Another example of potential AI misuse lies in the assumption that because it is based on data, AI models are ‘objective’ and solely aimed at ‘optimization’. Applied to empirical situations, a dependence on AI in our public systems can actually reinforce patterns of inequality and bias.¹⁶ Yet, data and surveillance-driven solutions continue to proliferate in the hopes that interpretations of objective ‘facts’ will continue to approximate reality, especially under close human supervision. However, the dangerous belief that such AI models—and the data they were trained on—merely reflect what we prompt them to do, or even reflect reality itself, exemplifies the subtlety of psychopolitics. A real risk of AI lies not in the prospect that it *will* mislead us, but in the possibility that we

are *currently* being misled while wrongly assuming that we maintain total control—plunging us into further psychological unfreedom.

What is to be Done?

Our unfreedom persists because it is experienced as freedom: “Man is free, yet everywhere he is in chains.”¹⁷ But can we ever shake these chains off, or must we learn to live with them? Here, Han and Rousseau diverge in their answers.

Han believes the answer to an all-permeating psychopolitics is idiocy: being an outsider to the digital world by ‘veiling oneself in silence’.¹⁸ Naturally, this is an idiosyncratic position to take, and inasmuch as it is, idiocy *is* isolating. Han is responding to a society that he sees as almost irreversibly atomized, therefore eliminating any consequential possibility for collective resistance against psychopolitics.

While it is true that the developments of the digital age have already functioned to isolate many of us, we must not forget the capacity for connection the digital sphere originally had, and continues to foster. Rousseau harnesses the idea that we all have a shared capacity for the recognition of a greater ideal, a general will that resists the *amour propre* that corrupt society has engendered. While positive freedom can be subverted by this *amour propre* or psychopolitical smart power, it can also be directed autonomously, in alignment with this general will, toward the creation of institutions that more properly

¹³ Jack Kelly, “These Jobs Will Fall First As AI Takes Over The Workplace,” *Forbes*, April 25, 2025.

¹⁴ Joshua Rothman, “Are We Taking A.I. Seriously Enough?” *New Yorker*, April 1, 2025.

¹⁵ Stephen Witt, “The A.I. Prompt That Could End the World,” *New York Times*, October 10, 2025.

¹⁶ “Smart Cities and National Security,” *Government of Canada*, July 14, 2025.

¹⁷ Jean Jacques Rousseau, *On the Social Contract* (Hackett, 2019), 3.

¹⁸ *Psychopolitics*, 84.

engender an unadulterated form of agency. According to Rousseau, despite the reality of subtle, everyday forms of domination, true freedom is not beyond reach.

Thus, in the age of total psychopolitics, where our impulses are shaped extrinsically, using technology as an instantaneous conduit, and unfreedom operates positively, we must more wholly embrace freedom itself in its positive form. Can we still exercise this freedom *to*—to associate, to self-legislate—in concert with one another, despite our profound and deepening unfreedom? If, at least, we can all recognize that we are *all* unfree, perhaps society is not so atomized as Han describes it to be. The urgent challenge remains whether we can collectively and continually apprehend our unfreedom despite an ever-changing digital landscape, resisting Han's retreat into idiocy without abandoning Rousseau's hope that we are always able to reshape the norms and consciousnesses that bind us.

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Examining Democratic Erosion
*Can the United States Learn From
Germany?*

Victoria Varsamis

Edited by Jane Malek

Editorial Revisions by Nuala O'Connell

Democratic collapse is not always sudden. While a coup d'état is a clear break, democracies can be subtly dismantled through processes that erode their foundational elements. Citizens often fail to recognize a state's descent into fascism—a political movement defined¹ by militarism and the suppression of individual rights—until they have lost the democratic power to counter it. This failure is compounded by the weakening of institutional checks and balances and a flood of disinformation that obscures the true nature of the threat. The core elements of fascism, such as intense nationalism and the popular mobilization of supporters against a designated² "other," are enabled³ by the systematic degradation of democratic institutions.

This process is illustrated⁴ by the fall of Germany's Weimar Republic, where the state's own democratic institutions were exploited to consolidate authoritarian power. The Nazi Party's strategic manipulation of legal processes—entrenching its ideology within the government and securing loyalties across the civil service—enabled a shift to fascism that overwhelmed existing checks and balances. Though this institutional collapse unfolded in the 1930s, the pattern of democratic erosion can still be observed today.

¹ Council on Foreign Relations. 2023. "What Is Fascism?" CFR Education from the Council on Foreign Relations. Council on Foreign Relations, April 14, 2023.

² "Scapegoating Politics: How Fascism Deploys Race, and How Antiracism Takes the Bait." 2023. Nonsite.org, October 20, 2023.

³ Hiro, Brian. 2020. "Ask the Expert: Fascism and the Fragility of Democracy." Ask the Expert: Fascism and the Fragility of Democracy, November 2, 2020.

⁴ Augustyn, Adam. 2024. "Weimar Republic - the End of the Weimar Republic." Encyclopedia Britannica, August 2, 2024.

The United States, despite being widely regarded⁵ as a democracy—one built on the foundational value of liberty⁶—has recently shown symptoms of democratic backsliding that invite comparisons to Hitler's Germany. These parallels—including potent⁷ nationalism, the 'othering'⁸ of minorities, propaganda,⁹ and deploying¹⁰ state agencies against the public—show that where democracy is fading, fascism is appearing.

Historical Precedent: Hitler's Consolidation of Power

The nationalist ideology of the Nazi regime was an exclusionary, ethno-state vision rooted in the belief¹¹ in a superior Aryan (white) race. Non-Aryans were framed as an obstacle to a true Germany that was racially pure and under authoritarian control. This classified groups of people who deviated from this vision as national threats, which justified their dehumanization, ethnicity-based

⁵ "Is the United States a Democracy or a Republic?" 2022. RepresentUs, December 1, 2022.

⁶ Archives, National. 2023. "The Constitution of the United States: A Transcription." National Archives. The U.S. National Archives and Records Administration, August 14, 2023.

⁷ Holocaust Encyclopedia. 2020. "Aryan." Holocaust Encyclopedia. United States Holocaust Memorial Museum, September 29, 2020.

⁸ Baynes, N.H. 1939. "Extract from the Speech by Adolf Hitler, January 30, 1939." Yad Vashem, January 30, 1939.

⁹ Luhby, Tami. 2025. "Fact Check: Trump Falsely Claims Democrats Want to Give Free Health Care to 'Illegal Aliens' in Government Shutdown Battle." CNN, September 30, 2025.

¹⁰ Doyle, Noria. 2025. "Why the Unchecked Power and Tactics of ICE under Trump Have Earned Comparisons to Secret Police | Milwaukee Independent." Milwaukee Independent, April 16, 2025.

¹¹ Holocaust Encyclopedia (n. 7)

deportation¹², and eventual extermination. It is important to note that the victims of systematic Nazi extermination policies extended¹³ beyond the Jewish people to include other groups deemed undesirable or enemies of the state. These included Roma and Sinti People, persons with disabilities, Slavic People, Black People, homosexuals, Jehovah's Witnesses, and political opponents.

Legal scholars within the Nazi regime studied American racial legislation, particularly segregation laws and anti-miscegenation statutes, to develop Nazi race law. American legal frameworks governing racial hierarchy served as an important reference point for Nazi jurists when designing the Nuremberg Laws of 1935.¹⁴ These laws institutionalized racial classification and stripped Jewish citizens of legal rights, demonstrating how existing legal procedures from other states could be adapted into a more radical system of racial governance.

Hitler's supporters were united through national rallies and speeches. The administration employed subversive¹⁵ propaganda to foster extensive, unified support for discriminatory policies. For example, they blamed Jewish people for governmental failings, such as inflation, and claimed¹⁶ that

Jewish immigrants had brought nothing except "infectious political and physical diseases." This type of blame can be traced back to French philosopher René Girard who named it "scapegoating." Dr. Girard theorized¹⁷ that for a community to avoid infighting and ensure its survival, it will unite by placing the blame of grievances on another person (the "scapegoat") who is often not truly at fault. Scapegoating has historically been used by politicians to deflect blame from problems such as an economic system itself and harness¹⁸ anger to support reactionary political causes.

Hitler's consolidation of power proceeded in a deliberate sequence as the nation enabled his executive overreach. Following the Reichstag fire, the government passed¹⁹ the Reichstag Fire Decree in 1933, which suspended civil rights and freed agencies like the Gestapo from constitutional limitations. This was quickly followed by the Enabling Act, which allowed Hitler to enact laws without the approval of parliament or the president. With these two instruments, the legislative and judicial branches were neutralized. Over the following years, the police system was systematically "Nazified"²⁰ which—combined with the loyalty of Supreme Court judges—created²¹ an executive force that could persecute and deport adversaries and minorities without legal justification.

¹² "Deportation of German Jews, September 1941." n.d. The Holocaust Explained.

¹³ Holocaust Memorial Day Trust. 2024. "Nazi Persecution of Other Groups: 1933-1945." Hmd.org.uk, 2024.

¹⁴ Whitman, James Q. *Hitler's American Model: The United States and the Making of Nazi Race Law*. Princeton: Princeton University Press, 2017.

¹⁵ Stauber, K. 2020. "Creating a Demigod: Nazi Art, Adolf Hitler, and the Cult of Personality." Arsof-History.org, 2020.

¹⁶ Baynes (n. 8)

¹⁷ "Girard, Rene" n.d. Internet Encyclopedia of Philosophy.

¹⁸ "The Snake Oil of Scapegoating." 1995. Political Research Associates, February 5, 1995.

¹⁹ United States Holocaust Memorial Museum. 2021. "The Gestapo: Overview." Ushmm.org. United States Holocaust Memorial Museum, March 10, 2021.

²⁰ "German Police in the Nazi State" 2020. Holocaust Encyclopedia, 2020.

²¹ "German Police in the Nazi State" 2020. Holocaust Encyclopedia, 2020. .

Contemporary Comparison: the United States, Circa 2025

Parallels to this framework can be observed in the political strategies of the current Republican Party. For instance, the Trump administration's rhetoric is characterized by white nationalist beliefs propagated²² through official social media posts that recall a great past and value white supremacy.

The mobilization of supporters based on disinformation posed a threat to constitutional order. This was exhibited²³ on January 6, 2021, as thousands of protestors incited by claims of a stolen federal election stormed the United States Capitol to disrupt the democratic and peaceful transfer of power, challenging the legitimacy of the electoral process. Disinformation in political governance persists as the Trump administration has inaccurately²⁴ blamed the current government shutdown, brought²⁵ on by partisan disagreements over government subsidized healthcare, on Democrats. This tactic demonstrates directing public frustration toward targeted groups.

Additionally, the Executive Branch empowered the United States Immigration and Customs Enforcement (ICE) to accelerate arrests and deportations, targeting a wider

range of individuals. Despite claims that ICE would only be used to detain and deport undocumented immigrants with criminal records, about 71.5 per cent of detainees²⁶ do not have any criminal convictions. Under the Executive's discretion, ICE has repeatedly undermined judicial rulings attempting²⁷ to limit their authority, resulting in the detainment²⁸ of U.S. citizens and the deportation²⁹ of individuals who, under U.S. immigration law and Constitutional protections such as the Fourteenth Amendment's citizenship clause³⁰ and due process guarantees under the Fifth Amendment,³¹ would ordinarily be protected from deportation.

This bears resemblance to Hitler's empowerment of the Gestapo, as Trump has expanded ICE's power and protection for when they cause harm. The Gestapo functioned as a political police force with broad discretionary jurisdiction and limited judicial oversight. Through the use of "protective custody,"³² the Gestapo could detain individuals without trial or appeal, effectively bypassing the court

²² Jones, Ja'han. 2025. "New Report Shows How Trump's DHS Is Mainstreaming White Supremacy." MS NOW, September 2, 2025.

²³ Duignan, Brian. 2024. "January 6 U.S. Capitol Attack." Britannica, November 22, 2024.

²⁴ Luhby (n. 9)

²⁵ Latchem, Tom. 2025. "Karoline Leavitt Turns White House Comment Line into a Petty Trolling Stunt." The Daily Beast, October 2, 2025.

²⁶ TRAC Immigration. 2025. "Immigration Detention Quick Facts." Tracreports.org, 2025.

²⁷ Sharman, Laura, and Carol Alvarado. 2025. "Judge Orders Restrictions on Federal Tactics against ICE Protesters after Chicago-Area Pastor Shot with Pepper Balls." CNN, October 10, 2025.

²⁸ Goodman, Rachel. 2025. "U.S. Citizen Sues Federal Government after Being Detained Twice by ICE." Global News, October 2, 2025.

²⁹ Doyle, Noria. 2025. "Why the Unchecked Power and Tactics of ICE under Trump Have Earned Comparisons to Secret Police | Milwaukee Independent." Milwaukee Independent, April 16, 2025.

³⁰ "U.S. Constitution - Fourteenth Amendment | Resources | Constitution Annotated | Congress.gov | Library of Congress." 1868. Congress.gov, July 9, 1868.

³¹ Congress.gov. 1791. "U.S. Constitution - Fifth Amendment | Resources | Constitution Annotated | Congress.gov | Library of Congress."

Constitution.congress.gov. December 15, 1791.

³² United States Holocaust Memorial (n. 19)

system. This was legally supported by a 1936 decree³³ that positioned the Gestapo above judicial review and ensured that agents could pursue arrests and political repression without meaningful legal challenge. Similarly, ICE operates with significant executive discretion in immigration enforcement, often conducting arrests and detentions with limited transparency and with protections that safeguard agents from immediate legal accountability.

Examples of this include the deaths of two U.S. citizens, René Good and Alex Pretti.³⁴ In the case of René Good, all ICE agents involved in the fatal shooting have evaded³⁵ legal consequences and received support from the Trump administration that claimed it was a justified killing. President Trump himself claimed she had been “very violent” and “very radical” and Vice President J.D. Vance described her “brainwashed and a victim of left-wing ideology,” despite video footage showing Ms. Good unarmed and attempting to comply with officers and drive away from them before the fatal shot was fired.³⁶ This discrepancy has led many observers to question the administration’s characterization of the incident.

Similarly, the ICE agents involved in the death of Alex Pretti were placed on leave

with no further consequences established.³⁷ The Trump administration initially and immediately declared Alex Pretti as the aggressor brandishing a firearm that was actively putting an agent’s life in danger. Contrary to the Presidential administration’s claims, video footage of the fatal interaction established that Mr. Pretti legally had a gun on his person, yet he did not take it out nor show signs of reaching for it. Additionally, the footage displays an agent visibly disarming Mr. Pretti prior to another agent firing his gun.³⁸ In both instances, the ICE agents responsible for the deaths of U.S. citizens received protection from legal prosecution as a result of executive overreach.³⁹

Executive overreach extends beyond the sheltering of ICE agents, as President Trump is increasingly testing and questioning the strength of the judicial branch, framing the judiciary as overstepping its congressional appointed authority.⁴⁰ This argument was made in the administration’s fight against the Constitutional right of birthright citizenship, claiming the nationwide injunctions placed by courts was an abuse of their (Constitutionally delegated) power.⁴¹ This expansion of executive power, which has created⁴² an enforcement agency increasingly protected from judicial review, parallels that of the role

³³ Evans, Richard J. *The Third Reich in Power*. New York: Penguin Press, 2005.

³⁴ CBC. 2026. “2 Federal Agents Involved in the Shooting of Alex Pretti in Minneapolis Have Been Placed on Leave.” CBC, January 28, 2026.

³⁵ Lartey, Jamiles. 2026. “Could Jonathan Ross Face MN Charges in Renee Good’s Death?” *The Marshall Project*, January 17, 2026.

³⁶ “The ICE Killing of Renee Nicole Good Is a Watershed Moment for Trump.” 2018. *Vera Institute of Justice*, July 7, 2018.

³⁷ CBC. 2026. “2 Federal Agents Involved in Shooting of Alex Pretti in Minneapolis Have Been Placed on Leave.” CBC, January 28, 2026.

³⁸ CBC. “2 Federal Agents Involved in the Shooting of Alex Pretti”

³⁹ Torfida, Chris. 2026. “What Is ICE and How Has It Changed during Trump’s 2nd Term?” CBC, January 8, 2026.

⁴⁰ “Trump versus the Judiciary.” 2025. *Ibanet.org*, 2025.

⁴¹ “Trump versus the Judiciary.” 2025. *Ibanet.org*, 2025.

⁴² Faulders, Katherine. 2025. “Trump Administration Ignores Judge’s Order to Turn Deportation Planes Around: Sources.” *ABC News*, March 16, 2025.

of the Gestapo in deteriorating checks and balances.

The Future of America Under Trump

The comparative analysis suggests that the erosion of democratic norms can and has paved the way for fascist rule. The United States' long-standing democratic institutions are being tested by a playbook of propaganda, personalist politics, and scapegoating that has proven effective in other contexts. The primary implication is that the resilience of American democracy depends on its entrenched⁴³ checks and balances—namely, an independent judiciary, a free press, and bipartisan legislative oversight.

Moreover, a crucial role is played by an informed society dependent on a free press that can counter disinformation. Political tactics that exploit this vulnerability often redirect American grievances by shifting blame onto political opponents and immigrants instead of addressing root causes. As long as these grievances persist, this strategy can maintain a base of public support in the hope of improving their standard of living. The future stability of the American political system may hinge on the public's ability to recognize and counteract these patterns of internal erosion.

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⁴³ USA.gov. 2024. "Branches of the U.S. Government." USA.gov. USA.gov, September 20, 2024.

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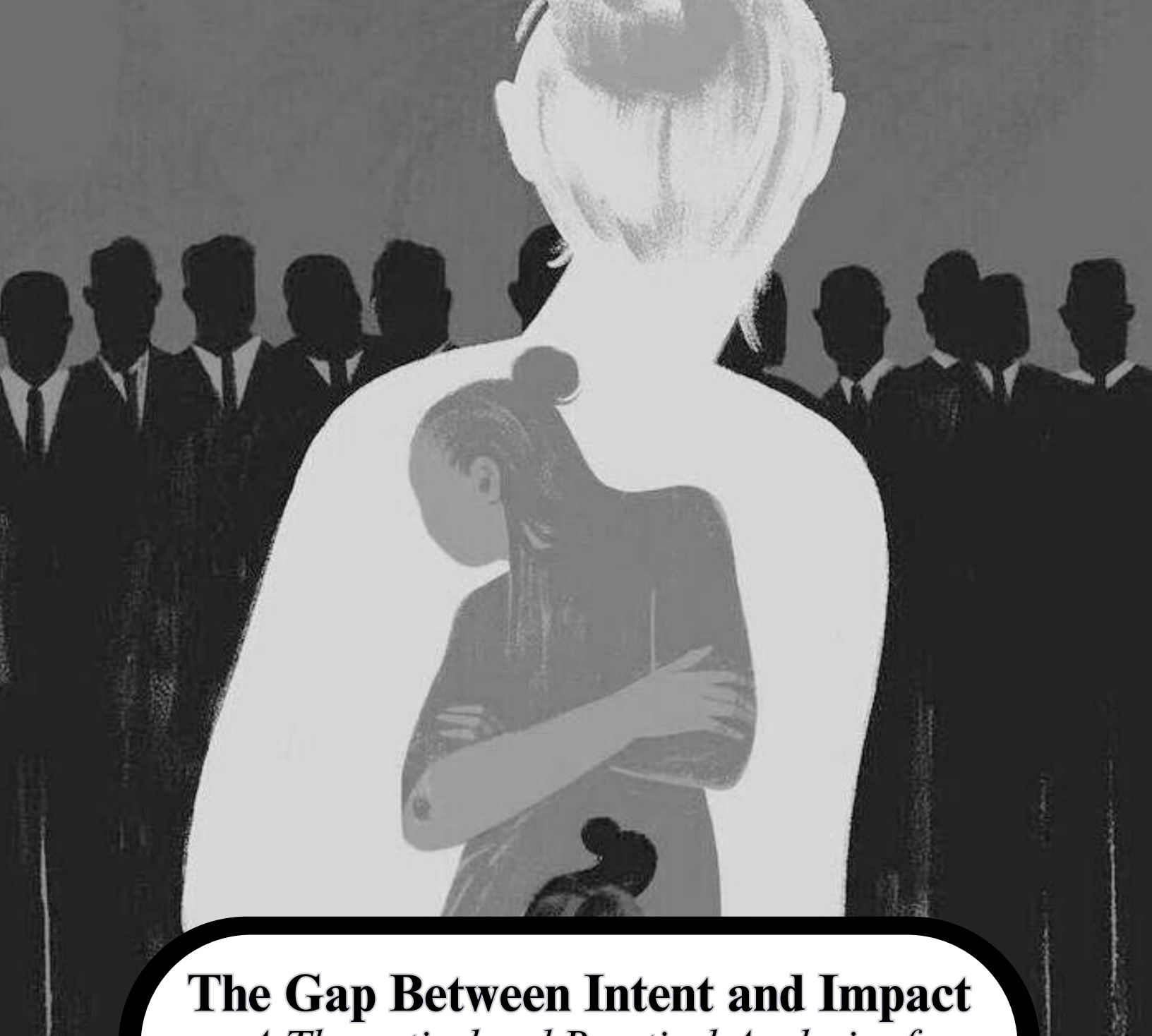
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The Gap Between Intent and Impact
*A Theoretical and Practical Analysis of
Texas's Senate Bill 8 and Canada's Bill C-36*

Ramatou Moussa Yaya & Nicole Pinto

Edited by Catriona Hayes Morris

In the examination of Texas' *Texas Heartbeat Act (THA)*, commonly known as Senate Bill 8 or SB8, and Canada's *The Protection of Communities and Exploited Persons Act (PCEPA)*, a primary question emerges: How does the paternalistic role of the government, as manifested in anti-abortion and anti-prostitution laws, impact the health, safety, and well-being of women and children? In response, this paper argues that in both Texas and Canada, such paternalistic policies, claiming to protect women and children, often perpetuate systemic inequities, curtail individual autonomy, and impose unintended individual-level and communal-level harms on the very populations they claim to safeguard. To explore this tension, the paper will critically examine the disconnect between the theoretical objectives and practical outcomes of these legislative frameworks within two distinct socio-political contexts.

I. Theoretical Origins

In both cases, the historical trajectory of law enforcement is anchored in mechanisms of control and surveillance targeting marginalized populations—embodied in the legacy of southern slave patrols in Texas and the colonial policing frameworks of Canada. These origins continue to shape contemporary enforcement practices, particularly in the regulation of reproductive rights and sex work, thereby entrenching systemic inequalities and sustaining entrenched social hierarchies.

In colonial America, formal law enforcement was largely unnecessary, as communities relied on collective efforts to

maintain social order. When an individual committed a crime or moral transgression, the community responded with mechanisms such as public shaming or ostracism, approaches that were effective given the small, tightly knit nature of most towns during that period.¹ As the United States' population gradually expanded, three distinct policing traditions emerged: Northeastern, Western, and Southern models.² In Texas, and other southern states, demographic and social conditions were characterized by a sparsely populated, agrarian society that was relatively homogenous and experienced lower crime rates compared to the more densely populated northern cities. Their only perceived threat was the prospect of slave uprisings, which led to the establishment of slave patrols—uniformed and armed groups tasked with suppressing rebellions and capturing escaped enslaved individuals.³ By the mid-18th century, all southern states had enacted legislation formalizing these patrols, which would later evolve into modern police forces.⁴

In Texas, the Department of Public Safety (DPS) emerges from the policing traditions shaped by these aforementioned slave patrols. Today, the DPS assumes a paternalistic role, tasked with protecting the public.⁵ In doing so, it frames its authority as a form of protective oversight exercised in the

¹ Radley Balko, *Rise of the Warrior Cop: The Militarization of America's Police Forces* (New York: PublicAffairs, 2013), 2.

² Balko, *Rise of the Warrior Cop: The Militarization of America's Police Forces*, 32.

³ Balko, *Rise of the Warrior Cop: The Militarization of America's Police Forces*, 32.

⁴ Balko, *Rise of the Warrior Cop: The Militarization of America's Police Forces*, 33.

⁵ Texas Department of Public Safety, "DPS Responsibilities," Texas Department of Public Safety, 2024.

name of safety and moral responsibility. Although the DPS is not directly responsible for enforcing abortion restrictions, relegating this duty to municipal-level Patrol Divisions, their legacy and behaviour have influenced local law enforcement practices, particularly regarding the surveillance of marginalized communities.⁶ This surveillance is subsequently amplified under the *THA*, which delegates enforcement to private citizens. The *THA* permits any individual with a connection to an unborn child to sue those who assist in or perform abortions, creating a minimum \$10,000 financial incentive per case reported.⁷ Thus, this policy disproportionately impacts economically disadvantaged communities, incentivizing individuals to report healthcare providers or even loved ones in pursuit of financial gain.⁸

The legacy of slave patrols and the racialized origins of Texan law enforcement underscore the persistence of stigma, systemic surveillance, and the targeted policing of marginalized communities of colour, providing critical context for understanding the broader societal consequences of the *THA*.⁹ First introduced in March 2021 to the Republican-controlled Texas House of Representatives, the *THA* was passed by the House and Senate on May 6 and May 13,

2021, respectively.¹⁰ The bill criminalizes abortions after the detection of fetal cardiac activity—approximately six weeks into a pregnancy—sanctioning individuals assisting with or performing abortions with severe fines and prison sentences.¹¹ At the time of enactment, the Texas legislature’s demographic composition revealed troubling disparities in representation. Despite people of colour comprising over 50% of Texas’s population, their voices, as it pertains to their racial identity, were underrepresented; of the 31 Texas Senators, only eight were Black or Hispanic, all of whom were Democrats.¹² Similarly, women held just 37 seats across the House and Senate.¹³ This lack of diversity in legislative decision-making raises significant concerns, as it excludes critical perspectives and lived experiences, disproportionately harming communities of colour and women. By allowing a non-representative body to legislate for a diverse population, the state perpetuates systemic inequalities and exacerbates the marginalization of already vulnerable groups.

In colonial-era Canada, the origins of law enforcement were rooted in both English and French traditions. In terms of the former, Upper Canada (which later became part of Ontario) adopted the English system of policing, characterized by a constabulary and

⁶ Kathleen Ramirez, “Senate Bill 8: An Intersectional Analysis of Reproductive Justice Consequences of the Texas Abortion Ban” (undergraduate thesis, California State Polytechnic University, April 25, 2022), 15; Balko, *Rise of the Warrior Cop: The Militarization of America’s Police Forces*, 33.

⁷ Texas Heartbeat Act, S.B. 8, 87th Leg., Reg. Sess. (Texas 2021).

⁸ Kelly Zielinski, “The Implication of Texas Abortion Law SB8 on At-Risk Populations in Texas and Other States,” *DePaul Journal of Health Care Law* 23, no. 2 (2022): 52-74.

⁹ Ramirez, “Senate Bill 8: An Intersectional Analysis of Reproductive Justice Consequences of the Texas Abortion Ban,” 15.

¹⁰ Texas Heartbeat Act, S.B. 8, 87th Leg., Reg. Sess. (Texas 2021).

¹¹ Texas Heartbeat Act, S.B. 8, 87th Leg., Reg. Sess. (Texas 2021); Zielinski, “The Implication of Texas Abortion Law SB8 on At-Risk Populations in Texas and Other States,” 62.

¹² Ballotpedia, “Texas State Legislature,” accessed 21 September 2024, ballotpedia.org/Texas_State_Legislature.

¹³ Ramirez, “Senate Bill 8: An Intersectional Analysis of Reproductive Justice Consequences of the Texas Abortion Ban,” 14.

a watch-and-ward framework.¹⁴ In terms of the latter, Lower Canada (now part of the modern province of Quebec) implemented the French policing model, establishing a watchman system.¹⁵ Regionally, the structure of policing was influenced by England's *Metropolitan Police Act of 1829*, which inspired the formation of police forces in Toronto (1835), Quebec City (1838), Montreal (1840), and the remaining eastern provinces by Confederation in 1867.¹⁶ Nationally, policing drew from the Irish Royal Constabulary model, culminating in the creation of the North-West Mounted Police (NWMP) on May 23, 1873, under the leadership of Canada's first Prime Minister, Sir John A. Macdonald.¹⁷ Accordingly, the NWMP was established with three principal objectives: (1) to protect Métis and First Nations communities from American whisky traders, (2) to assert Canadian sovereignty in the frontier territories, and (3) to maintain law and order in the western regions.¹⁸ In August, the NWMP's inaugural contingent of 150 recruits assembled at Lower Fort Garry, near Winnipeg, Manitoba.¹⁹ Under the leadership of the first commissioner, George A. French, the recruits were trained in cavalry-style tactics, including the use of revolvers, carbine rifles, and light field artillery.²⁰ By July 8, 1874, the force, now expanded to 300 recruits, embarked on the historic March West, establishing a network of posts (referred to as

divisions).²¹ These divisions, supplemented by smaller detachments, served as local administrative hubs, and created employment opportunities for Métis and First Nations guides, scouts, and interpreters.²²

In accordance with its policing functions, law enforcement has played an instrumental role in the implementation of sex work legislation in Canada. Today, governments of all levels play a role in regulating prostitution. The provinces of Alberta, Manitoba, Ontario, Nova Scotia, and New Brunswick, as well as the territory of Yukon, have all enacted acts pursuant to safe neighbourhoods and communities, empowering their respective governments to close buildings related to prostitution.²³ Second, provinces have added provisions to their highway and traffic legislation allowing them to seize vehicles involved with prostitution.²⁴ Lastly, under Saskatchewan's *Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act*, Manitoba's *Child Sexual Exploitation and Human Trafficking Act*, and Ontario's *Child, Youth and Family Services Act*, authorities are permitted to remove children at risk of exploitation or participation in sex work and place them in protective custody.²⁵ These provisions address cases involving children compelled or likely to be compelled into sex work, those vulnerable to associated harms, and those experiencing trauma resulting from such activities, particularly in situations where

¹⁴ Edward Butts, "North-West Mounted Police," *The Canadian Encyclopedia*, 2023, accessed November 3, 2024,

¹⁵ Butts, "North-West Mounted Police."

¹⁶ Butts, "North-West Mounted Police."

¹⁷ Butts, "North-West Mounted Police."

¹⁸ Butts, "North-West Mounted Police."

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²⁰ Butts, "North-West Mounted Police."

²¹ Butts, "North-West Mounted Police."

²² Butts, "North-West Mounted Police."

²³ Robert Mason, Laura Barnett, and Julia Nicol, *Prostitution in Canada: International Framework, Federal Law, and Provincial and Municipal Jurisdiction* (Ottawa: Library of Parliament, 2022), 11.

²⁴ Mason, Barnett, and Nicol, *Prostitution in Canada*, 10.

²⁵ Mason, Barnett, and Nicol, *Prostitution in Canada*, 12-13.

parental protection has proven insufficient.²⁶

At the municipal level, regulatory measures comprise three principal strategies. First, municipalities can impose stringent restrictions on public engagement in sex work, issuing penalties for infractions such as loitering, jaywalking, and obstructing pedestrian traffic in areas frequented by sex workers.²⁷ Second, municipalities require businesses associated with adult entertainment—including escort services, exotic dance establishments, and massage parlours—to obtain licenses.²⁸ These licenses are subject to extensive legal requirements, including regulations concerning location, hours of operation, advertising practices, staff accreditation, minimum age compliance, and mandatory police screening for escorts.²⁹ Lastly, municipalities adopt “access without fear” policies to ensure that all residents, regardless of immigration status, can access essential services such as emergency shelters, homeless outreach programs, and fire and rescue support.³⁰ In both cases, the legislative frameworks target individuals indirectly associated with the prohibited act, rather than focusing enforcement on those directly involved or participating in it.

Texas

The *THA* criminalizes the ‘supply-side’ of the transaction, primarily prosecuting healthcare providers and those assisting abortions rather than the pregnant

individuals themselves.³¹ The statute's reliance on citizen enforcement amplifies its reach, enabling private parties with any connection to the unborn child to file lawsuits against providers, incentivized by a minimum \$10,000 reward for successful litigation. This financial incentive fosters a culture of surveillance, particularly within economically marginalized communities, where the promise of monetary gain may exacerbate existing vulnerabilities and distrust.³² Consequently, the *THA* has significant disparities in its impact, disproportionately targeting Black, Hispanic, and disabled women, as well as healthcare providers, all of whom experience compounded medical, financial, and social challenges as a result.³³ Black and Hispanic women are particularly affected due to higher rates of abortion access relative to their White counterparts, a disparity driven by systemic financial inequities that limit access to contraceptives. With 21% of Black individuals and 23% of Hispanic individuals living below the poverty line in Texas, these communities face increased rates of unintended pregnancies and diminished reproductive autonomy. Similarly, disabled women are disproportionately impacted, as they are at heightened risk for sexual violence, including

³¹ Caterina Muratori, “The Impact of Abortion Access on Violence Against Women,” (undergraduate thesis, University of Reading, March, 2021), 4.

³² James E. Pfander, “Judicial Review of Unconventional Enforcement Regimes,” *Texas Law Review* 102, no. 23-18 (2023): 772.; Alexi Pfeffer-Gillett, “Civil Disobedience in the Face of Texas’s Abortion Ban,” *Minnesota Law Review Headnotes* 106, no. 203 (2021): 204.

³³ Azrin Rahman and Stanback Fellow, “The Economic Costs of Abortion Restrictions,” *Population Institution* (2022): 3. ; Zielinski, “The Implication of Texas Abortion Law SB8 on At-Risk Populations in Texas and Other States,” 59; Ellen M. Mannion, “Undue Burdens: How the Texas Abortion Ban (SB 8) Disproportionately Affects Low-Income Women,” *The Washington University Journal of Law & Policy* 72, no. 1 (2023): 259-282.

²⁶ Mason, Barnett, and Nicol, *Prostitution in Canada*, 12-14.

²⁷ Mason, Barnett, and Nicol, *Prostitution in Canada*, 16.

²⁸ Mason, Barnett, and Nicol, *Prostitution in Canada*, 17-18.

²⁹ Mason, Barnett, and Nicol, *Prostitution in Canada*, 17-19.

³⁰ Mason, Barnett, and Nicol, *Prostitution in Canada*, 21.

assault and incest, which frequently lead to pregnancies whose termination is not exempted under SB8. This issue is further aggravated by Texas legislation that prohibits guardians from consenting to abortion or sterilization on behalf of disabled individuals, thereby raising additional barriers to care.³⁴

Canada

In contrast to the *THA*, the *PCEPA* criminalizes the ‘demand side’ of the transaction, largely targeting clients of sex workers, rather than sex workers themselves. Thus, it adopts an abolitionist approach to sex work, criminalizing the purchase of sexual services with the ultimate aim of eradicating the sex industry. This legislation, inspired by the 1998 Swedish *Law that Prohibits the Purchase of Sexual Services*, aligns with the Nordic model, which posits that sex work is inherently exploitative and analogous to sexual slavery and rape, thereby degrading to women.³⁵ The model advocates for an equilibrium between the suppression of the commodification of sexuality and the imperative to safeguard individuals perceived as exploited within the sex industry. The *PCEPA* primarily amends in section 286 of the *Criminal Code of Canada*, “The Commodification of Sexual Activity,” under Part VIII, “Offences Against the Person and

Reputation.”³⁶ The legislation comprises the following provisions: 286.1, which prohibits the procurement of sexual services for consideration; 286.2(1) which criminalizes the receipt of a material benefit derived from the provision of sexual services; 286.3(1), which prohibits the procurement of an individual to provide sexual services; and 286.4, which prohibits the advertisement of sexual services by third parties.³⁷ Furthermore, it is important to note that a study reveals that Indigenous women constitute 70% of those engaged in street-level prostitution, despite representing only 2% of the overall population, underscoring the significant racialized disparities embedded within the sex work spectrum.³⁸

II. Practical Realities

In both cases, there exists a critical dissonance between the legislative aspirations and the lived experiences of those affected by such laws. While in principle, they are ostensibly designed to safeguard vulnerable populations, namely women and children, in reality, they engender unintended consequences that jeopardize the livelihoods, health, and security of the very individuals they purport to protect.³⁹

³⁴ Mollie R. Gordon, John Coverdale, Frank A. Chervenak, and Laurence B. McCullough, “Undue Burdens Created by the Texas Abortion Law for Vulnerable Pregnant Women,” *American Journal of Obstetrics and Gynecology* 226, no. 4 (2022): 531–532.

³⁵ Phoebe J. Galbally, “Playing the Victim: A Critical Analysis of Canada’s Bill C-36 from an International Human Rights Perspective,” *Melbourne Journal of International Law* 17, no. 1 (2016): 142.

³⁶ *Criminal Code*, RSC 1985, c C-46, s. 286.1.

³⁷ Government of Canada, “Fact Sheet – Prostitution Criminal Law Reform.”

³⁸ Erika Mika Kuminoto, “A Critical Analysis of Canada’s Sex Work Legislation: Exploring Gendered and Racialized Consequences,” *Stream* 10, no. 2 (2018): 31.

³⁹ Zielinski, “The Implication of Texas Abortion Law SB8 on At-Risk Populations in Texas and Other States,” 59; Mollie R. Gordon, Coverdale, Chervenak, and McCullough, “Undue Burdens Created by the Texas Abortion Law for Vulnerable Pregnant Women,” 531-532.

Texas

On an individual level, the *THA* has profoundly affected the very individuals it claims to protect: Texan women and children. The immediate ramifications of the *THA* are starkly observed in hospitals across the state, where healthcare providers are compelled to withhold care until patients approach life-threatening conditions, fearing the punitive measures outlined in the legislation. This delay in intervention has directly contributed to increased rates of maternal and infant mortality.⁴⁰

With regard to infant mortality, congenital malformations—the leading cause of such deaths in the United States—are typically identified during pregnancy, often prompting termination when fetal viability is unachievable. However, the *THA* prohibits exceptions for fetal anomalies, resulting in a significant rise in high-risk pregnancies carried to term.⁴¹ These pregnancies frequently culminate in stillbirths or neonatal deaths, contributing to a 12.9% increase in infant mortality in Texas from 2021 to 2022 compared to the 2018–2021 period.⁴² Specifically, congenital malformations accounted for a 22.9% rise in infant deaths in Texas following the implementation of the *THA*, in stark contrast to a 3.1% national

decrease over the same timeframe.⁴³

Additionally, mothers experience deteriorated health outcomes and heightened risks of mortality. While SB8 ostensibly permits abortion when a mother's life is at risk, maternal mortality rates have continued to escalate.⁴⁴ This escalation is partly attributable to maternal-fetal medicine (MFM) specialists' legal obligation to delay treatment until patients exhibit life-threatening conditions, such as sepsis, before administering essential and potentially life-saving care.⁴⁵ These delays persist even for patients with pre-existing health conditions such as cardiac disease, cancer, or kidney failure.⁴⁶ Consequently, providers have no viable alternative but to wait until patients develop severe complications that meet the legal definition of a medical emergency before intervening. Even then, interventions are often postponed further, as providers attempt to induce birth rather than perform abortions, fearing legal repercussions under the *THA*'s restrictive and punitive framework.⁴⁷ Even when it is conclusively determined that a mother's life is at risk, the termination of pregnancy is often deferred until it becomes the sole remaining option, as healthcare providers frequently attempt to induce labour—even when the patient is septic—to avoid the legal repercussions associated with an abortion that may be

⁴⁰ Eleanor Klibanoff, "Texans who perform abortions now face up to life in prison and a 100,000\$ fine," *Texas Tribune*, 25 August 2022,; Whitney Arey et al., "Abortion Access and Medically Complex Pregnancies before and after Texas Senate Bill 8," *Obstetrics and Gynecology* 141, no. 5 (2023): 1001; Alison Gemmill, Claire E Margerison, Elizabeth A Stuart, and Suzanne O Bell, "Infant Deaths after Texas' 2021 Ban on Abortion in Early Pregnancy," *JAMA Pediatrics* 178, no. 8 (2024): 787.

⁴¹ Gemmill, Margerison, Stuart, and Bell, "Infant Deaths after Texas' 2021 Ban on Abortion in Early Pregnancy," 787.

⁴² Gemmill, Margerison, Stuart, and Bell, "Infant Deaths after Texas' 2021 Ban on Abortion in Early Pregnancy," 787.

⁴³ Gemmill, Margerison, Stuart, and Bell, "Infant Deaths after Texas' 2021 Ban on Abortion in Early Pregnancy," 787.

⁴⁴ Whitney Arey, Klaira Lerma, Emma Carpenter, Ghazaleh Moayedi, Lorie Harper, Anitra Beasley, Tony Ogburn, and Kari White, "Abortion Access and Medically Complex Pregnancies before and after Texas Senate Bill 8," 1001.

⁴⁵ Arey et al., "Abortion Access and Medically Complex Pregnancies before and after Texas Senate Bill 8," 1001.

⁴⁶ Arey et al., "Abortion Access and Medically Complex Pregnancies before and after Texas Senate Bill 8," 1001.

⁴⁷ Arey et al., "Abortion Access and Medically Complex Pregnancies before and after Texas Senate Bill 8," 1002.

interpreted as “unnecessary” or not strictly life-saving under the provisions of the *THA*.

Furthermore, the *THA*'s restrictions disproportionately force marginalized women to either carry pregnancies to term or resort to unsafe methods to terminate them. Economically disadvantaged women and pregnant minors, lacking the resources to seek care out of state, are particularly vulnerable to unsafe, unsupervised procedures, often resulting in severe complications such as internal bleeding.⁴⁸ In tandem, the *THA* is associated with heightened risks of intimate partner violence (IPV), as women's diminished agency and economic stability—exacerbated by forced childbearing—increase their vulnerability within abusive relationships.⁴⁹ The Turnaway Study demonstrates that women denied abortions are 78% more likely to experience deteriorating financial circumstances, including delinquent debt, thereby undermining their capacity to escape abusive partners and perpetuating cycles of poverty and violence.⁵⁰ In Texas, violent deaths accounted for 13% of all pregnancy-related fatalities, many stemming from IPV.⁵¹ The disproportionate impact on Black women is especially alarming: they are three times more likely than their White and Hispanic counterparts to die from IPV during pregnancy, further contributing to the state's

grim maternal mortality statistics.⁵²

Canada

On an individual level, the *PCEPA* undermines the autonomy, health, and safety of sex workers. Primarily, the legislation compels sex workers to operate in remote and concealed locations (e.g., dark alleys and industrial settings) to evade criminal charges, thereby restricting access to secure, supervised work environments, limiting their capacity to thoroughly vet clients and negotiate transaction terms, and significantly increasing their susceptibility to various forms of physical and sexual violence.⁵³ Accordingly, this impedes sex workers' ability to prioritize long-term sexual health, heightening their exposure to client-imposed condom refusal and subsequently increasing their risk of contracting sexually transmitted infections (STIs), such as the human immunodeficiency virus (HIV).⁵⁴ By extension, this exacerbates adversarial relationships rooted in fear and mistrust between sex workers and law enforcement, undermining their access to police protection in cases of exploitation, abuse, or assault, and discouraging their prospects of disclosing experiences or pursuing legal recourse.⁵⁵

⁴⁸ Gordon, Coverdale, Chervenak, and McCullough, “Undue Burdens Created by the Texas Abortion Law for Vulnerable Pregnant Women,” 530.

⁴⁹ Muratori, “The Impact of Abortion Access on Violence Against Women,” 8.

⁵⁰ Rahman and Fellow, “The Economic Costs of Abortion Restrictions,” 3; Muratori, “The Impact of Abortion Access on Violence Against Women,” 8.

⁵¹ Gordon, Coverdale, Chervenak, and McCullough, “Undue Burdens Created by the Texas Abortion Law for Vulnerable Pregnant Women,” 531.

⁵² Gordon, Coverdale, Chervenak, and McCullough, “Undue Burdens Created by the Texas Abortion Law for Vulnerable Pregnant Women,” 531.

⁵³ Elena Argento, Brittany Bingham, Putu Duff, Shire Goldenberg, Andrea Krüsi, Sylvia Machat, Bronwyn McBride, Minshu Mo, Sarah Moreheart, Alko Murphy, Kate Shannon, Jean Shoveller, Steffanie Strathdee, and Sherry Wu, *Harms of End-Demand Criminalization: The Impact of Canada's PCEPA Laws on Sex Workers' Safety, Health, and Human Rights* (Centre for Gender and Sexual Health Equity, University of British Columbia, 2019), 9.

⁵⁴ Argento et al, *Harms of End-Demand Criminalization*, 10-11.

⁵⁵ Argento et al, *Harms of End-Demand Criminalization*, 10.

Under the *PCEPA*, 72% of workers reported no improvement in their working conditions, while 26% identified a deterioration in those conditions.⁵⁶ Regarding access to justice, only 38% of sex workers reported violent experiences to the police, with 87% of immigrant workers and 58% of Canadian-born workers refraining from such disclosures.⁵⁷

In both cases, legislative measures targeting abortion and sex work, respectively, perpetuate systemic stigmatization, reinforcing harmful societal narratives that marginalize already vulnerable groups.

Texas

On a communal level, the *THA* amplifies the stigmatization of women seeking abortion services by portraying them as “dirty” or unhealthy and categorizing them as “inferior to ideals of womanhood,” a dynamic that exacerbates adverse health outcomes.⁵⁸ This stigma operates along racial lines, with White, middle-class women—historically associated with fertility and subjected to policies aimed at preserving their reproductive capabilities—contrasted against poor, Black, and Hispanic women, who have historically been targeted by policies seeking to restrict their reproduction. Consequently, pregnancies among women from the latter group are often subjected to heightened surveillance, resulting in increased rates of punishment and

prosecution.⁵⁹ On a broad scale, anti-abortion advocates frequently centre their efforts on the personification of the fetus, the promotion of restrictive legislation, and the perpetuation of cultural narratives framing abortion as both unhealthy and antithetical to traditional ideals of femininity. Such tactics create significant barriers to care, as individuals seeking abortions may be discouraged or, in the context of Texas, isolated from access to medical providers, ultimately resulting in limited care options and an increased reliance on unsafe abortion methods.⁶⁰

Canada

On a communal level, the *PCEPA* constructs a dualistic narrative surrounding sex workers, portraying them simultaneously as ‘risky’ to their communities and ‘at risk’ of exploitation.⁶¹ On the one hand, they are framed as active victimizers: unclean, immoral, and diseased, posing a threat to societal norms of morality, health, and safety.⁶² On the other hand, they are positioned as passive victims: vulnerable to abuse by clients,

⁵⁹ Bommaraju, Kavanaugh, Hou, and Bessett, “Situating Stigma in Stratified Reproduction: Abortion Stigma and Miscarriage Stigma as Barriers to Reproductive Healthcare,” 63.

⁶⁰ Bommaraju, Kavanaugh, Hou, and Bessett, “Situating Stigma in Stratified Reproduction: Abortion Stigma and Miscarriage Stigma as Barriers to Reproductive Healthcare,” 63; Joe Strong, Ernestina Coast, and Rishita Nandagiri, “Abortion, Stigma, and Intersectionality,” in *Handbook of Social Sciences and Global Public Health*, ed. Pranee Liamputtong (Springer International Publishing, 2023), 14-15.

⁶¹ Andrea Krüsi, Thomas Kerr, Christina Taylor, Tim Rhodes, and Kate Shannon, “‘They Won’t Change It Back in Their Heads That We’re Trash’: The Intersection of Sex Work-Related Stigma and Evolving Policing Strategies,” *Sociology of Health & Illness* 38, no. 7 (2016): 1139.

⁶² Chris Bruckert and Stacey Hannem, “Rethinking the Prostitution Debates: Transcending Structural Stigma in Systemic Responses to Sex Work,” *Canadian Journal of Law and Society* 28, no. 1 (2013): 48.

⁵⁶ Argento et al, *Harms of End-Demand Criminalization*, 6.

⁵⁷ Argento et al, *Harms of End-Demand Criminalization*, 6.

⁵⁸ Aalap Bommaraju, Megan L. Kavanaugh, Melody Y. Hou, and Danielle Bessett, “Situating Stigma in Stratified Reproduction: Abortion Stigma and Miscarriage Stigma as Barriers to Reproductive Healthcare,” *Sexual & Reproductive Healthcare: Official Journal of the Swedish Association of Midwives* 10 (2016): 63.

pimps, and traffickers, thereby necessitating their rescue. Subsequently, these dichotomous perceptions are deeply embedded within societal structures, perpetuating a broader culture of stigma that delineates sex workers as “others” in contrast to the normative citizenry. In this framework, the latter are designated as “in”—law-abiding members of society—while the former are classified as “out”—lawless and marginalized outcasts.⁶³ Thus, this stigmatization effectively denies sex workers the status of full citizenship, precludes their participation in civic life, facilitates their exclusion from communal spaces, and exposes them to exploitative labour conditions.⁶⁴

In conclusion, this analysis of Texas' *THA* and Canada's *PCEPA* underscores the critical gap between purported legislative intent and actual impact, highlighting how ostensibly protective policies often entrench systemic inequities and marginalize vulnerable populations. Namely, both laws operate within paternalistic frameworks that perpetuate social stigma, curtail autonomy, and exacerbate harm under the guise of safeguarding women and children. The *THA*'s reliance on restrictive reproductive policies disproportionately burdens poor women, women of colour, and those with disabilities, thereby amplifying socioeconomic and racial disparities. On the other hand, the *PCEPA*'s abolitionist framework constructs a reductive narrative of sex work, framing workers as victims devoid of agency and pushing the industry further underground, where risks of violence,

exploitation, and health insecurity are magnified. Ultimately, these findings underscore the inherent risks of legislative frameworks rooted in moralistic ideologies rather than empirical evidence and intersectional equity. By failing to account for the lived experiences of those affected, such policies reinforce structural inequities and deepen the marginalization of already precarious groups. To mitigate these harms, there is a pressing need for a shift in policy-making—one that prioritizes harm reduction, respects individual autonomy, and adopts an intersectional lens to address the complex socio-economic and cultural determinants of vulnerability.

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⁶³ Angela Campbell, “Sex Work's Governance: Stuff and Nuisance,” *Feminist Legal Studies* 23, no. 1 (2015): 33.

⁶⁴ Krüsi et al., “They Won't Change It Back in Their Heads That We're Trash”: The Intersection of Sex Work-Related Stigma and Evolving Policing Strategies,” 1147.

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Aristotle & Citizenship
*The Question of Status In Modern
“Democracies”*

John Yaw Bollinger

Edited by Sofia V. Forlini
Editorial Revisions by Anyue Zhang

According to the Pew Research Center, more than half of sufficiently large countries (>500,000 people) around the world today are democracies¹, and another 46 exhibit some elements of democratic representation. An inherently humanistic political ideal, modern democratic theory places the respect of human rights and fundamental freedoms in high order and is understood by the United Nations² to be: “a set of values and principles that should be followed for greater participation, equality, security and human development.”

In the face of democratic dominance on the world stage, it bears relevance to investigate the original conclusions of those thinkers, Aristotle in particular, who are responsible for conceptualizing this regime type. Under the Aristotelian framework, the political participation of individuals within modern representative democracies does not constitute true citizenship. The vast majority of those now considered to be citizens would, under Aristotle’s model, be more aptly described as resident aliens, true citizenry only being enjoyed by the class of elected officials. This essay suggests modern representative democracy – in the United States especially – to embody a system closer to Aristotle’s conception of oligarchy.

Differing Conceptions of Citizenship

In his seminal *Politics*, Aristotle details the nature of citizenship within several forms of political association. While today

citizenship is conceptualized as stemming from either birth, bloodline, lengthy residence in the same polity or political participation, Aristotle contends “the citizen is not a citizen by living in a place,” nor through her ability to “be sued or bring lawsuits.”³⁴ Here marks our current systems’ first departure from this original understanding of citizenship – making a strict distinction between the physical state and the political association that exercises rule over it. Aristotle’s theory of state suggests there are a multitude of persons who legally reside within the bounds of a nation, and yet do not constitute its citizenry. These people include, among other groups: slaves, resident-aliens, artisans, and marketplace traders. In opposition to the more egalitarian contemporary ideal of democracy, in which all who participate in a state’s economic and social affairs counts as its citizens, Aristotle insists that “those things without which the city could not exist are not parts of the organized whole” as it is “clear that not all the things that need to be available to cities ought to be counted as parts of the city.”⁵

While the modern state has all but erased the slave class from its population,⁶ those who could be considered artisans, laborers, and marketplace traders, in the widest sense, constitute the most populous demographics in current democratic societies.

¹ Drew DeSilver, “Despite Global Concerns about Democracy, More Than Half of Countries Are Democratic,” Pew Research Center, May 14, 2019.

² United Nations, “Democracy,” United Nations Global Issues, accessed March 9, 2026.

³ Note that, in ancient Athens, juries were one of the primary modes of democratic activity and behavior, as they often counted up to five hundred members, taken from the citizenry. This suggests that, in this quoted passage, Aristotle is not solely referring to behavior in law courts, but also to other forms of political behavior.

⁴ Aristotle, *Politics*, III.1, 1275a.

⁵ Aristotle, *Politics*, VII.8, 1328a.

⁶ Or, at least, slavery in the way it was understood in the ancient hellenic world. Modern slavery exists, but it tends to be more pernicious.

If, to Aristotle, even those individuals are better described as resident aliens than citizens, how should the population of individuals in contemporary nations be classified?

Citizenship in Democracy

In the third book of *Politics*, Aristotle writes “. . . a citizen in a democracy most of all. . . is defined by no other single thing more than by taking part in judging and ruling.”⁷ This *judging and ruling* which would constitute the modern-day equivalent of citizenship-earning behavior can most clearly be mapped onto the contemporary right to vote. Through the act of voting, those in a democracy believe themselves capable of expressing their opinions and influencing the government under which they live. Here, however, a crucial distinction must be drawn. Indeed, strictly direct democracy, in which all laws and governmental policies are voted on by citizens, does not *truly* exist in the modern world. The closest approximation to this system exists in the Swiss Cantons and, to a (much) lesser and infrequent degree, in countries like the United States⁸, Germany, and Liechtenstein⁹. Representative democracy, whereby individuals vote for intermediaries who will represent their interests in government, is the true dominant regime type in the world today. However, if our political participation is only in electing intermediaries,

can we, in Aristotelian terms, legitimately call ourselves citizens?

One may raise the argument that voting for a representative constitutes judging and ruling, however, it is clear from electoral gaming¹⁰ that those representatives must only convince the wider public that they will, in fact, achieve constituent ends in order to be elected. When those representatives have attained political office they are under no obligation, legal or otherwise, to keep their promise and carry out the will of their constituents thereby fulfilling the Aristotelian requirement for citizenship. Further, and most decisively, two operative terms for the nature of citizen rule are provided by Aristotle in book III. The judging and ruling must be of “deliberative and judicial”¹¹ form, and while voting could arguably constitute deliberation, no such rights to interpret law¹² are afforded to any non-elected individuals in modern democracies.

The Ultimate Question

A crucial question arises after realizing that, in Aristotelian terms, the vast majority of individuals within our modern states are not citizens: what does this entail for the manner in which we conceptualize our political system? What label would Aristotle ascribe to our form of political association? If “there is democracy whenever those who are free and poor [...] are

⁷ Aristotle, *Politics*, III.1, 1275a20.

⁸ State referendums through which individuals can propose specific legislation does exist, however they are quite limited in scope and frequency.

⁹ Theo Schiller, “Direct Democracy: Countries and Developmental Background,” *Encyclopaedia Britannica*, last updated February 2, 2026.

¹⁰ Using rhetoric to convince constituents that they hold similar political values when one’s true goal is the accumulation of power through elected office.

¹¹ Aristotle, *Politics*, III.1, 1275b20.

¹² One may argue that serving on juries fulfills this role although jury service entails the power to decide whether acts fall into legal categories and not on the nature of the laws themselves.

in authority in ruling offices,”¹³ we cannot faithfully describe our contemporary political regimes as democratic¹⁴ – the poorest classes are among the least influential in our modern democracies, and the richest among the most. Two alternate forms, aristocracy (rule of the most virtuous) and oligarchy (rule of the most privileged), both seem better descriptors of a citizenry formed of a few powerful individuals. It may initially seem appropriate to choose aristocracy as those elected representatives – now understood to be the only true citizens – could be argued to have reached that position for their extreme virtuosity. The reader should be wary, however, of describing our politicians as most virtuous: it would take a normative analysis beyond the scope of this essay to decide whether politicians are, on average, the most virtuous of individuals in the state. What is clear, however, is that the most influential class of elected officials are exponentially wealthier than the average voter.¹⁵ Further, and more strikingly, a class of egregiously wealthy and unelected individuals carry, on average, a massively disproportionate influence upon the legislative process in many of the most powerful modern democratic states.

Democratic Participation and Citizens United

The United States of America has been viewed – historically, at least – as the ultimate example of a large-scale, principally representative, democratic regime.

Early-modern political theory heralded the then nascent republic as a beacon of egalitarianism – a place where men “are born equal, instead of becoming so.”¹⁶ From its origin in founding documentation (and commentary by friendly observers), this narrative has gone on to buttress the institutional framework within which U.S. power has proliferated throughout the North American continent and into the wider geopolitical landscape. A unique breed of nationalist sentiment was born of such a hard claim on the specific freedom afforded to all United States citizens – one that has been historically employed by ruling classes to obfuscate appeals regarding the explicitly unequal affordance of these egalitarian ideals.¹⁷ Among other purposes, platitudes regarding the ubiquity of opportunity to achieve “the American dream” are employed to reinforce the idea that all individuals with citizenship status are afforded similar rights to participation in the direction of their governance. As the argument goes: while some within the state may wield unequal influence on market relations or social narratives¹⁸, when it comes down to choosing those representatives who will shape public policy: every American voice is weighed the same. Disregarding the paradoxical nature of a “one man one vote” system within a state whose economic and social institutions are already heavily imbalanced, this specific ideograph is

¹³ Aristotle, *Politics*, IV.4, 1290b10.

¹⁴ Derek Thompson, “Why Does the Wealth Gap between Congress and Voters Matter?,” *The Atlantic*, December 27, 2011.

¹⁵ Within Canada and the United States, as an example.

¹⁶ Alexis de Tocqueville, *Democracy in America*, vol. 2, trans. Henry Reeve (Project Gutenberg, 2006), bk. 2, chap. 3.

¹⁷ Take the violently sanitized history of American chattel slavery and institutional patriarchy as example.

¹⁸ The American narrative machine rarely stoops to masquerade an equitable distribution of wealth or social status.

directly contradicted by a relatively recent development in electoral jurisprudence.

In a 2010 Supreme Court decision, section 203 of the Bipartisan Campaign Reform Act (BCRA) was struck down – legalizing unlimited corporate expenditures toward political ends.¹⁹ Delivering the majority opinion, Justice Anthony Kennedy argued that the first amendment right to freedom of expression, arguably the most central principle of American democracy, must be interpreted to include organized capital as a right-bearing class.²⁰ In effect, this ruling allowed private corporations to direct their general treasury funds toward support of a given political candidate, so long as these expenditures were made independently of the candidate's campaign – typically through independent-expenditure-only committees known as super PACs. Quite understandably, this judicial precedent opened the door to massive monetary manipulation of the ostensibly democratic electoral process within the United States.

According to briefs published by the Brennan Center for Justice, so-called “dark money” expenditures have risen from less than 5 million USD in 2006 to over 1.9 billion USD

in the 2024 federal elections alone.^{21,22} While this form of campaign finance does not constitute a direct increase in the weight of a given wealthy individual's vote, the ramifications of such influence upon the electoral landscape cannot be ignored. In fact, research demonstrates that campaign spending has an arguably greater impact upon the democratic process than a given vote, influencing which candidates run, who voters hear from, and shaping the legislative behavior of those elected officials.²³ As such, when nearly 20% of total spending in the 2024 elections traces back to just 100 U.S. citizens²⁴, it becomes evident that the potency of one's democratic participation heavily relies on one's access to wealth.

An Oligarchy to Date

Without a reasonably accessible determination on the relative virtue of elected officials, and in view of the significant wealth disparity between the Aristotelian citizen (the representative) and the colloquial citizen (all other members of society), it appears an oligarchic character pervades the modern ‘democratic’ nation throughout the West. What must now be considered is the extent to which a given contemporary state rules to the

¹⁹ "Citizens United v. Federal Election Commission, 558 U.S. 310 (2010)," Justia U.S. Supreme Court Center, accessed March 7, 2026.

²⁰ Citizens United v. Fed. Election Comm'n, 558 U.S. 310, 349–50 (2010) (quoting First Nat'l Bank of Bos. v. Bellotti, 435 U.S. 765, 777 (1978)). Justice Kennedy invoked this language from *Bellotti* in rejecting the “antidistortion” rationale that had supported restrictions on independent expenditures under *Austin v. Michigan Chamber of Commerce*, 494 U.S. 652 (1990).

²¹ Daniel I. Weiner, "Citizens United, Explained," Brennan Center for Justice, January 29, 2025.

²² Anna Massoglia, "Dark Money Hit a Record High of \$1.9 Billion in 2024 Federal Races," Brennan Center for Justice, May 7, 2025.

²³ Steven Sprick Schuster, "Does Campaign Spending Affect Election Outcomes? New Evidence from Transaction-Level Disbursement Data," *Journal of Politics* 82, no. 4 (October 2020): 1502–1515.

²⁴ Roosevelt Institute, "15 Years after Citizens United: Big Money's Grip on Our Democracy," Roosevelt Institute, October 2, 2025.

advantage of the few or of the many – as this condition provides the final test of true versus deviant regime in the Aristotelian tradition.

There is a rich and contentious debate on the question of which party the capitalist democracy rules in favor of. Fervent arguments regarding the equalizing and liberating effects of free-market economics are met with equally virulent rebuttals listing the rampant stratifying and dominating consequences of unregulated capitalist expansion. As a comprehensive analysis and definitive claim on the strength of these arguments is an implausible task for this investigation, consideration of the implications of wealth-favoring electoral finance laws must suffice. Through a reconciliation of the Aristotelian model with the empirical state of U.S. electoral politics, it is clear that the citizenry is an economically essential but politically excluded class of artisans, laborers, and market-place traders. While, in theory, each individual has the same right to express the civic power of their vote, that power is demonstrably constrained by the extent to which that individual wields capital. In a system where 100 citizens determine nearly a quarter of wealth directed towards the transformation of the system's political environment – is it more likely that those consequent institutions will favor the many or those few?

The *Politics* is clear in regards to how deviant regimes emerge from true ones; through a process of degeneration, the institutional mechanisms tasked with maintaining fairness and virtue are eroded, and in consequence: “. . .because of the profits to be made from common funds and from holding office, people want to be in office

continuously, as though people who were sick ended up being healthy by ruling perpetually.”²⁵

Unsurprisingly, the method by which elected officials transition into high-paying roles in the private sector, colloquially referred to as the “revolving door,”²⁶ is a highly documented phenomenon. It seems that our political association was established – or has been corrupted – in such a manner that even those with claim to citizenship, as described by Aristotle, are willing to forfeit that status in favor of the lucrative life of a resident oligarch.

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²⁵ Aristotle, *Politics*, III.6, 1279a10–20.

²⁶ Alan Zibel, “Revolving Congress: The Revolving Door Class of 2019 Flocks to K Street,” Public Citizen, May 30, 2019.

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The Anti-Bureaucratic Bureaucracy of Trump's ICE Era

Sean Martin

Edited by Tristan F. Hernandez
Editorial Revisions by Margaux Zani

Preface

This work was initially written with the intent of being published in the McGill Journal of Political Science's online publication, as a part of a larger series on bureaucracy. The series began with an analysis of what I alleged to be the bureaucratization of Charlie Kirk's legacy through a routinization of his personhood à la Max Weber. I then turned my attention to a statement made by the Canadian Conservative Party leader, Pierre Pollièvre, that attacked the supposed billion-dollar diversity, equity, and inclusion (DEI) bureaucracy and called for a restoration of the merit principle in Canada. Here, bureaucratic apparatuses are implicitly affiliated with an erosion of meritocracy, congruent with conclusions I make in this work on the association of bureaucracy with corruption and unaccountability. Attempting to extend my bureaucratic thread to the deportation crisis currently unfolding in the United States felt pertinent in the wake of worrying activities realized by deportation officers—appointed officials of the second Trump administration. While questions of meritocracy are not accented here, its ghost is palpable; the dimension of the merit principle in the ICE hiring process, in fact, inspired my initial inquiry into its bureaucratic apparatuses. After all, the task of maintaining an (allegedly) meritocratic workforce requires administrative mechanisms and rational bureaucratic features (expertise, efficiency, impersonality) to ensure transparency and the just appointment of bureaucrats (Weber viewed bureaucracy as replacing feudal systems of nepotism).

These questions of merit and bureaucracy intersected serendipitously upon

my becoming privy to the story of journalist Laura Jedeed, who applied to ICE experimentally and was accepted, despite failing to pass crucial thresholds of qualification. I was lucky enough to interview Jedeed with my MJPS editor, Tristan F. Hernandez, expanding this project far beyond what we had initially imagined. In conjunction, Dr. Tania Islas Weinstein recommended I read *When the State Meets the Street* by Bernardo Zacka as a foundational problematization of the rational bureaucratic model. What I present here is a preliminary theoretical exploration of what warrants a ground-up ethnographic analysis akin to Zacka's, although normative and ideological analysis are indispensable to my evaluation of deportation officers as pseudo-bureaucrats. Foremost, this work encourages the expansion of bureaucratic understanding and lays the foundation for future research in this area.

Introduction

Bureaucracy is ubiquitous but opaque. The word conjures an image of diligent officials working in office cubicles, administering state affairs, and filing paperwork—yet its specific actions and purposes remain elusive. Bureaucratic critique is fundamental to the Republican push for limited government (which is essential to modern conservatism broadly, though I will speak to the Republican case specifically); bureaucrats, after all, are the largest cohort of state-appointed officials in the United States. Hence, any slashing of government volume necessarily affects the bureaucracy. To justify defunding the bureaucracy, political actors accentuate the fiscal drain of administrative

apparatuses. In tandem, normative distinctions between essential and inessential spending are introduced to target bureaucratic apparatuses upholding initiatives, specifically those of the ‘woke left.’

Repairing the supposed economic damage of the complex and robust U.S. bureaucracy is, in crude terms, the ideological backbone of the Trump administration’s Department of Government Efficiency (DOGE), initially spearheaded by Elon Musk. A key element of Mr. Trump’s second administration has been the hard “reduction of the federal bureaucracy,” targeting governmental entities “deemed unnecessary,”¹ while allegedly “increasing its accountability to the American people.”² This rhetoric commensurates a reduction of the bureaucracy with accountability, associating bureaucracy with mystery and corruption. Abolishing it, then, appears as a normative good for taxpayers and a transparent state. This parsimonious framing draws an association of bureaucratic reduction with MAGA’s larger attack on ‘woke’ ideology and diversity, equity, and inclusion (DEI) policies. A document listing DOGE’s “promises made, [and] promises kept” mentions the elimination of the American Climate Corps (ACC), and names its “commitment to social justice and anti-racism” as justifying factors for being ousted.³ At the 2026 State of the Union address, Trump declared that “we ended DEI,”

followed by a standing ovation.⁴ Such framing underlines that any political framing of necessity and unnecessity is normative, entrenched in ideological state apparatuses that, in this case, intersect at the locus of the MAGA movement.

Nevertheless, bureaucracy is not an intuitive concept and is the subject of considerable confusion. I argue, however, that instead of attempting to demystify bureaucracy comprehensively, we ought to allow its ambiguity to inform our analysis of it and engage with it more fluidly. This enables the application of a bureaucratic framework to situations that transgress or even oppose orthodox conceptions. Adopting a looser paradigm allows us to push the conceptual bounds of the office, that is, the institutional space from which bureaucratic authority is exercised. Deportation officers, I argue, possess bureaucratic features that define their position and orientation toward the state. Yet, their vocation (under MAGA specifically) is essentially partisan, entrenched in the anti-bureaucratic rhetoric of the Trump administration.

Premised on subject formation incongruent with the traditional bureaucracy, this double register creates what I call the anti-bureaucratic bureaucracy of Donald Trump’s ICE (United States Immigration and Customs Enforcement) era. I will begin this work with a theoretical exposition of bureaucracy by comparing Max Weber’s nihilistic ideal type of hyperspecialized impersonality with Bernardo Zacka’s discretionary model of street-level bureaucrats.

¹ The White House. “Continuing the Reduction of the Federal Bureaucracy.” March 14, 2025.

² The White House. “Commencing the Reduction of the Federal Bureaucracy.” February 19, 2025.

³ The White House. “Reform Government (DOGE).” No date listed

⁴ Afshan Hashmi, “LIVE: Trump Delivers State of the Union Address (Full Speech),” YouTube video, posted February 24, 2026.

I then explore elements of the traditional bureaucracy behind ICE, through journalist Laura Jedeed's troubling acceptance into the department as a deportation officer. I mobilize Zacka's street-level analysis to question the bureaucratic status of deportation officers, acknowledging their congruence and divergence with the model. I ultimately claim that deportation officers are anti-bureaucratic street-level bureaucrats acting as the urgent agents of the Republican restoration project. These agents, I argue, interpellate their subjects—illegal immigrants—not as clients but as “aliens,” justifying the sporadic brutality of the contemporary deportation crisis. I will conclude by claiming that applying a bureaucratic framework to ICE illuminates critical aspects of Mr. Trump's rearticulation of state administration—reliant on MAGA's ethos of restoration and tone of urgency—which has rendered the street a violent and anarchic office for deportation officers.

I. Theorizing Bureaucracy

Weberian Bureaucracy

Bureaucracy, in its most essential form, describes *rule from the office*. In a formative essay, Weber theorizes the form of rule in a lament.⁵ While unparalleled in efficiency and expertise, the bureaucracy is inseparable from capitalism and its societal degradation. In the transition from feudal systems to industrial capitalist modes of production, he motions, predictability and calculability take on

increasing valence for the modern centralizing state apparatus. As the technically superior form of organization, the bureaucracy stabilizes rules through consistent and impersonal application by bureaucrats. These bureaucrats wield authority over the executive branch of the administrative apparatus. Bureaucrats' appointment by the state—as opposed to being elected—orients their loyalty to the government and office, not to the masses.⁶ Appointment, technical expertise, and education forge a “status element” in the bureaucratic vocation that renders bureaucrats the technically superior form of official.⁷ State loyalty is paramount in Weber's formulation and defines the bureaucratic vocation in essence, foregrounding a desire to ‘climb the ladder’ over doing ‘good’ for the body politic writ large. Bound by rigid hierarchies, codified regulations, and precise formal procedures, hyper-specialized (qua performing specialized duties and qua being technically trained) bureaucrats facilitate the consolidation of the capitalist transition, which demands a centralized system for mass application.

Hyper-specialization enables the efficient excellence that distinguishes bureaucracy from the ad hoc systems of the past. Under bureaucracy, legal structure(s) move away from decentralized “Kahdi justice,”⁸ where punitive measures are applied case-by-case, towards a formal legal system defined by rationalization. Let us refer to Weberian bureaucracy as that which is rational:⁹ impersonal, calculable, predictable, efficient, hyper-specialized, and loyal to the

⁵ Max Weber, “Bureaucracy” in *From Max Weber: Essays in Sociology*, ed. Guenther Roth and Claus Wittich, trans. Ephraim Fischhoff (Berkeley: University of California Press, 2013).

⁶ Weber, “Bureaucracy,” 200.

⁷ Weber, “Bureaucracy,” 200-201.

⁸ Weber, “Bureaucracy,” 216.

⁹ Weber, “Bureaucracy,” 216.

state through bureaucrats' vocation to the office (bureau). This theory functions as an ideal type, establishing the foundational frameworks and processes by which bureaucracy is sustained and dominant. Rationalization is dehumanizing—it reduces inherently personal, subjective, and particularistic situations to formal rules. Weber names this systematic overhaul “officialdom.”¹⁰ This effect, embodied in bureaucracy, generates disenchantment en masse. Capitalist immiseration (in Marxist terms) is not defined simply by the capitalist mode of production, but for Weber is intimately related to the administrative apparatuses that sustain and reproduce it. Weber draws a crucial distinction between efficient excellence and moral excellence; bureaucracy may be the most efficient system, but it ultimately debilitates the people.

This logic follows his thoughts on the spirit of capitalism: “more and more,” he says, “the material fate of the masses depends on the steady and correct functioning of the increasingly bureaucratic organizations of private capitalism.”¹¹ Capitalism, for Weber, is an inescapable “iron cage”¹² rendered by a “bureaucratic apparatus of authority” which “cannot [be] dispensed with.”¹³ Once bureaucracy has been established, it is “among those social structures which are the hardest to destroy,” as a fundamental instrument of the modern state for “socializing relations of power.”¹⁴ These institutionally codified and

durable relations sustain “the concentration of the material means of management in the hands of the master.”¹⁵ Consequently, bureaucracy, despite being good at what it does, results in perpetual disenchantment. Bureaucrats, as appointed officials, efficiently carry out state affairs through hyper-specialized and impersonal roles that, in theory, culminate in a system of perfect calculability and predictability, while degrading the public in the process. The bureaucratic institution survives regime change and is theoretically non-partisan, continuing “to function smoothly after the enemy has occupied the area; he merely needs to change the top officials.”¹⁶ The bureaucratic vocation is oriented to the office and state as enduring entities and (theoretically) does not bend to the will of an individual leader or political movement. The following analysis of bureaucracy—and its conceptual expansion on who bureaucrats may be—examines where Weber’s essential ideals persist, aiming to dissect where, in the granularity and humanness of reality, his theory of impersonality and predictability may fall short.

When the State Meets the Street

In his 2017 work *When the State Meets the Street*, Bernardo Zacka seeks to analyze “how the state interacts with its citizens at the point of service provision and law enforcement, and how it ought to do so.”¹⁷ These normative questions guide an analysis of

¹⁰ Weber, “Bureaucracy,” 196.

¹¹ Weber, “Bureaucracy,” 229.

¹² Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, trans. Talcott Parsons (New York: Routledge, 2001) 123.

¹³ Weber, “Bureaucracy,” 229.

¹⁴ Weber, “Bureaucracy,” 228.

¹⁵ Weber, “Bureaucracy,” 221.

¹⁶ Weber, “Bureaucracy,” 229.

¹⁷ Bernardo Zacka, *When the State Meets the Street: Public Service and Moral Agency* (Cambridge, MA: Belknap Press of Harvard University Press, 2017), 23.

“street-level bureaucrats”¹⁸ and their role in U.S. society. The term “street-level bureaucrat” (SLB), for Zacka, describes “a broad category of frontline workers in public service [...] welfare workers, social workers, counsellors, police officers, and educators.”¹⁹ This cohort does not observe the Bourdieuan ‘left/right hand’ bureaucratic distinction, where the left hand “delivers social services” and the right “enforces order and economic discipline.”²⁰ Instead, frontline bureaucrats have both proverbial hands at their disposal and occupy an ambiguous position between the camps of service provision and punitive enforcement. A crucial feature of these agents is their “considerable degree of discretion and independence,” which is contrasted with a lack of “social recognition and technocratic markers of expertise that usually come with discretionary power and that serve to legitimize it to the greater public.”²¹ SLBs wield a considerable amount of personal judgement, without passing conventional thresholds of expertise that define the Weberian bureaucrat. Zacka describes an “unrelenting psychological pressure towards specialization,” though, that all street-level bureaucrats face, which poses a dangerous threat to the “rich and balanced moral dispositions”²² they *ought* to have. Here, specialization—qua specific duties and approved behaviours—appears constitutive of an impersonal disposition that erodes complex, nuanced, and subjective decision-making. What is the force behind this alleged drive

towards specialization, then, and what are we to make of the role of moral disposition?

Zacka crafts three pathologies for street-level bureaucrats: the indifferent, the enforcer, and the caregiver. This typology of *modes of appraisal*²³ is central to his analysis. Largely functioning as a guideline for *technical discretion*—the amount of discretion formally enshrined into the bureaucratic position—modes of appraisals describe the viable options for evaluation that street-level bureaucrats have in their interpersonal relationships with the public. Here, a mode of appraisal (MOA) refers to the confluence of “(1) a hermeneutic grid; (2) a mode of affective attunement; [and] (3) a normative sensibility.”²⁴ The three MOAs Zacka presents—and the alleged systemic compulsion to adopt one of them—are the effects of an impetus toward “moral specialization”²⁵ that all SLBs are confronted with. Here, specialization does not refer to scholastic or technical training that would legitimize bureaucrats in the Weberian sense, but rather to the essentialist undertow of bureaucratic apparatuses that drives SLBs to adopt standardized MOAs. The kind of specialization SLBs are imbued with has less to do with expertise and more to do with reductive behavioural conditioning imposed by the bureaucratic institution. SLBs become dispositional specialists in conditions that prevent careful moral consideration. Any SLB can, and will, oscillate between these ideal pathologies in a single interaction with a civilian; it is not as though an SLB unilaterally and perpetually adopts a single disposition,

¹⁸ Zacka, *When the State Meets the Street*, 23.

¹⁹ Zacka, *When the State Meets the Street*, 23.

²⁰ Zacka, *When the State Meets the Street*, 23.

²¹ Zacka, *When the State Meets the Street*, 25.

²² Zacka, *When the State Meets the Street*, 129.

²³ How bureaucrats appraise their clients

²⁴ Zacka, *When the State Meets the Street*, 85.

²⁵ Zacka, *When the State Meets the Street*, 13.

though a tendency towards one is certainly possible.

The indifferent is the MOA most congealable with Weber's classic conceptualization of bureaucracy. It entails an extraction of only "administratively relevant"²⁶ information from a civilian's larger story. An indifferent SLB is "unmoved [...] neither hostile nor well disposed," their focus remains on efficiency and rapid solutions.²⁷ *The caregiver* is perhaps the least compatible MOA with Weber. The caregiver is actively "on the lookout for signs of strain and distress."²⁸ They are "moved" and "sympathetic toward" their client, "concerned with meeting [...] particular needs rather than allocating ... services most efficiently or most equitably."²⁹ *The enforcer*, in contrast, engages with a client on the assumption that they "would try to take advantage of the system."³⁰ They are "guarded and suspicious" and "preoccupied with preventing and punishing abuse [of the system]."³¹

The MOAs presented above are separate from what Zacka calls moral dispositions. Moral dispositions are related to a "role conception," describing an "explicit understanding of one's role and responsibilities [...] which is largely situationally independent."³² While MOAs are in flux and subconscious, that is, a given SLB's moral disposition is generally something they are self-conscious of, and is not impacted by individual cases. The MOA describes a "local

disposition," while moral disposition describes an "enduring"³³ orientation towards the bureaucratic vocation. While the moral disposition *does* evolve, it is "forged over time [...] over a comparatively large number of encounters."³⁴ A SLB's moral disposition is entangled with a conception of duty that is broadly fixed, while MOAs/local dispositions change between and within individual cases. It is the typologically specialized nature of MOAs that strains the aforementioned "rich and multifaceted"³⁵ moral dispositions SLBs ought to have—creating a reductive channel for discretion that meaningfully affects outcomes for citizens. The way a given bureaucrat shifts between these MOAs goes beyond the "technical discretion"³⁶ associated with a rational bureaucratic model, but let us not completely abandon Weber.

The MOAs are reductive insofar as street-level bureaucrats oscillate between reductive local dispositions as a coping strategy for the "cognitive dissonance"³⁷ their careers produce. "Since the occurrence of dissonance is presumed to be unpleasant or uncomfortable," goes the theory of cognitive dissonance, "individuals [SLBs] strive to reduce it either by adding new 'consonant' cognitions or by changing one of the new cognitions to make them consonant."³⁸ The psychological discomfort arising from internal dissensus drives one to introduce either a new belief that renders the preexisting set compatible or to revise an existing position to accommodate the predicament. Ultimately, for

²⁶ Zacka, *When the State Meets the Street*, 86.

²⁷ Zacka, *When the State Meets the Street*, 86.

²⁸ Zacka, *When the State Meets the Street*, 86.

²⁹ Zacka, *When the State Meets the Street*, 86.

³⁰ Zacka, *When the State Meets the Street*, 86.

³¹ Zacka, *When the State Meets the Street*, 86.

³² Zacka, *When the State Meets the Street*, 87.

³³ Zacka, *When the State Meets the Street*, 87.

³⁴ Zacka, *When the State Meets the Street*, 90.

³⁵ Zacka, *When the State Meets the Street*, 123.

³⁶ Zacka, *When the State Meets the Street*, 40.

³⁷ Zacka, *When the State Meets the Street*, 121.

³⁸ Zacka, *When the State Meets the Street*, 121.

Zacka, being a street-level bureaucrat is a vocation which is often “impossible” and produces “impossible situations,”³⁹ forcing SLBs to develop “informal moral taxonomies” and engage in “everyday form[s] of casuistry.”⁴⁰ Moreover, SLBs experience “professional dilemmas acutely, and with a sense of agony.”⁴¹ Street-level bureaucrats are compelled to reconcile deeply conflicting demands, creating impossible situations that compel the adoption of reductive MOAs as coping mechanisms. SLBs face “varieties of impossibilities,”⁴² the general diagnosis of which is pathological of bureaucracies, and “leads to a breakdown in individual moral agency,” rendering reductive MOAs to fill the gap.⁴³

The dimension of impossibility will be discussed and compared with our case study of ICE agents more granularly; for now, picture street-level bureaucracy as a vocation (1) that produces impossible situations, (2) where the rules often run out, (3) where moral agency is eroded, (4) where that agency is replaced with reductive local dispositions/MOAs which the bureaucrat fluctuates between set against (5) a consistent moral disposition oriented towards the vocation.

II. Bureaucratizing ICE

“What should I do if the role requires me to perform actions that I would otherwise be morally reluctant to undertake [...] What should I do if the various roles I occupy place conflicting demands on me?”⁴⁴

The “Wins” of MAGA

The White House’s focus on superfluous state spending goes hand in hand with MAGA’s emphasis on urgent action and change. Reducing all ‘unnecessary’ spending foregrounds ‘the necessary’ as a category for policy action that begets moral gravitas—under the framework of making America ‘great’ again. The word again is salient; it embodies the ethos of restoration, paramount to the contemporary Republican institution, in contrast to conservatism’s traditional emphasis on preservation. Urgency finds a natural conceptual home in this ethos, as restoration implies a meaningful rupture in the (ideological) continuum of conservation. In other words, an intersecting host of things—for this work, the size of bureaucracy and volume of illegal immigrants—have gone awry, requiring immediate state action to stabilize the conservative project. This ethos of restoration is inseparable from its partisan identity with the Trump administration and MAGA movement.

As the second Trump era settles in with just over a calendar year in office, the MAGA movement persists, but how exactly is America being made great *again*? In the White House’s

³⁹ Zacka, *When the State Meets the Street*, 200.

⁴⁰ Zacka, *When the State Meets the Street*, 195.

⁴¹ Zacka, *When the State Meets the Street*, 204.

⁴² Zacka, *When the State Meets the Street*, 206.

⁴³ Zacka, *When the State Meets the Street*, 210.

⁴⁴ Zacka, *When the State Meets the Street*, 218.

official “356 Wins in 365 Days”⁴⁵ retrospective, a total of fifty-five items are listed under the category of “Securing America’s Borders.” These headlines bloat about the removal of “over 2.5 million illegal aliens,” the termination of “federal benefits for at least 1.4 million illegal aliens,” the encouragement of “English-language proficiency requirements” in workplaces—putting “9,500 non-compliant” truck drivers out of work—and reinstating the “Remain in Mexico policy,”⁴⁶ which requires Mexican asylum seekers to remain in place while they await their day in court. The proclaimed wins on the whole are cast in a wide net, with largely unsubstantiated and ambiguously pleasing wording, like win number 231: “Terminated tens of thousands of contracts across all federal agencies, saving taxpayers billions of dollars in waste, fraud, and abuse.” Discussions of “waste, fraud, and abuse” embody the tone of urgency I have argued is paramount to the MAGA era and its rhetoric on deportation and bureaucracy. It is pertinent to revisit our earlier question on my alleged Republican ethos of restoration and its agents. Each of these MAGA wins ultimately had to be legislated and executed; despite the unignorable encroachment of artificial intelligence in administration broadly, there are still state workers—human beings—behind every win.

This narrative of deportation illustrates why its street-level agents do not need to be behind anything that resembles a bureaucratic

veil. The deportation crisis, that is, is being carried out on the street by highly visible ICE agents who use physical force against civilians every day; raids, arrests, assaults, and other abuses are readily available to the global general public through social media and news reporting—this is certainly not being carried out quietly. The absence of a bureaucratic veil does not entail, as I will argue, that bureaucracy is not present. Nevertheless, a host of people working for ICE are not on-the-ground deportation officers and participate in traditional bureaucratic administration. Indeed, the violence and volatility of deportation officers is only one part of a larger operation that is held up by office workers and paperwork. Who are these hidden individuals, however, and what does the bureaucracy behind ICE actually look like? Further, where should we place deportation officers as a distinct class on the bureaucratic spectrum, if at all, and what implications might this have for the MAGA movement’s ethos of restoration?

To answer the first question, let us investigate how one actually becomes a deportation officer and who the bureaucrats facilitating this affair are. In light of the ICE hiring controversy involving journalist Jaura Jedeed,⁴⁷ who was extended a final offer for a deportation position within ICE after presumably failing a drug test and failing to complete clearance forms. I spoke with Jedeed to discuss her hiring process and broader reflections on ICE bureaucracy.

The Bureaucracy ‘Behind’ ICE

⁴⁵ The White House. 2026. “365 WINS IN 365 DAYS: President Trump’s Return Marks New Era of Success, Prosperity.” Washington, DC: The White House, January 20.

⁴⁶ The White House. 2026. “365 WINS IN 365 DAYS.”

⁴⁷ Laura Jedeed, “You’ve Heard About Who ICE Is Recruiting. The Truth Is Far Worse. I’m the Proof,” *Slate*, January 13, 2026.

“Anyone who shows up ... with military experience,” Jeeded responded when I asked what the target demographic for ICE hiring is. It appears, as I will attempt to show, that the standards for admission are unsubstantive and void of the kinds of ‘merit principles’ that the Republican party is quick to valorize. There were thirty-four days between Jeeded’s application and acceptance into ICE, during which she did not sign an affidavit nor pass any background check, deducing that her application would have been thrown in the proverbial trash the second it hit ICE’s desk. Jeeded has written many articles critiquing the Trump administration,⁴⁸ police brutality,⁴⁹ and has verbatim accused that the “MAGA movement itself is splintering, and has been for quite some time.”⁵⁰ These articles surface easily when one searches her name along with her social media handles which include more disparaging MAGA commentary. Jeeded also presumably failed the drug test she *did* submit, as she had consumed cannabis within the period of detection. Even still, Jeeded would have been welcome to start working as a deportation officer as of September 30, 2025.

Laura Jeeded’s only face-to-face interaction during her hiring process was conducted via Zoom: a six-minute interview with a woman whom she described as a

bureaucrat. Besides this, she was sent numerous emails, automated but presumably written by a human, containing next steps and additional documentation.⁵¹ She did not fill out any documentation, nor did she comply with any of ICE’s requests beyond submitting her drug test, which again, she believes she must have failed. Jeeded described her interview as impersonal and wholly bureaucratic:

It seems like the criterion by which I was selected was that I showed up with a resume that looked fine [...] they weren’t very interested in who I was or what I do or why I wanted the job [...] I could’ve given this woman a form with the same information that she got out of me. When I offered more [information] (referring to the seven-year gap on her resume) [...] You would not believe how much she didn’t care, so I stopped.⁵²

We are here confronted with many aspects of Weber’s bureaucracy, most notably impersonality and efficiency. The interviewer’s disinterest in Jeeded’s personhood—that is, her individuality—is congruent with Weber’s illustration of standardized formalism. The interaction was efficient, predictable, and appears void of discretion on the surface level, the antithesis of “kahdi justice.”⁵³ The dimension of hyperspecialty—qua expertise—on the part of the interviewer

⁴⁸ Lincoln Mitchell and Laura Jeeded, “How to Prepare for a Second Trump Term,” *The New Republic*, March 14, 2024.

⁴⁹ Laura Jeeded, “What I Saw in LA Wasn’t an Insurrection. It Was a Police Riot,” *The Nation*, June 10, 2025.

⁵⁰ Jeeded, Laura. “Will Trump and Musk Bring the Whole MAGA Coalition Down With Them?” *The Nation*, June 9, 2025.

⁵¹ A fitness self assessment form, an informational booklet regarding the official fitness test (that Jeeded did not complete), a law enforcement medical clearance form, a medical self-certification form, and the deportation officer employment information booklet.

⁵² Laura Jeeded, interview by Sean Martin and Tristan Hernandez. “The Bureaucracy of ICE Hiring Processes.” Montreal, Zoom. January 31, 2026.

⁵³ Weber, “Bureaucracy,” 216.

remains opaque but certainly questionable; the required degree of technical specialty for prospective deportation officers, however, appears strikingly low. Jedeed's experience is most in line with Zacka's *indifferent* mode of appraisal, where discretion appears muted, and the bureaucrat extracts only administratively relevant information. While the interviewer's indifference was palpable, her extraction of administratively relevant information is dubious at best. The staggeringly low number of character-oriented and otherwise qualitatively substantive questions leads one to question the operative standard for administrative relevance in such a hiring process. Is a physical body and perhaps some military experience all that is required to join ICE? "She was literally filling out a form while she was talking to me [...] it was the most bureaucratic thing I could possibly imagine: box checking, we're done, next person,"⁵⁴ Jedeed added, calcifying suspicions that the threshold for entry is problematic at best and benign at worst.

While her hiring experience is anecdotal—in the sense that it cannot yet be situated within a quantitatively valid host of cases—her experience alone warrants an interrogation into the acceptance process and mechanisms of accountability (or lack thereof) at work. The form the interviewer was allegedly completing during her interview must have been standard and used with all applicants, thereby supporting a broader (though speculative) conclusion that impersonality and strict proceduralism are likewise standard. There is merit in the claim

that impersonality is a normative good for bureaucracy—after all, if bureaucrats were allotted discretion, then cases could not be adjudicated rationally and equally. Discretion, one might say, infects rational bureaucratic procedure with personal bias and corrupts the sanctity of the institution entirely; in this vision, the nature of this hiring interaction was not fundamentally contentious on the grounds of impersonality alone. To respond, let us consider the important question of discretion and revisit Zacka to establish that discretion is not only an unavoidable feature of bureaucracy but also a necessary normative good for its optimal functioning.

The Normative Question of Discretion

Zacka is firm in his advocacy of discretion within the bureaucracy. Not only does this position challenge the very essence of Weberian bureaucracy, but it also invokes a host of moral and normative questions regarding due procedure and equal treatment under formal law. Bureaucratic discretion is first presented as a social fact:

*For all the emphasis that theorists of the modern state have placed on its impersonal character—on the separation between person and office—the state, when we encounter it, does have a face. It is the face of a very particular person, one that changes with every procedure and agency.*⁵⁵

Zacka then goes beyond the social fact-ness of discretion and introduces the idea that for the bureaucracy to serve its function,

⁵⁴ Jedeed, "Bureaucracy of ICE Hiring Processes," Interview.

⁵⁵ Zacka. *When the State Meets the Street*, 240.

that is, “the proper implementation of public policy,”⁵⁶ bureaucrats not only *do* but *ought to* “give sensible content to vague mandates [...] make reasonable compromises [...] [and, writ large] remain sensitive to a plurality of normative considerations.”⁵⁷ Here, Zacka is evocative of living-tree doctrines in constitutional interpretation, in which interpretation seeks to strike a balance between flexibility and predictability. In this vision (upheld in Canada, for example), the original intentions of the constitution ought to be respected and upheld, but attention to cultural evolution is paramount to avoid propagating “frozen concepts.”⁵⁸ This is why bureaucratic moral disposition/role conception can slowly change in Zacka’s view, while the vocation is fixed and enduring in Weber’s. Public policy, as a result of political compromise and tumultuous processes, is often ambiguous. Ambiguities cannot be univocally or rationally resolved through impersonal interpretation, as interpretations of conceptually indeterminate policy are essentially discretionary and personal. Discretion is a normative good in Zacka’s analysis: abstract policy implementations require individual interpretation by definition, and making a ‘good’ interpretation begets careful, nuanced, and textured moral consideration. The moral agency of a bureaucrat is a normatively necessary prerequisite for the vocation. Despite this normative conclusion, street-level bureaucrats are, in practice, systematically denied the ability to develop and apply

multifaceted, sophisticated, and reflexive moral considerations to their everyday work and the clients they serve.

Zacka views moral agency and discretion as healthy for bureaucracy, not descriptions of reality. Central to his argument are his aforementioned MOAs, reductive and acting as coping strategies, like archetypal placeholders for the bureaucrat’s ‘true’ demeanour. The street-level bureaucrat must adopt a reductive local disposition to perform their job amidst contradictions, moral skepticism, and emotional exhaustion (compassion fatigue). How are we, then, to reckon Zacka’s normative judgement on street-level bureaucratic discretion with his equally weighty observations on the degrading and reductive nature of the bureaucracy? On a fundamental level it appears that the material bureaucratic institution is disjunctive with conclusions on the normative function of bureaucrats. A system premised on procedural dispassion and precise calculability, that is, is discongruent with the individual interpretive authority that abstract policies demand. The pervasive and institutionally embedded remedy for this disjuncture is provided in the form of MOAs, sacrificing rich moral agency for a specialized disposition at the normative expense of the system:

*Striking a proper balance between a plurality of normative worlds—one that prompts organizational agents to retain a rich and multifaceted approach to their role—is a task that requires both good management and sound policies. The costs of getting such a balance wrong are significant.*⁵⁹

⁵⁶ Zacka. *When the State Meets the Street*, 242.

⁵⁷ Zacka. *When the State Meets the Street*, 242.

⁵⁸ Centre for Constitutional Studies. “Living Tree Doctrine.” *Centre for Constitutional Studies*. July 4, 2019.

⁵⁹ Zacka, *When the State Meets the Street*, 248.

Jedeed's experience suggests that the management behind ICE is not 'good', or in fairer terms, not consistently good; of course, a sweeping judgment cannot be deduced from a single case alone. Jedeed herself noted the possibility, however improbable, that her troubling acceptance into ICE was novel, or maybe, somewhat conspiratorially, a glitch attributed to artificial intelligence.⁶⁰ The point remains, for her experience to have happened at all, that something is, crudely, very wrong with ICE's bureaucracy. Beyond a lack of care for technocratic markers, the fact that no one behind ICE searched Jedeed's name (and if they did, they did not care about what they found) undermines the essential attention to checks and balances that define bureaucracy in its most ideal form. Jedeed's interviewers' indifference is unsurprising and a logical consequence of poor management and unsound policy, which erodes moral agency.

Weber on Zacka

While Zacka's project is interested in the normative function of bureaucracy,⁶¹ Weber's is one of bureaucratic grief. Weber (contra Marx) believed capitalism to be an iron cage, which is, inextricable from bureaucracy, inescapable and all-consuming. This is embodied in his emphasis on the dehumanizing

nature of the spirit of capitalism, where immiseration and disenchantment are the proverbial end-of-the-line, not teleological precursors to communist futurity. Weber's modernist nihilism can be essentialized in his critique of bureaucracy, as the system mediates and materializes the rationalization that defines capitalism writ large. Zacka would commiserate with Weber insofar as the current state bureaucracy generates reductive MOAs that destroy moral agency. But even if we acknowledge that bureaucratic critique—or downright condemnation—has exceptional merit, we are still confronted with the fact that the bureaucracy is deeply rooted, enduring, and institutionally fortified.

This is where projects like Zacka's intervene: on-the-ground fieldwork developed into larger theories, where normative questions are taken seriously, no matter the current state of the object of study. The concept of a normative bureaucratic function transgresses Weber and allows one to craft a new ideal type that, however realized, fosters a more analytically layered framework for bureaucratic contemplation. From this vantage point, it is possible to simultaneously describe harrowing material reality and imagine alternative possibilities. While I will certainly not be suggesting how ICE ought to conduct itself or otherwise manage its bureaucracy, Zacka's normative intervention remains relevant for this analysis, allowing us to consider that bureaucracy could be different. Remaining invested in a normative project allows us to look at ICE through a framework that allows for, in sum, hope. As I move our analysis beyond the 'behind' of ICE and towards its most on-the-ground agents, deportation officers, let us attempt to leave

⁶⁰ The nature of Jedeed's acceptance appears absurd to such a degree that her certainty that her application was actually analyzed and eventually accepted by a human being comes into question. The evident favouring of efficiency and impersonality in the interpersonal interaction Jedeed did have conjures questions of artificial intelligence, considering it is—theoretically—efficient and impersonal *par excellence*.

⁶¹ How bureaucracy ought to function.

room for this hope. I will now foreground a new question: are deportation officers street-level bureaucrats, or more precisely, can we analyze them as such?

III. Deportation Officers as Bureaucrats

ICE agents, on the whole, occupy a precarious position within the larger American state apparatus. They, like Zacka's street-level bureaucrats, bridge the Bourdieuan gap between the left and right hands of bureaucracy. The rhetoric propagated by Mr. Trump and MAGA certainly frames ICE agents as service providers, protecting U.S. citizens from "aliens" and, in essence, preserving civic order within an imagined political community that has a zero-tolerance policy towards illegal immigration. ICE agents are additionally law enforcers, punishing what has emerged as *the* cardinal sin under Mr. Trump. Like SLBs, ICE agents are street-level insofar as they engage face-to-face with civilians and meaningfully confront the street *beyond* their offices; they do, after all, have offices to return to. The police officer has their precinct, the educator their classroom, and social workers and counsellors alike have their respective offices from which they rule in classic bureaucratic terms. All ICE agents, like their SLB peers, operate out of offices, field paperwork, and sit behind desks. It must be noted, though, that for deportation officers, much like police officers who Weber deemed "the representative[s] of God on earth,"⁶² the street functions *as* an office as well. The woman who interviewed Jedeed, for instance, shares her office with deportation officers. The

state does not just meet the street for deportation officers inasmuch as it becomes one with it. When officers arrive to conduct a deportation raid, they appropriate the street as an administrative space, treating it as an office over which they wield supreme authority. When the street and state collapse into one another, and the office becomes the street, the (already problematized) dimension of impersonality seems particularly inapplicable.

It might appear that deportation officers are willing to enact violence on anyone who stands in their way (and I do not contest the dehumanizing nature of the position⁶³), but I argue that their moral disposition is not formed "according to calculable rules and without regard for persons."⁶⁴ Deportation officers might present indifferently at times, but their interactions on the street are also sporadic, subjective, and personal. These officers, hired on qualitatively lacking grounds, are thrust into an impossible situation where judgments have to be made so instantaneously that room for rich and balanced moral agency is non-existent. Even still, the task of discriminating aliens from non-aliens requires a "regard for persons" that involves evaluative judgements. In theory, the prescribed elimination of all aliens is a clear task; in practice, the level of discernment required to carry out this task successfully is simply unavailable to deportation officers. As a brief illustration to this effect, multiple Indigenous

⁶² Weber, "Bureaucracy," 213.

⁶³ The crucial dimension here to separate impersonality, a literal disregard for persons, with dehumanization, essentially an act of moral exclusion. The moral act of dehumanization undermines the characteristics of impersonality that make it a favoured feature for a rational bureaucratic model (objectivity, consistency, void of sentiment).

⁶⁴ Weber, "Bureaucracy," 215.

Americans have been detained by ICE.⁶⁵ Indigenous people, the conceptual antithesis of “aliens,” have had their citizenship questioned or downright denied because the category of “alien” is impossible and ideological. There is no impersonal way, then, to identify a potential “alien” when the category is substantively loaded and principally abstract.

The way deportation officers render their subjects may certainly be dehumanizing, but this must not be conflated with impersonality. Every time a deportation officer hails an “alien,” they are engaging in a discretionary practice within the confines of a reductive and impossible situation. Deportation officers transgress Weberian bureaucratic theory again on the question of rules. The urgent immediacy of deportation raids, that is, overrides even the most legally enshrined rules of proper conduct; deportation officers have shot and/or murdered innocent civilians unprecedentedly under the Trump administration.⁶⁶ The volatile and erratic nature of the street-office that deportation officers wield administrative authority over—an embodiment of the White House’s urgent restoration project—erodes the possibility of the normative qualities Zacka describes, rendering a fundamentally reductive space for appraisal. The perpetuated temporal pressures of the situation at hand theoretically compound the reductive nature of prospective MOAs because immediacy leaves no room for critical contemplation. As the agents of urgent

restoration, deportation officers are forced to make crucial and conceptually dense decisions in an instant—this impossible situation theoretically constitutes reductive MOAs in the wake of moral agency, though the nature of these MOAs remains in flux.

While deportation officers are framed as service providers, in that they are removing the threat of illegal “aliens,” they cannot be commensurate with other SLBs whose positions are in the realm of traditional welfare. If deportation officers’ clientele refers to—in the symbolic sense—American citizens, then deportation officers are not client-facing at all; instead, they predominantly interact with what MAGA is actively framing as enemies to the state. While a traditional SLB assumes they are interacting with citizens, the deportation officer at best assumes they are interacting with citizens and aliens, and at worst assumes most or all of their subjects to be aliens. We must, then, interrogate what larger moral disposition (Zacka) and mode of interpellation, in the Althusserian sense, deportation officers are using before we can understand the MOAs they have at their disposal. What ideological context, that is, has allowed for the ICE bureaucracy to abandon formal rules, impersonal administration, and thresholds of expertise while retaining features of appointed status, efficiency, and rigid state orientation? An analysis of deportation officers as street-level bureaucrats who act as frontline workers of the Republican ethos of restoration must interrogate more deeply the ideology justifying that ethos, its urgency, and its accepted behaviours.

⁶⁵ Wang, Philip. “A State of Panic: Native Americans Left in the Dark Weeks After ICE Arrests.” *Time*, February 2026.

⁶⁶ Maanvi Singh, Coral Murphy Marcos, and Charlotte Simmonds, “2025 Was ICE’s Deadliest Year in Two Decades. Here Are the 32 People Who Died in Custody,” *The Guardian*, January 4, 2026.

Moral Disposition, Ideology, and Interpellation

I say: the category of the subject is constitutive of all ideology, but at the same time and immediately I add that the category of the subject is only constitutive of all ideology insofar as all ideology has the function (which defines it) of 'constituting' concrete individuals as subjects. In the interaction of this double constitution exists the functioning of all ideology, ideology being nothing but its functioning in the material forms of existence of that functioning.⁶⁷

Zacka's project is more interested in the local dispositions/MOAs SLBs adopt and spends less time analyzing their moral disposition, although this dimension remains crucially relevant. He forwards the claim that moral disposition is relatively consistent and encompasses how SLBs relate to their position, describing a role conception. This is consistent with Weber's concept of enduring vocation, though, as aforementioned, Zacka allows room for evolution that subverts an iron cage narrative. While the modes of appraisal SLBs use change case-by-case, an understanding of their position's roles and responsibilities, and a normative sense of how they ought to perform are relatively static and anchor the SLB in an established state-attitude. I argue that a traditional SLB's role conception, as client-facing agents, manifests very differently than that of deportation officers specifically. This is true *a priori* because deportation

officers, being "alien" facing, must conceptually render their subjects in a way that SLBs do not, even as enforcers. I make this case on the basis that a moral disposition and role conception emerge from—and at once are one with—ideology. This may appear obvious, but it is important to adequately set our parameters before further analysis.

Althusser's interpretation of ideology has particular valence here, conceptualized as the material reproductive mechanism of hegemonic forces. Althusser took ideology out of the Marxist superstructure and firmly situated it within the material base. Althusserian ideology is "nothing but its functioning in the material forms of existence of that functioning," which, in essence, means that there *is* no ideology except for its permeation in the material forms of existence. This vantage point reframes an individual's actions—which one implicitly concludes are the result of ideology—as embodiments of ideology, which do not exist separately from those embodiments.⁶⁸

As people outside—as *impostors* within—the imagined American political community, illegal immigrants are constructed as a unique social class that is 1) framed as other-than-, sub-human, and "alien" and 2) understood by the state as an imminent threat requiring urgent action that manifests in containment and removal en masse. Every action carried out by deportation officers is indistinguishable from the ideology that governs it, though this does not necessarily entail that deportation officers are the conscious propagators of MAGA ideology. Put

⁶⁷Althusser, L. 2024. "Ideology and Ideological State Apparatuses." In *New Critical Writings in Political Sociology*, 1st ed., by Alan Scott and Kate Nash. Routledge. 84.

⁶⁸Althusser "Ideology and Ideological State Apparatuses," 84.

simply in Althusser's words (which, he was rarely simple), "what thus seems to take place outside ideology (to be precise, in the *street*⁶⁹), in fact, takes place in ideology."⁷⁰

Althusser asserts that ideology and subjecthood are inextricable and material: all ideology assumes the category of subject (self, 'I'), but ideology is nothing beyond its material manifestations. Therefore, the subject is a material condition that at once is produced by and reproduces ideology. If the subject is a material condition, rather than an ephemeral immateriality of the mind, and conceptions of self reproduce ideology—which constitutes self-conceptions *par excellence*—it is critical to look at constructions of subjects to even begin to understand ideology.

The contemporary ICE vocation is partisan, entrenched in the ideology of MAGA. Deportation officers do not act on behalf of a neutral and impersonal legal precedent, but instead carry out deportations as the material functioning of the Republican ethos of restoration and tone of urgency. As the reproductive mechanism of this ideology, deportations act as rituals where subjecthood is calcified. In the moment of enforcement, both the deportation officer and deportee are constituted as ideological subjects with antithetical interpellations. The illegal immigrant, interpellated as an alien who poses a serious threat to the sanctity of the state, is made a subject when the deportation officer hails them, carries out an arrest, files subsequent paperwork, and makes flight arrangements. The deportation officer, occupying an authoritative subject position,

can subject illegal immigrants in this way because of the intelligibility of "alien" as a preexisting ideological category that justifies repressive action. The abstraction inherent to this category, though, sustains the possibility for error and underscores the dimension of evaluative judgement. Here, deportation officers are not only discretionary policy implementers but also material embodiments of ideology, which they simultaneously sustain. This is why subject formation is crucial in understanding the deportation crisis through a bureaucratic framework. Weber's ideal type establishes a conceptual baseline for analysis, which Zacka's discretionary model problematizes—but to understand deportation officers as anti-bureaucratic street-level bureaucrats, we need to acknowledge the role of ideology in subject formation.

Deportation officers are not merely discretionary legal enforcers, but are the material sites of partisan ideological reproduction. As definitive agents of policy implementation—when such implementation requires urgent and militant action—deportation officers operate as street-level bureaucrats within a state apparatus that has proclaimed a proverbial war on bureaucracy. As street-level bureaucrats wielding key powers of the repressive state apparatus, their moral disposition, in Zacka's terms, is structured through an ideological formation that frames their deviation from the traditional bureaucratic model as necessary for the project of Republican restoration.

⁶⁹ Emphasis added.

⁷⁰ Althusser "Ideology and Ideological State Apparatuses," 86.

The Anti-Bureaucratic Bureaucacy of Trump's ICE Era

My foremost aim here has been to illuminate an essential paradox of the Trump administration and its theoretical societal affect. The White House is actively framing bureaucracy as unnecessary and overbearing—inspiring a meaningful degradation of the traditional federal bureaucracy—while concurrently mobilizing a cohort of militarized neo street-level bureaucrats in the form of deportation officers. Framing deportation officers bureaucratically is fruitful because it situates them as a class of state-appointed, hyperspecialized (in the sense of their everyday duties, not in the sense of trained expertise), and efficient administrative agents. Deportation officers are not merely operatives of the repressive state apparatus but embody a partisan vocation to the office and state that defines their position. The violence enacted by these officers is not exceptional or individualistic but instead institutionally entrenched and pathological of the position entirely. Deportation officers navigate the street as an office, with discretion, under the reductive confines of impossible situations that generate reductive modes of appraisal as adaptive mechanisms. These reductive confines are constituted, at least in part, by the abstract category of “alien” that cannot be adequately reckoned with in a situation of urgency. Deportation officers, like all street-level bureaucrats, are assigned the task of assessing ambiguous policies and dogmas that require moral agency and a textured moral disposition. This normatively necessary dimension, however, is denied at the hands of impossibility in the service of immediacy.

While an informed analysis of deportation officers' MOAs is not yet possible, a theoretical exploration of their moral disposition is. As authoritative figures who assume there are “aliens” within the body politic, deportation officers interpellate their subjects as the material functioning of MAGA ideology. This mode of interpellation justifies the use of brute force and overrides administrative errors, such as detaining Indigenous people in the name of urgent change. As agents of a partisan vocation (this partisanship may or may not reflect the political proclivities of the individual agent, hence why Jedeed's political stance appeared irrelevant to her application), deportation officers develop a particular relationship to the state—operating on behalf of the restorative Republican project rather than on behalf of the state simply. Their behaviours transgress what formal law permits and instead appear to emerge specifically out of the ideology of the White House. Deportation officers' moral disposition or role-conception, then, is not premised on state loyalty as such, but is instead inextricable from the Trump administration's rearticulation of state apparatuses. Paramount to this rearticulation is the rhetoric that has justified the reduction of the federal bureaucracy. As a self-proclaimed anti-bureaucratic regime, the Trump administration has been able to mobilize deportation officers like bureaucrats with essentially no threshold of accountability. Extrapolating key rational bureaucratic features such as state-orientation, efficiency, specialization qua specific duty, and centralized administration, the administration has omitted predictability, calculability, specialization qua expertise, and a strict

adherence to formal procedure. This is the anti-bureaucratic bureaucracy of Trump's ICE era.

This work sets the stage for a more expansive ethnographic analysis of ICE-bureaucracy and the anti-bureaucratic bureaucrat as a prospective historical figure. A theoretical analysis of moral disposition through ideology warrants a bottom-up analysis, akin to Zacka, that analyzes the MOAs at the disposal of deportation officers and the individual experiences of impossibility that generate them. Additionally, the potential status of the anti-bureaucratic bureaucrat as a figure beyond this analysis of deportation officers calls for a robust study that evaluates the kinds of bureaucracy that emerge and reproduce within professed anti-bureaucratic regimes. The opacity of general bureaucratic understanding should be accentuated again, as it is this ambiguity and uncertainty that allows such wide and antithetical renderings of bureaucracy to coexist. While this project has not demystified bureaucracy, I hope it has illuminated the salience of ideological framing in calcifying bureaucracy conceptually. That is, one should not assume that there is no bureaucracy where the state says there is not. Moreover, one should be careful of the implicit assumptions they make about bureaucracy—negative or positive—for these assumptions mediate the ideologies that form our orientation to the state.

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