Dear Reader,

Welcome to the new edition of the Penn State Journal of International Affairs, a student-produced journal promoting undergraduate scholarship from throughout the country. It has been our pleasure and privilege to serve as the executive editors for the 2015-2016 school year and we are extremely proud of the issue our editing team has put together. There has been a hiatus of over two years since the last edition of the Journal. In 2013, our former student leadership graduated from Penn State, and only recently did another group of students choose to take up the mantle of the Journal once again.

While our team had to relearn some of the intricacies of producing an undergraduate academic journal, we benefited greatly from the institutional legacy of our former editors. We would like to thank those editors for their support and faith during this experience. Furthermore, the associate editors who joined our team this year have each proven conscientious, diligent, and capable of making uniquely valuable contributions. They leave us with little doubt that the Journal will be in good hands for years to come.

We would like to express our sincere gratitude to the dozens of student-authors across the country who submitted papers this fall. We would especially like to thank the authors of the articles featured in this issue: Jackie Faselt (Tufts University), Michael Ly (University of Virginia), Jason Kwon (Harvard University), Jason Singh (Duke University) and contributing Associate Professor Tim Nichols (Duke University). They showed great flexibility while working with our editors to ready their works for publication, and they have each written academically rigorous pieces that readers should find fascinating. We are also greatly indebted to Ambassador Dennis Jett for sharing his expert perspective on world affairs and diplomacy with us. We hope that you are inspired by the impressive scholarship of this issue’s student authors, and enjoy the fall 2015 edition of the Penn State Journal of International Affairs.

Sincerely,

Elyse Mark, David Stack, and Cameron Stevens
Executive Editors, 2015-2016
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In this paper, I question and challenge the view that America’s allies in the Asia-Pacific will try to balance against a rising China in cooperation with the U.S. I use Stephen Walt’s balance-of-threat theory to hypothesize that countries that feel most threatened—Japan—will align more closely towards the U.S. to counter China while countries that do not feel as threatened—Australia and New Zealand—will be less willing to join the U.S. efforts to balance against China. Upon analysis of perceptions of Chinese threat, public views, and policy behaviors of these countries, I find that these hypotheses hold true. Each of the countries’ security posture is in accordance with the level of threat it feels from a rising China. South Korea, another close ally of the U.S., proves an exception to this line of analysis due to its unique security environment. I conclude by noting that, because America’s “friends” have different attitudes towards China, increasing tension in the regional security would create more strains on America’s alliance structure in the Asia-Pacific.
Introduction

A rising China has fundamentally altered the balance-of-power in the Asia-Pacific and threatens America’s preponderant position in the area. As China continues to grow, many scholars and practitioners of international relations have suggested that regional powers in the Asia-Pacific will align more closely towards Washington to counterbalance China’s growth. One prominent scholar, John Mearsheimer, predicts that these regional powers in the Asia-Pacific will work in cooperation with the United States to balance against China. On East Asia, Secretary of Defense Ash Carter claimed that America’s strengths are “multiplied by America’s unrivaled network of allies and partners”. This view holds that America can rely on its allies in the Asia-Pacific to continue to support the U.S.-dominated security order in the Asia-Pacific.

But these claims deserve more scrutiny. Is it true that America’s current allies will continue to side with the U.S. amid the rapidly shifting balance-of-power? In international relations, alliances emerge and dissolve with frequency. Yet there has been a lack of systematic analysis, grounded in a theoretical framework, of the behaviors of America’s allies in reaction to a rising China.

This paper seeks to provide an answer to this question by analyzing the recent behaviors and positions of America’s allies in the Asia-Pacific. I show there is a significant variance in how their perception of, and reaction to, a rising China. I use the balance-of-threat theoretical framework laid out by Stephen Walt as a lens through which to analyze the views and behaviors of Japan, Australia, New Zealand, and South Korea towards China. I find that each of the countries reacts differently to China’s rise in accordance with the level of threat it feels from China. Japan feels the most threatened from China and aligns most closely towards the U.S., followed by Australia and New Zealand. South Korea proves a particularly puzzling case due to its unique and more complicated security environment.

The Theory of Balance-of-Threat, the Asia-Pacific, and America’s Allies

Stephen Walt argued that while distribution of power is “an extremely important factor,” states’ decisions are explained primarily by “threats” rather than distribution of power itself. The level of threat is determined by four factors: aggregate power, geographic proximity, offensive power, and aggressive intentions.

Aggregate power refers to “a state’s total resources,” such as “population, industrial and military capability, and technological prowess”. This factor should affect all equally, so I treat it as a constant. Geographic proximity should have the biggest effect on Korea, followed closely by Japan. The effect should be lower in Australia and the lowest in New Zealand. Offensive power is defined as “the ability to threaten the sovereignty or territorial integrity of another state at an acceptable cost”. I treat this variable as a constant because I assume that China’s offensive power is correlated with geographic proximity and incorporate this factor into the discussion of
geographic proximity. Aggressive intentions is operationalized in two ways. The first is territorial disputes. Since Japan has an intense territorial dispute with China, this factor should heighten Japan’s sense of fear from China. Others are not involved in any disputes with China. The second is threat to freedom of the seas. All of America’s allies rely heavily on sea lanes for security and economic sustenance. All four countries have a keen interest in safeguarding the international norm of freedom of the seas because they benefit from the current system. Therefore, I treat the second sub-factor as a constant.

From this analysis, I hypothesize that Japan should feel the highest sense of threat from a rising China, followed by Korea. Accordingly, they would be more likely to balance against China. I also hypothesize that Australia would feel less threatened by a rising China and less willing to balance against China. New Zealand would be the least fearful and least willing to balance against China. I pick these four states because of the shared qualities that render them comparable cases: advanced economy, democratic system of government.

1) Australia

Perception of Threat

Analysis of Australia’s official documents suggests that Australian fear of China is present but not very acute. Australia does not regard China as a threat to its national security. On U.S.-China rivalry, the 2014 Defense Issues Paper writes that Australia “does not accept the view… that Australia faces a difficult strategic choice between promoting an alliance relationship with the United States or an economic relationship with China.” This position has been the Australian government’s official stance. The 2013 Defense White Paper says that “the government does not believe that Australia must choose between its longstanding Alliance with the United States and its expanding relationship with China”. The Defense White Paper emphasizes that “the Government does not approach China as an adversary”.

Australia’s strategic thinking is consistent with the logic of balance-of-threat theory. Even in the face of a rising China, Australia feels secure because of its favorable geographic position. The 2014 Defense Issues Paper acknowledges this point, “our geography is an asset: we are remote and difficult to attack by conventional means... Strategic circumstances would have to deteriorate very markedly for us to face an immediate threat”. When discussing the importance of securing sea lanes, Australia does not take sides but merely states that the “flashpoints… have the potential to destabilize regional security owing to the risk of miscalculations or small incidents leading to escalation...Australia wishes to see a peaceful regional strategic order with deeper understanding, clearer communication and more effective reliable rules”.

Australia’s stance reflects the Australian public’s views. The Australian public does not view China as a threat. In a public poll, 31 percent of Australians answered that China is Australia’s “best friend” in Asia. Surprisingly, at 31 percent, China ranked first on this list, followed closely by Japan at 28 percent. As of 2014, 50% of those who were surveyed said it is
unlikely that China will become a military threat; 48% said that it is likely that China will become a military threat to Australia. These numbers suggest that there is not a pervasive sense of threat of China among the Australian public. On the other hand, the Australian public overwhelmingly believes that its alliance with the United States is a critical aspect of Australia’s foreign policy. Seventy-eight percent answered that the alliance was either very or fairly important for Australia’s security.

In sum, both the Australian elite and public views towards the U.S. and China demonstrate a balance between the two great powers. This finding validates my hypothesis. Even as Australia recognizes the importance of its alliance with the U.S, it does not view China as an adversary. Australia's perception of fear from China is not very high. In the absence of territorial disputes or a direct threat to the vital sea lanes, Australia does not seek to antagonize China.

Australia’s Policy

As predicted, the Australian government has tried to strike a balance and has only taken some cautious steps to balance against China. First, Australia has strengthened its alliances with the United States and its allies in the region. Recently, Australia and the United States has announced two “force posture initiatives,” including the deployment of US marines and closer cooperation between the air forces. These measures are minor steps but nonetheless strengthen Australia’s security alliance with the United States. As one scholar put it recently, this “alliance upgrade …constituted a significant balancing signal”.

Australia has also strengthened its defense and security partnership with Japan. Specifically, Japan and Australia have agreed to “deepen their cooperation on maritime security”. There have been talks about a potential security cooperation among the U.S., Japan, Australia, and India in the Quadrilateral Security Dialogue. However, this initiative was heavily criticized by China, and Australia withdrew from this framework. Internally, Australia has shown a commitment to enhancing its defense capabilities by acquiring numerous battle ships and F-35 fighters.

With regard to China, Australia has developed a “surprisingly close and effective defence relationship with China”. Australia regards China as “an important partner” and designated the bilateral relationship as a “strategic partnership”. The Australian government stresses that Australia is “one of only a few countries that has an annual Defence Strategic Dialogue at the four-star level with China”.

In sum, the Australian security posture is ambiguous. While strengthening its security relationships with the U.S. and its allies, Australia has also sought a closer relationship with China, and even improvements in the defense relationship with Beijing. So far, Australia has refrained from hard balancing against China. These policies are consistent with my hypothesis. Because Australia’s perception of threat from China is rather muted, Australia has been cautious not to antagonize China.
2) New Zealand

Perception of Threat

As predicted by my hypothesis, New Zealand’s sense of threat from China is the lowest. New Zealand regards a direct conventional military threat a “highly unlikely event”. New Zealand’s Defence papers offer a glimpse of how the country perceives a rising China. Whereas Australia repeatedly says that it refuses to choose between the U.S. and China, thereby acknowledging the tension between the U.S. and China, New Zealand’s official documents do not even acknowledge this tension. In fact, on the rise of China and its impact on the regional order, New Zealand is thoroughly neutral. The Government’s Defence White Paper states that “the strategic balance in North Asia is shifting. China both benefits from and contributes to regional stability and prosperity…The pace of China’s military modernization and force projection programme, and the response this could prompt from neighbouring states, may test the relationships of the major regional powers” That official statements do not attribute regional tension so China shows that New Zealand does not regard China’s rise as a threat.

Like Australia, New Zealand regards as its national interest freedom of the seas. Its Defence White Paper proclaims that “[New Zealand] therefore [has] a national interest…in supporting efforts to safeguard freedom of commerce and navigation”. In protecting the freedom of commerce and navigation, New Zealand does not take sides. Without mentioning China, it merely notes that “there will remain a number of unresolved territorial disputes”. Tension in the South China Sea is a point where “a range of regional and international interests converge”. The tone is unmistakably neutral. There is little hint of antagonism or fear.

The views of New Zealand’s general public are consistent with the official positions and support my hypothesis. A survey found that on average New Zealanders have a “warmth” rating of 69 towards China. This rating is much higher than that among Australians who had an average 59 warmth rating towards China.

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As Table 2 shows, New Zealander’s perceptions of China are just as favorable towards China as towards a democratic, middle power like South Korea. Moreover, the warmth rating has stayed around 70 for the last five years without significant change. This reflects New Zealand’s positive view of China’s growth.
New Zealand’s Policy

As my hypothesis predicts, New Zealand is hardly seeking to balance against China. New Zealand recently has taken tentative steps towards more engagement in the Asia-Pacific. Notably, New Zealand resumed its diplomatic cooperation with the United States for the first time in decades. The Wellington Declaration rekindled the U.S.-New Zealand bilateral relationship, after which the United States and New Zealand agreed to step up cooperation in defense including joint training exercises. These steps are unprecedented, yet constitute minor steps. There are no U.S troop deployments in New Zealand or security commitments between the two countries. Though formally bound in a security agreement of ANZUS, New Zealand does not regard the U.S. as an ally. The Government calls itself “an engaged, active and stalwart friend of the United States,” but falling short of an ally. These policies mark an improvement in the relationship with Washington, but there is little sign that shows New Zealand is siding with it against China.

On China, New Zealand maintains a positive and friendly approach. The relations between the two countries have been robust. The Free Trade Agreement reached between the two states in 2008 is a hallmark of their relationship. China is the only major country with which New Zealand has agreed to an FTA. New Zealand has been pushing harder for better relations with China. Prime Minister John Key recently announced a new China strategy, “Opening Doors to China,” whose important goal is to “retain and build a strong and resilient political relationship with China”. The cooperation includes the area of defense. New Zealand has “initiated military contacts with China,” including cooperation in training programs and annual staff college exchanges.

The New Zealand Government’s official policy has a highly favorable undertone. It writes, “China…has been focused on being a responsible international citizen. The more integrated the major powers, including China, are into international and regional systems, the less likely it is that they will adopt zero-sum approaches in their international relations”. On regional security issues, New Zealand advocates a multilateral framework that incorporates Chinese involvement. This point is echoed throughout the Defence Assessment paper: “our interests are best served by a region in which all countries and especially the major powers agree on the importance of stability and prosperity, and share a common understanding of how these goals should be secured”. The Defence Assessment paper argues that “the more integrated the major powers, including China, are into international and regional systems, the less likely it is that they will adopt zero-sum approaches in their international relations”.

There is little indication that New Zealand feels threatened by the rise of China or that it seeks to balance against China. New Zealand’s “special” relationship with China remains excellent. Within New Zealand, there is a strong voice that argues for the need to “accommodate the reality of an increasingly close relationship with China”. Elder and Ayson, a prominent diplomat and a scholar, respectively, have called for New Zealand to “adjust to the reality of
China’s growing South Pacific influence” and cautioned against “any illusion of strategic denial”. Notably, they argue that New Zealand’s position will “not necessarily be synonymous with taking an identical approach to Australia’s,” suggesting that New Zealand might need to strike a more independent course than Australia, a closer ally to the U.S. In sum, the findings support my hypothesis. New Zealand has been least willing to balance against China.

3) Japan

Perception of Threat

In accordance with my hypothesis, I find that Japan feels the highest level of threat among the four countries in the region. In the Defense papers, Japan is very specific about Chinese behaviors and its fear for Japan’s national security. First, Japan’s official documents express their serious concern over Chinese behavior in the South China Sea and the disputed territories: “especially in regard to conflicts over maritime interests, China has adopted so-called assertive measures, including attempts to alter the status quo by coercive measures based on China’s own assertion”. Japan’s Defense White Paper provides a list of the specific “incidents,” in which China “intruded into Japanese territorial waters, violated Japan’s airspace…, and [engaged] in dangerous activities that could cause unexpected situations”. There is no little ambiguity in the language and tone of these statements. The White Paper notes, “as Japan has great concern about these Chinese activities, it will need to pay utmost attention to them, as these activities also raise concerns over regional and global security”. Japan views Chinese actions as patently threatening to its national security.

Second, Japanese description of Chinese military is infused with suspicion and concern. The Defense White Paper calls out China on China’s lack of transparency, arguing that “in order to allay other countries’ concerns over China…, [China] must “improve the transparency”. The reforms carried out by the People’s Liberation Army is “a point to watch out for”. On Chinese missiles, “attention will be paid to China’s future trends”. Other examples of similar alarmist tone abound. Japan explicitly mentions China’s anti-access/area-denial (A2/AD) capabilities multiple times and voice concern over these “asymmetrical capabilities” that try to deny “access and deployment of foreign militaries to its surrounding areas”. Japan points out this rather specific development because it is aware these measures could compromise American power projection capabilities.

I find that Japan is most alarmed about China’s rise. Because of its geographic location and the territorial disputes, Japan’s perception of threat from China is far more palpable and acute than that of either Australia or New Zealand. Japan is located within the range of China’s developing offensive capabilities. Japan’s views China’s military capabilities with great concern and its intentions as aggressive.
The official positions of the Japanese government are in line with public attitudes. Japanese public views on China are drastically more negative than others. According to a 2014 survey, 93 percent stated that they either have an unfavorable or relatively unfavorable impression of China. This is a huge jump from ten years ago, when the number stood at 38 percent. Moreover, 64.3 percent said that China poses a military threat to Japan, a significant increase from the previous years. This is a clear pattern. Both the Japanese public and elites feel a high sense of threat from China, and the level of their threat has dramatically increased in the last decade.

Japan’s Policy

Given that Japan feels the highest level of threat from a rising China, we should expect Japan to be most aggressively balancing against China. Japan is indeed pursuing this course of action. Tokyo has been engaged in both internal and external balancing efforts against China.

First, Japan has strengthened its military capabilities in response to counter China’s growing military strength. The Government upgraded the previous concept of the ‘Basic Defense Force’ into a ‘Dynamic Defense Force,’ which would move the most capable JSDF units southwards to be able to “respond flexibly to contingencies around Japan’s territory and periphery”. In 2013, Japan went further and introduced the strategy of a ‘Dynamic Joint Defense Force’ with an emphasis on the ability to operate between the services. Tokyo has also made numerous acquisitions of the most advanced military technology, including, but not limited to, F-35A Fighters and submarines. Japan is taking measures to beef up its defense capabilities in direct response to a rising China.

Second, Japan has engaged in internal balancing by expanding its role on the international stage. Tokyo has tried to mend the institutional barriers to its military activities. Japan still has a “peace Constitution” which forbids it from waging war. Japan’s passive military posture, however, is becoming a thing of the past. In 2014, Japan took “a historic step away from its post-war pacifism” by ending the ban on exercising “collective self-defense”. This reinterpretation of Japan’s Constitution would enable Japan to use its armed forces more extensively. The current Abe administration plans to send seventeen legislative bills that would expand the role of Japan’s Self-Defense Forces.

Third, Japan is strengthening its alliance with the U.S. Previously, under the bilateral defense treaty, Japan was not to possess armed forces and the U.S. was obligated to provide security for Japan. However, the terms of this relationship have been changing as Japan seeks to play a larger role in the alliance and beyond. Recently, Japan and the U.S. announced new guidelines for defense cooperation under which the two countries are to “address seamlessly and effectively any situation that affects Japan’s peace and security or any other situation that
may require an Alliance response”. The statements were deliberately made ambiguous so as to provide flexibility in defining the scope of the military alliance. Many observers note that the new terms effectively enable Japan to “fight alongside the U.S military anywhere in the world”.

In sum, Japan has most aggressively engaged in balancing against China. Tokyo has implemented policies on different fronts all in pursuit of this goal. It has taken steps both internally and externally, with particular attention to strengthening its alliance with the U.S. Japan is also moving towards “normalizing” its military. These trends will likely continue. The findings strongly validate my hypothesis. As predicted, Japan feels more threatened by the rise of China than both Australia and New Zealand do and, consequently, have taken significant steps towards balancing against China.

4) A Puzzle: South Korea

According to the balance-of-threat hypothesis, Korea should be balancing against China. Although South Korea does not have any major territorial disputes, it is geographically closest to China and fought against China during the Korean War. All of these factors suggest South Korea should feel a high level of threat from a rising China and balance against it.

But such is not the case. South Korean perception of threat from China is not very high. While South Korea’s Defense White Paper devotes a considerable amount of space to discuss “North Korea situation and military threats” and the “inter-Korean relationship,” it summarizes Chinese military development in a less-than-a-page sub-section and in a neutral tone. Nowhere is China’s growth portrayed as a threat to Korea’s national security. South Korean public’s views mirror this rather puzzling fact. In a regular survey on country favorability, China ranks consistently and comfortably at second in the favorability ratings among the group that includes the United States, Japan, and North Korea.

In policy, also, it is far from clear that South Korea has engaged in balancing against China. While South Korea maintains a strong bilateral alliance with the U.S, it has also significantly improved relations with China on many fronts. The two reached a FTA in 2014 and South Korea agreed to join the China-led Asian Infrastructure Investment Bank. Even on the security front, the relationship between the two countries has been raised to a “bilateral strategic cooperative partnership,” meaning that the two countries will engage in “active defense cooperation and exchange”. Subsequently, Defense Strategic Dialogue between the two countries have taken place, which led to many “substantial cooperative measures”.

Test Case: Missile Defense Installation

Where does South Korea’s align itself? Recently, the South Korean government was put to the test when officials in the American military publicly recommended the South Korean government that it allow the American military to install THAAD (Terminal High-Altitude Area
Defense) in South Korea. This pressure was seen as an attempt to integrate South Korea into accepting a role in the “U.S.-led missile defense network” in the region. The missile defense system would ostensibly counterbalance North Korea’s developing missile capabilities, as THAAD will give South Korea “more chances to shoot down” missiles. On the other hand, THAAD could also be used to “neutralize” China’s A2/AD strategy. Because of these concerns, China has officially voiced its “serious concerns and deep unhappiness” about the possible deployment of THAAD at the minister-level. Caught in between the two great powers, Seoul has so far decided not to go ahead with the installation of THAAD despite the security benefits of enhanced missile defense capabilities. Seoul staked out the “three nos” stance—no consultation with the U.S., no request from Washington, and no decision has been made—as a way to equivocate on this question and, in effect, reject the American proposal. It is notable that these decisions are being made by the conservative Park Administration. Conservatives in Korea tend to be pro-American and staunchly anti-Communist.

Balance-of-Threat Reapplied: South Korea and the North Korean Threat

That Seoul has refused to install THAAD reflects its unwillingness to antagonize China, let alone balance against it. Despite the obvious benefits of THAAD to its national security vis-à-vis North Korea, South Korea has not pursued this course for fear that it would undermine its relationship with China. This hesitancy results from South Korea’s unique security environment, which is dominated by the North Korean threat. All other relations are interpreted in the context of inter-Korean relations.

A close look at South Korea’s other measures shows that South Korea’s policy behaviors are consistent with Seoul’s cautious approach towards Beijing. South Korea regards North Korea as the biggest threat to its security and relies heavily on American military strength for security. The alliance has “deterred North Korea’s military threat for the past 60 years”. South Korea has taken measures to strengthen its security vis-à-vis North Korea by bolstering the U.S.-ROK alliance as long as it does not provoke China. But where the alliance can be perceived as directed against China, South Korea was more cautious. A case in point is South Korea’s continuous reluctance to have operational control of the joint U.S.-ROK forces in the Korean peninsula. Recently, South Korea and the U.S. decided to “set aside” a long-delayed timeline for transferring operational control of the joint military forces in South Korea during wartime. Such a move would make South Korea more dependent on the U.S. for security. Because this move is directed at countering the North Korean threat, South Korea has strengthened this aspect of the alliance. On the other hand, when South Korea and the U.S. Navy planned a major naval exercise in response to the North Korea-initiated attacks on South Korean vessels, Chinese protests led South Korea and the U.S. to conduct the exercises away from the Yellow Sea to which China was sensitive. South Korea quietly acquiesced despite the public furor over the blatant North Korean attacks.

On the economic front, South Korea has consistently pushed for more cooperation with China. Despite American objections, South Korea announced recently that it would join the
China-led AIIB (Asian Infrastructure Investment Bank). South Korea and China also agreed to a FTA. Economically, South Korea is increasingly veering towards Beijing.

In sum, South Korea’s actions do not constitute hard-balancing against China. South Korea does not seem to fear a rising China in itself. Because South Korea is intensely focused on its archrival, North Korea, as the biggest threat, it has mostly tried to balance against North Korea by strengthening its alliance with the U.S. and improving ties with Beijing. There is evidence suggesting that South Koreans view its relationship with China through the lens of other, bigger “threats”. On North Korea, a majority of South Koreans believe that Seoul should cooperate with China to solve the North Korean problem. South Korea’s strong relationship with the U.S. is mostly built upon the basis of the North Korean threat. Many also believe that South Korea should increase security cooperation with China if Japan and the U.S. continue to increase security cooperation. Korea and Japan have ongoing territorial disputes and, because of its colonial history, Japan is often viewed by Koreans with hostility and suspicion. These data show that, far from balancing against China, South Korea views China in the context of what it perceives to be more serious threats—North Korea and even Japan.

Looking Ahead: What Will Happen to the Alliances?

The results demonstrate that my hypotheses hold true. Japan has done most to balance against China, followed by Australia and a disinterested New Zealand. For Seoul, the issue of North Korea plays a predominant role in managing relationships with the U.S. and China.

In international relations, some alliances dissolve, others persist, and new alliances emerge. In exploring the causes behind these changes, Stephen Walt argued that an alliance will deteriorate or dissolve “whenever there is a significant shift in the level of threat that its members face”. Using this framework, we can reach certain conclusions based on our analysis of America’s allies and their different perceptions of threat from a rising China.

If we presume that the U.S. will continue to engage in competition in the Asia-Pacific by balancing against China, we can see how differently each of America’s allies in the region would react. The countries that feel most threatened by China will balance against it by strengthening its alliance with the U.S. These allies will be willing partners in the American efforts to counterbalance Chinese influence in the region. My findings show that Japan has taken this path. On the other hand, tension could arise in America’s alliances with the other countries that do not feel the same level of threat from a rising China. These countries will hesitate to strengthen their alliances with the U.S. at the expense of their relationships with China. Australia falls into this category. It has taken tentative steps towards strengthening its alliance with the U.S., but was careful not to antagonize Beijing. New Zealand is more insulated and secure from a rising China and, accordingly, has done little to improve its relationship with Washington. Because Australia and New Zealand do not regard China as a main threat to their national security, they would be less willing than Japan to join America’s efforts to balance against China.
South Korea poses a more difficult puzzle. Because its security environment is heavily dominated by North Korea, South Korea’s relationships with the U.S. and China are refracted through the lens of Seoul’s relationship with North Korea. Currently, South Korea does not regard a rising China as a threat. It is unclear whether South Korea will engage in balancing against China. This study leaves one crucial takeaway: how China handles North Korea would have a significant effect on South Korea’s perception of threat from China. Conversely, with other things being equal, the U.S. would have a hard time convincing South Korea to adjust its policy to balance against China. Such a move would cause tension within the U.S.-RoK alliance, as it already has at times. It follows that if China is seen as aligning too closely with North Korea, Seoul would be much more willing to join American efforts to balance against China.

I make these predictions based on a certain set of presumptions. The first presumption is that Australia and New Zealand will continue not to feel as threatened by China as Japan. Their sense of threat may change, especially if China undermines the freedom of the seas and navigation—core national interests for both countries. They so far have concluded that China does not pose this problem. However, if such a scenario were to play out, Australia and New Zealand would be much more likely to balance against China. They would consequently turn to the U.S. for security. The second presumption is that the U.S. will “go to enormous lengths” to maintain its position in the region. This is a bold presumption I make in light of the current events. Given the Obama Administration’s “rebalance” strategy and more focus being paid to the Asia-Pacific, it is unlikely that the U.S. will readily concede its privileged position in this region in the foreseeable future. What will happen if the balance-of-power shifts much more dramatically would be a topic that should be left for the future.

Counterarguments

Some will claim that these allies are merely “buck-passing” and that as China’s relative strength grows in the future, more countries will seek to balance against it. Once China really starts flexing its muscles, the argument goes, America’s allies will fear China more and revise their actions. But there are several problems with this logic. Aggregate power is but one factor in a country’s strategic calculus. Countries would be more alert, but a change in balance-of-power does not inevitably lead to balancing acts. One should note that concerns about the threat of China’s rise have been voiced for more than twenty years, yet many of the America’s allies have instead improved their relations with China. Australia, New Zealand, and South Korea have all gotten closer to Beijing, especially in the last decade.

Second, many point out that nationalism plays a significant role in this particular region because of East Asian history. As Thomas Christensen points out, “historical legacies and ethnic hatred” intensify the relationships in East Asia. These intangibles are factored into the balance-of-threat theory because they influence a country’s judgment on the other’s intentions. The balance-of-power theory incorporates these non-material factors.
Conclusion

In this paper, I demonstrate that there is a significant variance in how America’s allies in the region perceive and react to a rising China. I show that the oft-repeated claim that countries in the Asia-Pacific will come to balance against China in conjunction with the U.S. needs to be questioned and qualified. I use the balance-of-threat theoretical framework, laid out by Stephen Walt, to examine the positions and behaviors of America’s allies in the region—Japan, Australia, New Zealand, and South Korea. Countries that feel a higher level of threat from China have balanced harder against China. Others that have a lower sense of threat have been hesitant. I predict that, if the U.S. continues to check China’s rising power, tension would arise in America’s alliances with those that do not feel very threatened by China. Once strategic interests diverge, alliances may deteriorate and even dissolve. South Korea proves a difficult case for analysis because its security environment is dominated by North Korea. The North Korean factors drives Seoul’s all other calculations.

This paper adds to the existing literature by presenting a balance-of-threat framework to study America’s alliances in the Asia-Pacific in a systematic and objective way. On the topic of America’s alliances in the Asia-Pacific, there is a tendency to approach analysis from a normative perspective. While this tendency is understandable, it is my belief that an unbiased study of the behaviors of America’s allies would instruct American policymakers better on what actions Washington should take for its national interest.

What does this mean for the U.S.-centered alliance system in the Asia-Pacific? America’s alliances in the Asia-Pacific will undoubtedly be tested as stakes rise. Hugh White writes in his book, “[America’s allies] do not share America’s interest in American primacy for its own sake... For them, American primacy has no intrinsic value... They will not sacrifice their interests in peace and stability, and good relations with China, to support U.S. primacy unless that is the only way to avoid Chinese domination”. Once strategic interests diverge, maintaining the alliance system would prove very difficult. Some may seek more U.S. involvement; others may want less. America’s allies themselves may become hostile towards one another. These shifts will come as East Asia is fast becoming the center of gravity in international relations. How Washington manages its relationships with its allies would have a most profound effect on the peace and stability of the Asia-Pacific and beyond.
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RESIGNING THE BLANK CHECK:
AN EVALUATION OF THE
2001 AUMF IN COUNTERTERRORISM
OPERATIONS TODAY

Jason Singh, with Associate Professor Tim Nichols (Duke University)

ABSTRACT:

In 2001, the United States Congress passed the Authorization to Use Military Force (AUMF) to give President Bush sufficient legal authority to respond to the attacks of September 11th. Fourteen years later, the AUMF continues to justify military operations ordered by the president against ISIL and al-Qaeda affiliates around the world. While the enemy today looks different than the centralized al-Qaeda of 2001, the legal foundation of America’s military response in the Global War on Terror has not changed. The continued use of the AUMF has led to foreign policy venturing by the executive branch. This venturing has overused key elements of America’s fighting forces, threatening to decrease U.S. military effectiveness in the future. A national discussion on the AUMF is long overdue. We recommend such a discussion should focus on amending the resolution to focus on the threats most relevant to U.S. national security and to establish a framework of limiting conditions to guide executive branch decisions to use force. This would help correct the overuse of our fighting forces and ensure that the nation is unified in applying preventive military force aimed at degrading terrorist organizations around the world.
Introduction

At times throughout America’s history, the nation has required the president to assume full control of the country’s defenses in his role as Commander-in-Chief. The attacks on September 11th resulted in just such a moment, when the public looked to its leader to respond. The Congress gave President Bush ample authority and legitimacy to pursue the enemy and prevent future terrorist attacks by passing the 2001 Authorization for Use of Military Force (or simply, “AUMF”).

Fourteen years later, the threat of international terrorism remains. Professor Bruce Hoffman (2014) of Georgetown University writes, “Al Qaeda today…currently maintains at least seventeen major networks in at least as many theaters of operation: more than double the number of six years ago” (p. 78). Additionally, the rise of ISIS/ISIL has led to over 5,000 U.S. airstrikes in Iraq and Syria as part of the ongoing Operation Inherent Resolve (U.S. Department of Defense). In spite of the evolving threat, Michael Sheehan (former Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict) testified before the Senate Armed Services Committee in May 2013 that the AUMF allows the president enough flexibility to pursue al-Qaeda (AQ) splinter groups and new terrorist organizations (The Law of Armed Conflict, the Use of Military Force, and the 2001 Authorization for Use of Military Force, 2013). While the 2001 AUMF still functions today, its continued use does not necessarily make it the best fit for American counterterrorism policy or representative of a consensus among the American people.

A review and national discussion about the appropriateness of allowing the 2001 AUMF to continue is long overdue. Even President Obama questioned the need for amending the authorization to use force in early 2015. In a letter to Congress, President Obama writes,

I remain committed to working with the Congress and the American people to refine, and ultimately repeal, the 2001 AUMF. Enacting an AUMF that is specific to the threat posed by ISIL could serve as a model for how we can work together to tailor the authorities granted by the 2001 AUMF (The White House, 2015).

The executive branch’s proposed AUMF would most notably include a three-year limit, prevent the use of large-scale ground forces, and expire the 2002 Iraq AUMF (Baker, 2015). These changes would improve current laws regarding the use of force. The effect of the administration’s proposed ISIL AUMF would be limited, however, because the superseding authorities of the 2001 AUMF would remain. Rosa Brooks, Professor of Law at Georgetown University, poignantly remarks in Foreign Policy that the latest AUMF proposal amounts to: “Dear Congress: I humbly request the authority to do whatever the hell I want even though I already have the authority to do it anyway” (Brooks, 2015).

This article seeks to conduct a “post-mortem” analysis of the 2001 AUMF. Our study of the legislative process, substance, and implementation of the 2001 AUMF reveals that the use of the resolution has strayed from Congress’ original intent. Continuing to invoke the outdated authorization allows for executive foreign policy venturing against targets not critical to U.S. national security interests. Based on this analysis, we offer two recommendations to serve as guiding principles for a future AUMF.
Fast-Tracking the Legislative Process: Passing the 2001 AUMF

The “fast track” process of the 2001 AUMF through Congress led to overly broad language not specific to Congress’ limited intent and dismissed concerns of lawmakers and the American people. Representative Barbara Lee (D-CA) remarked, “Reflecting on the nearly 13 years that have passed since Congress voted for the AUMF, the warning bells that few were ringing now appear prescient” (Lee & Broun, 2014). The rapid timeline for passing the 2001 Authorization for Use of Military Force separates the law from all previous Congressional statutes on force in modern U.S. history.

After the attacks on September 11th, the 107th Congress immediately hastened to give President Bush its approval and additional legitimacy to pursue the perpetrators and prevent subsequent attacks. On September 14, 2001, Senator Tom Daschle (D-SD) and Senator Trent Lott (R-MS) introduced Senate Joint Resolution 23, while Representative Richard Armey (R-TX) sponsored House Joint Resolution 64; both resolutions passed later that same day (H.J.Res. 64 (107th): Authorization for Use of Military Force, 2001; S.J.Res. 23 (107th): Authorization for Use of Military Force, 2001). Four days later, on September 18, 2001, President Bush signed the joint resolution into law (Bush, 2001). Condensing the introduction, debate, and passage of such a seminal bill to just one day was unprecedented. While effective in passing the legislation quickly, the fast-track of the 2001 AUMF in Congress produced some pitfalls in the legislative process.

Congressional Intent of AUMF

Congress passed the 2001 AUMF with the intent of giving President Bush any additional support he needed to destroy al-Qaeda, but without writing a blank check to the executive branch (Abramowitz, 2002, p. 73). David Abramowitz (2002), an adviser to the staffs of Sen. Daschle and Rep. Gephardt during the process, explains in the Harvard International Law Journal that the “horror of the attacks themselves, fears of further attacks against their constituents, and virtually unanimous support for the President” provided the impetus to spur Congressional action. In times of national emergency, the president maintains full authority under Article II of the Constitution (further recognized in the War Powers Resolution) to deploy the nation’s defenses as the Commander-in-Chief (Constitution of the United States, 1789; War Powers Resolution, 1973). The White House preferred a force resolution to avoid the political and legal implications of declaring war, which the administration felt would legitimize the enemy (Abramowitz, 2002).

After accepting the need for a force resolution, Congress began negotiating with the White House over the specific terms. The White House’s initial requests would have provided the executive branch expansive privileges on appropriating funding, waived restrictions on the executive branch to provide financial foreign assistance, and even permitted the restriction of classified information from Congressional committees (Abramowitz, 2002). The first draft of the AUMF from the executive branch proposed the authority to use force in order “to deter and pre-empt any future acts of terrorism or aggression against the United States” (Abramowitz, 2002, p. 73). Besides the obvious problems of allowing the executive branch independent budgetary authority for counterterrorism and restricting classified information, Congress challenged the clause “or aggression” in the White House draft, which it felt would give the president too much leeway in declaring
enemies (Abramowitz, 2002). In its draft, Congress cut the special permissions for the executive branch and the aggression clause. The main body of the joint resolution that was passed into law reads:

“That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons” (Authorization for Use of Military Force, 2001).

Congress drafted the 2001 AUMF as a preventative measure to stop future terrorist attacks (Abramowitz, 2002, p. 75). While this framing sounded appropriate at the moment, basing the joint resolution on prevention ushered in the opportunity for liberal interpretation and employment. Congress positioned the resolution within the existing framework of section 5(b) of the War Powers Resolution, which grants temporary permission for the president to use America’s armed forces (War Powers Resolution, 1973). While Article II powers permitted the president to use force in defense of the nation (in the face of an imminent attack), the new AUMF allowed the executive branch to wage an offensive, preventive war against al-Qaeda and its affiliates.

Congressional Dissent of AUMF

In spite of the overwhelming support that the 107th Congress showed President Bush, some members of Congress hesitated to give the president such extensive authority against an enemy who had not yet been named and for a duration that had not been specified. In the Senate, two Republicans abstained from voting on S.J. Res. 23 (“S.J.Res. 23 (107th): Authorization for Use of Military Force -- Senate Vote #281,” 2001). Ten representatives in the House – five Republicans and five Democrats – abstained from voting on H.R. Res. 64 (“H.J.Res. 64 (107th): Authorization for Use of Military Force -- House Vote #342,” 2001). As the nation focused almost entirely on national security in the immediate period after the attacks, Congressional lawmakers believed they had little choice but to cede control of foreign policy to the executive branch. Otherwise, they would face the political risk of being labeled disloyal. Representative Barbara Lee (D-CA) was the only member of either house of Congress to vote against the joint resolution (“H.J.Res. 64 (107th): Authorization for Use of Military Force -- House Vote #342,” 2001).

As Rep. Barbara Lee would quickly find, dissent to AUMF proved risky. Aside from the political backlash from not supporting AUMF, Rep. Lee faced physical danger for her ‘nay’ vote. After Rep. Lee received death threats (in addition to thousands of emails and phones calls) following her vote against AUMF, plainclothes officers from the Capitol Police began guarding the representative (Carlson, 2001). Lee explained the rationale for her vote by saying of the nation, “We’re grieving. We need to step back and think about this so that it doesn’t spiral out of control. We have to make sure we don’t make any mistakes” (Carlson, 2001). In an article on the San Francisco Chronicle’s website published on September 23, 2001, Rep. Lee (2001) added:

“Some believe this resolution was only symbolic, designed to show national resolve. But I could not ignore that it provided explicit authority…to go to war. It was a blank check to the president to attack anyone involved in the Sept. 11 events—anywhere, in any country…and without time limit.”
In an interview two years later with the British newspaper, The Independent, Lee reflected on the pressure from her fellow colleagues to support the resolution, “Several members said to me, ‘Look, we agree with you but there are other ways you can show your concern: you know, you can debate, you can put a statement on the record’ ” (“Barbara Lee: Public enemy number one?,” 2003). On September 14th, Representative John Tierney (D-MA) unsuccessfully attempted to influence Congress in the type of debate others suggested Lee should use. Rep. Tierney proposed adding consultation and reporting requirements for the president, a measure that was literally shouted down when the motion did not pass an informal voice vote (Abramowitz, 2002, p. 77). Fellow Representative John Lewis (D-GA) said of Representative Lee, “She demonstrated raw courage to stand up and vote the way she did. She stood alone – one against 420. Several other members wanted to be there also but at the same time, like me, they didn’t want to be seen as soft on terrorism” (Carlson, 2001).

Surprisingly, Lee’s opposition to AUMF did not turn out to be as politically damaging as other legislators expected. The majority of the letters the Congresswoman received were, in fact, supporting Lee for her brave decision (Friedersdorf, 2014). Further, Representative Lee was not voted out of office for the vote and remains in Congress today. While this point should not overshadow the many horrible letters in protest and the death threats that she received, it does suggest that the American people had far more concerns about passing the AUMF in 2001 than perhaps did Congress.

Today, Rep. Lee continues the fight to repeal AUMF in Congress. In May 2014, Lee sponsored the War Authorization Review and Determination (WARD) Act (H.R.4608 - 113th Congress (2013-2014): WARD Act). The bill would have required the executive branch to report every use of the 2001 AUMF to Congress and repealed AUMF after 240 days (H.R.4608 - 113th Congress (2013-2014): WARD Act). Even though the WARD Act did not make it out of committee, it was co-sponsored by twenty-one fellow Congressmen, fourteen Democrats and seven Republicans (H.R.4608 - 113th Congress (2013-2014): WARD Act). Considering that the debate in Congress continues today, Representative Lee’s concerns fourteen years ago ring true. In her September 2001 piece on the San Francisco Chronicle’s website, Rep. Lee warned, “The president has the constitutional authority to protect the nation from further attack and he has mobilized the armed forces to do just that. The Congress should have waited for the facts to be presented and then acted with fuller knowledge of the consequences of our action” (Lee, 2001).

Executive Foreign Policy Venturing in AUMF’s Implementation

The 2001 AUMF allowed both the Bush and Obama Administrations to use American military force in a number of geographic locations without the explicit approval or consent of Congress (what we call foreign policy venturing). This has contributed to the overuse of America’s fighting forces. As of July 2013, the Congressional Research Service found thirty unclassified uses of AUMF to justify the use of force or detention in ten different countries from the Philippines to Georgia to Eritrea (Weed, 2013). The wisdom in granting a president so much power under AUMF seems questionable, especially when considering former President Bush’s vision that, “Our war on terror begins with al-Qaeda...but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated” (Brands, 2014, p. 154).
Attacking al-Qaeda and its associated forces around the world would be an acceptable practice if the nation were unified in its decision to employ force. Yet even if a consensus did exist, Congress has not yet updated the 2001 AUMF to validate such a belief. This forces the executive branch to decide, on its own, which terrorist groups to target. Under the current AUMF, the emerging threats of AQ offshoots, ISIL, and lone-wolf actors stretch the idea of associated forces to its limit. A primary reason is that the United States must now combat the “dynamically heterogeneous collection of both radicalized persons and functioning terrorist organizations” that al-Qaeda has become (Hoffman, 2014, p. 76).

Defining “Associated Forces”

The 2001 AUMF defined the enemy as, “those nations, organizations, or persons he [the president] determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons” (Authorization for Use of Military Force, 2001). This distinguished al-Qaeda and the Taliban as the two primary targets. Because AQ operates as a non-state actor and network, the White House needed to target persons that perhaps did not fly the banner of AQ but did enter the fight alongside al-Qaeda on the battlefields of Afghanistan and later Iraq. The term “associated forces” came to describe those entities outside of AQ core and the Taliban that were considered part of the enemy described in the 2001 AUMF. In a 2012 keynote speech, Department of Defense General Counsel Jeh Johnson defined an associated force by two criteria:

(1) an organized, armed group that has entered the fight alongside al-Qaeda, and (2) is a co-belligerent with al-Qaeda in hostilities against the United States or its coalition partners (Johnson, 2012).

The 2001 AUMF grants the president permission to use force only against those groups who actively join the fight with al-Qaeda (legally described as co-belligerency) – not those who solely share the beliefs of AQ (Johnson, 2012). In its National Defense Authorization Act (NDAA) for Fiscal Year 2012, Congress clarifies its definition of the enemy as,

(1) A person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored those responsible for those attacks. (2) A person who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces (National Defense Authorization Act for Fiscal Year 2012, 2011, p. 265).

Notably, sec. 1021(f) of the law requires the Secretary of Defense to “regularly brief Congress regarding the application of the authority described in this section [the 2001 AUMF], including the organizations, entities, and individuals considered to be ‘covered persons’ ” (National Defense Authorization Act for Fiscal Year 2012, 2011, p. 265). This requirement added a significant level of transparency to AUMF since it was passed in 2001.
Overuse of America’s Defenses

The 2001 AUMF’s open-ended permissions allow the president to order operations of a scale, geographic scope, and timeline that challenge the capacity of the U.S. military to execute. A continued demand to deploy America’s fighting forces in counterterrorism missions around the world during an era of budget-constraint threatens to overextend the military, leading to a decrease in U.S. readiness to respond to the most critical threats. This overuse stems from the ability of the executive branch to choose which terrorist organizations should be targeted as associated forces under AUMF.

Vesting the power to deploy forces in the executive branch leads to an imbalance between the willingness of Congress to fund the military and the president’s desire to use it. The U.S. Constitution grants Congress the power to collect taxes in order to fund the nation’s defenses and declare war (Constitution of the United States, 1789). The joint responsibility of funding the military and deciding when it will be deployed ensures that means and ends align. Consequently, the Constitution endows the president with the authority to conduct the war as the Commander-in-Chief once the decision to engage in a conflict has been made or in response to an imminent or ongoing attack (Constitution of the United States, 1789). The power-sharing agreement articulated in the Constitution demands continual, substantial involvement by both branches of government; AUMF dissolves that symbiotic relationship.

Signs of the asymmetry are visible today. Shrinking defense budgets conflict with the operational tempo of America’s favorite counterterrorism weapons – unmanned combat aerial vehicles (UCAVs) and Special Operations Forces (SOF). The commander of Air Combat Command, General Herbert Carlisle (USAF), worries that “we are about to see a perfect storm of increased COCOM [Combatant Commander] demand, accession reductions, and outflow increases that will damage the readiness and combat capability of the MQ-1/9 [variants of the Reaper drone platform] enterprise for years to come” (Majumdar, 2015). With some SOF personnel deploying more than ten times since 2001, a significant number of experienced special operations personnel are now leaving after reaching 10 years of service, instead of waiting until retirement at the 20-year mark (Knefel, 2014). Admiral Eric T. Olson, former commander of U.S. Special Operations Command, explained that some parts of the SOF community are “beginning to show some fraying around the edges” (Parrish, 2011). Olson’s successor, Admiral McRaven, commented in a 2013 speech to the Wilson Center that “in the last 20 months since I’ve had command, the fraying has accelerated. And so we are working hard to get ahead of that [transcribed from video]” (WoodrowWilsonCenter, 2013).

A number of contributing factors are to blame for the overuse of UCAV pilots and SOF. And while the 2001 AUMF may not be directly responsible, the overuse is an indirect consequence of the broad authorities the joint resolution grants the president. The problems of fatigue to the nation’s defenses are further compounded by the imbalance between Congressional funding and the deployment orders of the president. Consequently, it is time to consider modifications to the 2001 AUMF as it pertains to the president’s ability to deploy forces in a counterterrorism role and to tie his ability to the Congress’ role in funding such decisions.
Looking Forward: Guiding Principles for a Future AUMF

The task of determining the precise language of a future replacement to the 2001 AUMF is one best left to legal experts and policymakers. However, based on our analysis on the process and implementation of the 2001 AUMF, we suggest the following two guiding principles to those responsible for drafting the next AUMF:

1) Focus On Countering Threats Most Relevant to U.S. National Security

The American people continue to face threats from terrorist organizations around the world. Some of these organizations, such as Zawahiri’s AQ “main” and the Taliban, were responsible for the attacks on September 11th. Others, such as ISIL and Boko Haram, stand out as more recent developments. Only some of the many terrorist organizations around the world currently present a significant threat to the American homeland. To counter these threats (in the case of an imminent attack), the president possesses the necessary authority under Article II of the Constitution to use any and all force to stop the threat.

The American people may also have an interest in degrading the capacity of a terrorist organization that is not yet poised to strike the nation. In Just and Unjust Wars, Michael Walzer (2006) presents three conditions for force to qualify as an ethical case of pre-emption: “a manifest intent to injure, a degree of active preparation that makes that intent a positive danger, and a general situation in which waiting...greatly magnifies the risk” (p. 81). The use of force against local terror enterprises that are not assembling weapons for a pending attack fails to satisfy all three of Walzer’s conditions; while jihadi views may include violent rhetoric and even a manifest intent to injure the United States, a localized terrorist group may not be actively preparing to launch an attack against the American homeland and waiting would not significantly increase the risk of an attack. The use of force to degrade the terrorists’ capacity may be well-intentioned, but does not qualify under Walzer’s interpretation of a moral pre-emptive strike. In this case force is used in a preventive context, which Walzer (2006) deems unethical. As such, it ought to require greater national consensus than solely executive branch approval.

The American people, Congress, and the executive branch should be in agreement that the utilitarian benefits of a preventive war are significant enough to warrant the use of force outside of the traditionally accepted limits of pre-emption and self-defense. For the president to make this conclusion on his own risks foreign policy venturing against the interests and wishes of the American people. Outside the scope of the use of force for self-defense (in the case of an impending attack), the United States must be unified in its decision to use preventive force in an armed conflict, regardless of the enemy.

The ideal AUMF would give the president the power to use force to target persons and organizations planning, aiding, supporting, or committing acts of terrorism once the nation agrees on the need to use force. Such an authorization would be specific enough to prevent foreign policy venturing, but broad enough to give the president the flexibility to execute operations deemed necessary by the American people and its representative body. Ideally, this modification would allow the president to use force within the context of specific criteria (such as the 60-day limit included in the War Powers Act) or through new Congressional
authorizations to use force against a particular organization or entity (War Powers Resolution, 1973). This would align Congressionally-approved means with operational ends in order to prevent overuse of the military and ensure the continued effectiveness of America’s defense.

2) Establish Framework for the Executive Branch

A future AUMF should provide a framework to guide the executive branch’s use of force in cases where national security is not critically threatened. While maintaining Article II authorities to defend the nation in case of an attack, the president currently lacks parameters on the decision to use preventive force. Through the 2001 resolution, Congress abdicates its responsibility to declare the theaters in which the U.S. should be engaged. The 2001 AUMF is the only authorization to use force (including declarations of war) in U.S. history that does not specify an expiration, set geographic boundaries, limit the type of force to be used, or name the target (French & Bradshaw, 2014). Finding the “right” balance between limitations and permissions should be an iterative process of negotiations between Congress and the White House. The ideal combination would align the nation’s willingness to use preventive force with its funding priorities. Four limiting mechanisms used in authorizations throughout American history offer a starting point for Congressional-Executive negotiations for a new AUMF (French & Bradshaw, 2014):

A. Sunset Provision.

The absence of a sunset provision allows the president to use force for an indefinite period of time. This allows the nation to “engage the auto-pilot” setting on using force without committing to a strict timeline for its end. Given the dynamic nature of warfare, the nation should occasionally reconsider the need for preventive force. The White House’s ISIL AUMF includes a three-year sunset provision (“Obama’s Resolution to Authorize Military Force Against ISIS,” 2015). This stipulation would force Congress to revisit its decision to authorize force after a change in White House administrations and legislators following the 2016 elections, in addition to changing conditions on the ground in Iraq and Syria by 2018 (Koh, 2015). In general, an expiration date forces the type of national debate and consensus that should be true of any decision to engage in conflict short of stopping an imminent threat.

B. Geographic Limits.

A geographic boundary prevents the use of global force and adds transparency to the location of U.S. operations; however, non-state actors such al-Qaeda are not bound (and in fact categorically reject) the borders of nation states. Benjamin Wittes (2015) of the Brookings Institution points out in a Congressional testimony, “ISIL is a fluid enemy that is by no means likely to restrict its activities to Iraq and Syria….Had the 2001 AUMF contained geographic limitations of this type, it would have been an entirely ineffective instrument against, for example, Al Qaeda in the Arabian Peninsula.” Given the global nature of the war on terror, a geographic limitation seems ill-advised for an authorization to replace the 2001 AUMF; nonetheless, it remains an option in Congressional negotiations.

A geographic limitation would, however, ensure that the president received explicit approval from Congress before employing force in a nation with stronger state sovereignty than Iraq or Afghanistan. As the
AUMF currently exists, there is no distinction between the executive branch’s authorities to use force in nations with little central governance or those that are more developed. The absence of this ignores an important threshold for military operations that would be inappropriate or less viable in some countries than others.

C. Force Restrictions.

These measures curtail capabilities of the executive branch to use force and require the president to seek permission from Congress before allowing the conflict to escalate. To be sure, extensive operational limitations – such as greater oversight of targeted killings – belong outside the scope of force authorization (French & Bradshaw, 2014). The White House included a version of this limitation in its ISIL AUMF that would not allow “United States Armed Forces in enduring of offensive ground combat operations” (“Obama’s Resolution to Authorize Military Force Against ISIS,” 2015). Even if the 2001 AUMF was repealed, the general language of “enduring” and “offensive” operations could still be construed to permit some ground combat (Wittes, 2015). In order for this modification to be successful, Congress would need a more refined mechanism to limit the president’s capabilities to preventively use force.

D. Specifying Target Entities.

The Congress should have at least some role in deciding who can and cannot be targeted under its force authorization. While the 2012 NDAA reporting requirement makes Congress aware of the target entities, it does not give the legislative branch power to limit the definition of the enemy. The White House’s broad definition of associated forces in its ISIL AUMF reflects the difficulty of defining an enemy that can change identities at a faster rate than Congress can legislate (“Obama’s Resolution to Authorize Military Force Against ISIS,” 2015). Despite the challenges, more narrowly defining the target entity of preventive force would require consulting Congress before expanding the conflict, checking executive foreign policy venturing and ensuring adequate resource provision for valid target entities.

Conclusion

The future of U.S. counterterrorism efforts will depend on the laws and institutions that guide our nation’s use of force. The 2001 AUMF currently stands as the legal foundation of the war on terrorism. A post-mortem analysis of the legislative process that yielded AUMF reveals shortcuts that led to a false consensus and prematurely ended debate in Congress. Representative Lee’s sole vote in opposition and the public’s reaction that followed her decision validate both the urgency Congress felt to respond to the September 11th attacks and the concerns of the American people that AUMF granted the president too much authority.

Congress and the American people deserve a chance to re-think their blank check. Since AUMF was passed in 2001, it has been implemented in a fashion increasingly distant from Congress’ original intent. The
lack of a reliable legal framework set by limiting conditions and the open-ended interpretation of associated forces allows for executive foreign policy venturing. This venturing allows the president to order operations on a scale that exhausts the capacity of the military and decreases America’s effectiveness in the long-term.

Fourteen years after the September 11th attacks, the United States finds itself in the midst of a new kind of war on terror. As the threat of ISIL emerges in the Levant and localized terror groups proliferate throughout Africa, the United States faces a more de-centralized and mobile al-Qaeda than ever before. The implications of these changes for the continued use of AUMF are significant. While the war on terror does not show signs of ending soon, it is certainly changing; as the enemy strategically adapts, so must the institutions that guide our national response to fighting terrorism around the world. As Representative Barbara Lee (2013) reminds us in her lone dissent, “The law allows for a state of perpetual war, which we cannot and must not sustain. Our troops, our nation, and our reputation around the world depend on it.”
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ABSTRACT:

Ambassador Dennis Jett (Ret.) had a twenty-eight year career in the United States Foreign Service and currently teaches as a Professor of International Affairs in the Penn State School of International Affairs. He has served as Special Assistant to the President and Senior Director for African Affairs at the National Security Council, U.S. ambassador to Mozambique, and U.S. ambassador to Peru among numerous other positions. Jett has written more than one hundred pieces for major newspapers including the New York Times and the Washington Post, and has authored three books on foreign policy, most recently American Ambassadors: The Past, Present, and Future of America’s Diplomats.
STACK: We’ll start off with the Paris attacks. A lot of commentators have called the attacks in Paris a game changer in the international effort to defeat ISIS. We’ve definitely seen a flurry of activity from France in recent days, both home and abroad. Do you see this as short-term act of retribution, or indicative of a long-term shift in strategy from France and perhaps other Western governments? Along with that, how much should the tragedy affect various governments’ strategic calculations?

AMBASSADOR JETT: It does indicate a potential shift in strategy. The attacks were shocking, including the downing of the Russian airliner over the Sinai, and they caught people’s attention and raised the fear of terrorism in this country to a level near what it was after 9/11. The Egyptians are still stalling on assigning responsibility for the crash to terrorists, but the two incidents show that ISIS is definitely employing traditional terrorist tactics. One of the things that made ISIS a bit different is that terrorist organizations don’t typically try to hold territory. They hide by mixing in with the civilian population and carry out their attacks using the cover of the civilian population as their defense. They know that if they try to stand and fight, they’re going to be annihilated by any conventional army that is willing to fight them.

ISIS was able to gain territory in Syria because of the civil war and the chaos there. In Iraq, however, they have large parts of the country under their control because the Iraqi army refused to stand and fight. The Iraqi Army outnumbered ISIS at least 30 to 1, and had all kinds of weapons and the training that the United States provided. But it had been totally corrupted by al-Maliki, the former prime minister, and turned into a Shiite militia loyal only to him. So, his generals ran away when confronted with an opponent who might shoot back, and the soldiers followed quickly. That allowed ISIS was to take over all most of the country with little resistance. The Kurds, on the other hand, put up a fight in Sinjar and ISIS was forced to retreat. That defeat and the U.S. airstrikes, caused ISIS to think more about using traditional terrorist tactics, and less willing to attempt to control and administer territory if it means they are setting themselves up to be targeted. The greater their losses on the battlefield, the more likely they are to resort to using terrorist attacks to spread their message.

This could prompt a shift in the response of the rest of the world. Because a Russian airliner was downed, Russia may come around to cooperating on defeating ISIS. To solve the problem in Syria you have to get rid of Assad, if not tomorrow, in six months or some fixed time period. If Syria can be brought back from being a failed state and can control its own territory it will prevent ISIS from using it as a safehaven. If the Russians agree to a process that removes Assad, the Iranians can be probably also be brought around. If you can’t get the Russians and Iranians onboard, then you’re never going to solve the Syrian problem, regardless of what all the politicians propose. That is why to solve the Syrian problem Western governments should be working to form a consensus approach with Russia and Iran to bring the situation in Syria and Iraq under control. There is no purely military solution to either problem.

On the Iraqi side, if the Iraqi government continues to regard itself as a Shiite government—a government of Shiites, for Shiites, and by Shiites—then you’re going to have Sunnis disaffected and they will continue to wage a civil war. That is what we had in 2006-2007. The army of Saddam Hussein was disbanded and members of the Ba’ath Party were thrown out
of their government jobs. Those two steps, carried out by Jerry Bremer, the man running the American occupation forces, created a class of people who had no stake in the political and economic future of Iraq, and they started a civil war. That civil war had a lull in it not because of the troop surge of 30,000 American troops. 25,000 of those troops never left Baghdad. What created the lull was that we put 102,000 insurgents on the payroll and paid them something like $400 million. By putting those Iraqi Sunnis on the payroll, it made them interested in preserving the existing order instead of overthrowing it, and the violence rapidly decreased. Now with a new prime minister there is a chance to make the Iraqi government more inclusive and take into account the wishes and interests of the Sunnis as well as his own political faction.

The fight against ISIS cannot be won by military means alone and will not be won unless the political situations in both Iraq and Syria change. If there is no recognition of that fact, it doesn’t matter how many troops are put in. President Obama is not going to put a significant number of American boots on the ground, but it does not matter what the next president does in that regard. More bombing from the air isn’t going to do it either. The only way to defeat ISIS is to have the situation on the ground controlled by the people who should be defending their own countries. If they are not going to defend their own countries, we’re not going to be able to win the war for them.

STACK: So you brought up a really important point, that what we need is a political settlement on the ground in both Syria and Iraq for there to be a secure future, and in order for that to happen you also need the acquiescence of external actors like Russia and Iran …

AMBASSADOR JETT: Right

STACK: So in your mind, is there any sort of rough idea of what a political settlement would look like that would be acceptable to our interest, acceptable to Russian interests, and acceptable to Iranian interests in either, or both, Iraq and Syria?

AMBASSADOR JETT: Well that’s the question, and that is why discussions have to take place with both the Russians and the Iranians. You can’t, as Mrs. Fiorina seems to think, ignore Mr. Putin and think that the situation is going to be resolved. I would hope that the Russians would agree that Assad has to go, and that peace can’t be achieved with him continuing to be in power. The Russians obviously are not going to want to see it happen overnight. But that’s not to say that can’t happen in six months in order to begin a process of elections or a national convention, or something that would allow some sort of political transition to begin.

Both the Russians and the Iranians want to be able to maintain their access and influence in Syria, so if they think that the process will result in something that allows them to do that, they hopefully will be willing to be onboard. We can’t think that a solution can be found that would exclude all Iranian and Russian influence. The only Russian base outside of the former Soviet Union is the Tartus naval base in Syria, and if that’s important to them, they should be allowed to keep that. We have bases all over the world so we should understand why Russia would want one. One of the reasons Russia wants a naval base in Syria is to demonstrate that they are still a power to be contended with.
We have to take that into consideration and understand our post-Cold War triumphalism has provoked the Russian reaction.

STACK: We touched on this already, but could you comment more directly on our current strategy to degrade and destroy ISIS? If you were in charge of strategy for the region, what would you do differently? Specifically with regard to ISIS.

AMBASSADOR JETT: To hear the critics of the president tell it, the problem is simply that he is naïve. I was just watching some lieutenant colonel on Fox News earlier today who said, “the President’s naïve, he doesn’t understand the Middle East, etc.” This guy retired as a lieutenant colonel, so he is no master strategist. He’s a Fox News “expert” only because he likes to bash Obama. His solution is no doubt to send more American soldiers to die in another unwinnable war.

As we discussed earlier, a military strategy alone won’t work. It has to be a political strategy that resolves the fundamental political problems in Syria and Iraq. Neither the current president, nor any future one, is going to put tens of thousands of American troops on the ground in Iraq or Syria, and no other combination of countries is going to do that either. ISIS can’t be eliminated entirely just by bombing. You have to have a political settlement. You have to have people on the ground who are willing to fight for whatever government that is there, and defend themselves and their territory, as the Kurds are doing.

With a political solution, you can get to a military solution to at least reduce ISIS to the level of being a nuisance rather than a significant threat.

STACK: So, rightly or wrongly, the Paris attacks have reignited the debate about the best way to respond to the humanitarian crisis in Syria, particularly with regard to the large outflow of refugees into Europe. Even before the attacks, the migration crisis was a serious issue in many European capitals, with many countries pursuing markedly different ways of reacting to the influx of refugees—for instance, the disparate responses of Denmark and Sweden, versus the responses of Germany and the United Kingdom. How much of a threat to further European integration do you perceive the crisis to be? Euro-skeptic parties have been on the rise for many years now. Is this going to be “the straw that broke the camel’s back” as some alarmists are saying, or just one more hiccup on the long road to European integration?

AMBASSADOR JETT: I view it as more of the latter, another hiccup on the road to integration. Europe is already pretty integrated in some ways. The Schengen agreement that made much of Europe borderless is not new. In 1993 we were in Portugal and we decided to make a quick trip into Spain. We drove across the border without even knowing it because what looked like an abandoned gas station was now empty instead of being full of a bunch of bureaucrats checking passports. That kind of integration may actually be turned back a bit because some people are starting to say that they have to control their own borders in Europe. But I still think it’s more a hiccup.

Political integration is more difficult. With economic integration, the benefits are a little easier to demonstrate. Of course when countries get into financial problems like Greece, they have to think, “Well, do we want to go back to having our own currency?” which would basically be a disaster.
The fact that you have the Euro throughout the continent makes all kinds of economic sense and has helped promote economic integration a great deal.

On the political side, there is a tendency to feel underrepresented by and disconnected from the European parliamentarians, as opposed to a country’s own parliamentarians. People in general feel most closely connected to their local politicians. In the United States for instance, one can pass city or county officials in State College [home of Penn State] on the streets. As for the politicians who go to Harrisburg, people have little idea what they’re up to. Politicians in Washington are even further removed from the voters. So there is some of the grumbling about the political integration of Europe because voters feel too many of the things they care about are being sacrificed in the name of European political unity.

With regard to the refugee crisis it depends on the economic situation and the political situation in each country. Some of them see the refugees as a plus because the demographics of their working population, while other politicians are stoking the fears of xenophobia and racism, and Islamoparanoia, which is what Republican governors are doing in this country. There are thirty governors who have come out against taking any Syrian refugees, and 29 of them are Republican with only one Democrat. The people who committed the terrorist acts in France were mainly European nationals. It’s not clear whether any of them were refugees. After 9/11 politicians capitalized on the hysteria and fear of a great number of people, and did things like invade Iraq, which had nothing to do with 9/11. Now it is really more of the same. It is the politics of fear and manipulation, which provokes an overreaction that will inspire more support for terrorism.

One of the problems in any conflict situation is that the military-political side of it is often very hard to resolve, while treating the effects of the conflict, in terms of dealing with refugees and displaced people, is easier. It is essentially slapping Band-Aids on the problem however. The size of the current humanitarian problems resulting from the conflicts in Syria, Afghanistan and Iraq is so overwhelming that the world is struggling to cope. Ironically, and because the refugees are not the poorest of the poor, they have the money to pay a refugee smuggler a couple thousand dollars to put them on a rubber dinghy and float them from Turkey to some Greek island and get them into the European Union. Because the refugees can pay to be transported in that way, a cottage industry as sprung up.

It is not like African refugees where they are so poor all the can do is put what they own on their heads and walk across the nearest border. They camp out there and are helped by the international community until the war ends, and then go back. That is what happened when I was in Malawi. We had half a million Mozambicans cross the border and settle in refuge camps in Malawi in the late 1980’s. When the war in Mozambique ended years later, they put their stuff back on their heads and went back across the border.
The current situation in the Middle East is much harder to deal with because the political-military part of it is so difficult. Some people say we should create safe zones and keep the people there, even in Syria. That is not going to be easy to do either, but it has the advantage that those people will be able to go back to Syria instead of getting settled in Europe. The ability of the refugees to move on to Europe has created a backlash and those people who were against accepting refugees into the European countries are growing more vociferous and outspoken. So it has certainly complicated the process of European integration.

STACK: Morally speaking, do you think Europe and the developed world has the responsibility to take in every single Syrian who wishes to leave their homeland given the current humanitarian disaster there? Many see the distinction between “real refugees” and what they consider “economic migrants” while others say that it’s almost impossible to distinguish between the two except for extreme cases. Do you see the two as being distinct, and, if so, how do you differentiate between them in terms of identifying them and having different policies to respond to different situations?

AMBASSADOR JETT: Certainly there is a distinction, but it is not always an easy one to be make. People come to the developed world because it is developed, because there is an economy, there are jobs to be had in the same way that we have people crossing from Mexico or coming from Central America and crossing into the United States because they want a job to support their families. They are economic migrants. The political refugees are those who have a well-founded fear that, because of political reasons, they would be in danger if they remained in their own country. This is true of many Syrians and a lot of Afghans as well. But could an Afghan go to another part of Afghanistan or a Syrian to a certain part of Syria and be safe? There are certainly a lot of displaced people, people who remain within their own country and haven’t crossed a border. You have to cross a border to be a refugee. I think there is an obligation to help these people. The other question, of course, is how and how much?

Do you help them resettle in Germany and spend a lot of money renting them an apartment and getting them all kinds of benefits? That is certainly going to be a challenge for the Germans. We’ll see if they backtrack. They were talking about accepting 800,000 refugees and that would be tremendously expensive.

The whole reason the UN was created in 1945, in the wake of World War II, was to deal with threats to international peace and security. This is a situation that clearly threatens international peace and security, so things have to be done. But the question is do you treat the symptoms, or do you treat the causes?

The symptoms being the refugees, the causes being the political and military situations. As I said earlier, the political and military situation is much harder to deal with than treating just the symptoms because it often requires putting military forces into a combat situation. There is a reluctance to do that, but when the causes are not dealt with people continue to flee and the countries where they wind up have to judge whether they are political refugees of economic migrants. Distinguishing between the two is not easy. In this country, when somebody comes and says, “I’m a political refugee,” they have to go through a whole legal process to demonstrate whether that claim is valid or not and convince a judge one way or another. It’s hard to do when you’re talking about hundreds of thousands of people.
STACK: Moving to the United States, what is your take on the debate surrounding how many refugees we should take in, if any at all? Is this just the flavor of the month, or will this be a more lengthy debate? Specifically, how much practical effect will some of the governors’ rejections of refugees have?

AMBASSADOR JETT: Hopefully, it will result in better communication between the federal government and the governors, but much of the debate is political posturing. The fact that 29 out of the 30 governors saying they don’t want refugees are Republican is not coincidental. It’s another way for Republicans to attack the president and his policies and to appeal to those who are racist and xenophobic. There is no such thing as absolute security,

but that does not stop politicians like Marco Rubio saying something ridiculous like “If we accept 10,000 refugees and one of them is a bad guy, that’s too many.” There’s an article I was just looking at that said that of something like 687,000 political refugees over the last several years, only three of them have been charged with any terrorist-related things. What level of security do you want, and where do you stop?

What are you going to say? We’re not going to take any Muslims? And aren’t people other than refugees also a potential threat. Are we going to keep out students, businessmen and tourists because they might be terrorists? Boko Haram just set off a bomb in a marketplace in Nigeria, so let’s stop taking Africans? In Peru and Colombia, large parts of those countries are still in the hands of terrorists, so we can’t take any Latin Americans? The people who committed the terrorist attack in Paris were Europeans, so let’s not take any of them? You have terrorism in Japan and China, so you can’t take any Asians? You have Jewish terrorists, so you can’t take any of them? If the Irish Republican Army renewed its activities would we stop admitting Catholics? The list might never stop.

Meanwhile, in the three days following the Paris attacks, I’m willing to bet that more Americans were killed by guns than were killed by the Paris attacks, because we have about 30,000 people who die because of guns every year. About half of those are suicides, about half are homicides, and a good number, 500-600, are accidents. You have Mr. Trump saying that there’s too much gun control in France. There are 31 guns for every 100 Frenchmen; there are 89 guns for every 100 Americans. The murder rate with guns in the United States is 50 times higher than the murder rate in France. So what poses the biggest threat? How many college campuses have been the scenes of multiple shootings? When it is foreign terrorists, people are terrified. When it is a deranged person shooting up a Planned Parenthood office, then it is somehow less frightening. When people are terrified, they get scared stupid and there are always politicians willing to take advantage of that fear.

STACK: Sorry for the abrupt segue, but I was hoping that we could move on to the Iran deal for now.

AMBASSADOR JETT: Okay.

STACK: Temporarily ignoring domestic politics in both countries for now, are you confident that this deal is in the best interests of the United States?
AMBASSADOR JETT: I’m absolutely convinced that this is in the best interests of the United States.

When you have a disagreement between two countries or two people, you can ignore each other, you can fight each other, or you can negotiate. This was a two year negotiation with six countries on one side, and Iran on the other side. The people who say, “It’s not good enough, let’s go back and get another deal,” are delusional, because all of those other five countries say, “There isn’t going to be a better deal to get, and we’re not going to go back and attempt to do that.” The sanctions have been sufficiently effective to help bring Iran to the negotiating table. But the sanctions began to leak and are never going to be “airtight,” so ratcheting up sanctions and saying that we’re going to force Iran to do something is not going to work.

Negotiation is not an exercise in humiliation or subjugation. You have to give the other side something that they can take back and defend when they go home and say, “This is what we accomplished.” I think that has been done.

We will see how the implementation of the deal rolls out. I have been impressed by the extraordinary amount of public debate and the extraordinary number of different groups that have attempted to influence this policy. AIPAC, the American-Israel Public Affairs Committee, supposedly one of the most powerful lobbying groups in Washington after the National Rifle Association and the AARP, has created a fake organization solely dedicated to defeating the Iran deal. They have spent tens of millions of dollars trying to defeat it. And all kinds of other organizations weighed in as well, organizations on both sides of the issue.

STACK: Specific to our allies, especially Israel and Saudi Arabia, they’ve expressed their concerns in a number of different ways and differ in how explicit they are about it, but I guess my first part of the question is: are they justified in saying this deal is a threat to them? If it is a threat, to what degree can we tolerate a threat to our major allies in the region?

AMBASSADOR JETT: Part of the problem with Saudi Arabia is that it’s a Sunni-Shiite thing, with Iran being Shiite, and it’s also about regional influence. Saudi Arabia wants to think of itself as the most important player, and they see Iran as not only Shiite but as a competitor for influence. So they see it in those terms. The deal is not a threat to Saudi Arabia. The biggest threat to Saudi Arabia is the fact that it’s a monarchy and not democratic. That’s why they go around the world supporting Sunni extremists, and essentially buying them off. They’ve helped create the terrorism that’s going on now as practiced by ISIS and others. Religious extremism turns to thuggery and terrorism. That’s the problem with Saudi Arabia, certainly not that the deal is a threat to their existence or their military in any way.

As far as Israel goes, I’m constantly impressed by the capacity for Prime Minister Netanyahu to insult this country and its president. He just appointed someone for public diplomacy who has a history of going on his social media
and accusing Obama of being an anti-Semite and Kerry of being stupid and naïve. Either Netanyahu is incredibly arrogant or he believes he has to make that kind of appointment to keep the far right in his coalition happy. He has a 61 seat coalition in a 120 seat parliament so if he loses two people from his majority he’s out of office, and he has to have a new election. There is no other country that could get away with the intervention in our internal affairs that Mr. Netanyahu thinks is his prerogative. I was routinely accused of intervention in the internal affairs in the two countries I was ambassador in because I was trying to strengthen democracy, which displeased some of those in power. But I did not attempt to force legislators to oppose a policy of the president as Netanyahu and his ambassador in Washington have done, which I think is outrageous.

The other problem is, and I wrote an article about this for the Pittsburgh Post-Gazette, about a month ago, I think the special relationship with Israel is in danger. In danger in part because of Netanyahu’s ham-handed politics, but it’s also in danger because it’s becoming a partisan issue. It has become one of those issues where Republicans jump up and compete with one another to see who can be more extreme in their loyalty to Israel. Democrats are increasingly concerned about a relationship that would involve another country dictating American foreign policy. When Romney was running for president he said, “There must never be any daylight between Israel and the U.S., and before I do anything in the Middle East I would call up my friend Bibi Netanyahu and clear it with him.” No candidate would say that about any other country in the world—that there must never be any difference of opinion with them and that permission would have to be asked before a policy was implemented. It would be laughable, but conservative politicians who pander to the Christian evangelical vote have made it part of their dogma.

The increasing partisan politics regarding Israel is also splitting the Jewish community, which is overwhelmingly Democratic, and increasingly secular. That plus Netanyahu’s flagrant disregard for diplomatic convention and his obvious disinterest in peace is damaging the relationship. When Netanyahu was running for reelection earlier this year he motivated his supporters by assuring them there would be no Palestinian state while he is in office. All of that adds up to long-term damage to the relationship between the two countries. That’s the real threat to Israel, not any imaginary threat from Iran.

STACK: Sort of moving a little bit back to domestic politics with regards to the Iran deal: as far as I can tell, Governor John Kasich is the only Republican presidential candidate that has expressed any meaningful degree of support for the deal. The other Republican candidates have, generally speaking, been very critical of the deal. Marco Rubio, for example, saying that he would re-impose sanctions on Iran during his first day in office and Jeb Bush calling it a “dangerous, deeply flawed, and short-sighted deal.” Is this just posturing, or, put another way, if a Republican wins the White House next November, do you think that he or she will carry through with that to terminate the deal?

AMBASSADOR JETT: It is posturing, but it is dangerous and irresponsible posturing that puts petty partisan politics ahead of national security. Kasich, as you pointed out, is the only one that is rational on the deal but that is why he is not going to get it the nomination in a party that is increasingly irrational on many foreign policy issues. Of course, Rand Paul also said
that he wouldn’t destroy it the first day in office, he would at least be pragmatic enough to take a look and actually see if it is working. If it was working he’d leave it, and if it wasn’t working then he would consider doing something different. Under the deal itself you have to give notice of termination—you can’t simply walk in and say it’s over—and so even for those who say they’re going tear it up on the first day. You’ve got people like Trump saying ‘oh this is the worst deal ever negotiated.’ The criticism is ridiculous.

One would like to think that rationality would take over if any of these people took power. They would get into office and they would think again about actually tearing up the deal. Again this is not a bilateral agreement between two countries. It involves the interests of six countries on our side. The other five other countries are going to have an opinion as to whether the United States should trash the deal or not. It’s not something that a rational president could simply walk away from the first day in office. But given the level of criticism that seems to the norm for Republican candidates, Obama could have come back with a deal where we got the first born of every Iranian family and it still wouldn’t have been enough.

I am firmly convinced that they couldn’t negotiate anything better. But again when there is a disagreement between countries, the options are talk, fight or ignore each other. And the last option is not always the best as the Bush administration proved with North Korea. There were a couple of articles in the Washington Post about a meeting where the Bush administration officials were talking about how to deal with North Korea, and Dick Cheney walked into the room and said, “This meeting’s over, we don’t negotiate with evil, we destroy it.” Well, they didn’t destroy it, because the North Koreans have nuclear weapons and they also have a large army, and the capital of South Korea is also within artillery range of the border. So they didn’t do anything, they ignored North Korea, and North Korea went ahead and tested nuclear weapons and added to its stockpile, and is now moving towards greater missile capability.

That’s what can happen when you ignore a problem. If the option to go to war is chosen, there are costs and implications for that, as we see every day in Iraq. Hopefully any president that is elected will have the brains to take all of this into consideration, but that would be wishful thinking given what most of the Republican candidates are saying.

STACK: This will probably be the last question on the Iran deal. This past October, the supreme leader of Iran, Ayatollah Ali Khamenei, conditionally endorsed nuclear accord, but according to some analysts he seems to have hedged his bets by tolerating and even encouraging a great deal of criticism of President Rouhani by the conservative elite—for example, the revolutionary guards, the judiciary and the police. Many people including the rev guards benefit from the status quo. Will conservative backlash in Iran derail the deal, and how important are Iranian domestic politics moving forward?

AMBASSADOR JETT: I don’t think it will derail the deal, because the majority of the people that make the decisions in Iran will see that it’s in Iran’s benefit for this deal to go ahead—for the sanctions to be eased, and for them to be more integrated into the international community. That said, domestic politics matter in Iran as well as in the United States. On our side we have Senator Cotton and 46 other Republican senators sending a letter to the Iranian government saying to forget it, that the next president is going to change the deal anyhow, so why bother. That is a far cry from
the days when Senator Vandenberg after WWII said that politics should stop at the water’s edge. Because we were involved in the Cold War, leaders of both parties agreed that foreign policy should not fall victim to partisan politics. Now we have Cotton and the other senators sending a letter to an adversary saying, “You can forget the president.” I agree with the New York Post headline that called them “traitors.”

Domestic politics in Iran matter as much as they do here, but it would be a mistake to take a report that because there was some opposition in Tehran that the deal will not go through. That would be as logical as watching only Fox News and making judgments about American politics. Part of the deal is that sanctions can be re-imposed, there are mechanisms in place for checking whether implementation is going ahead, and if the deal is not being implemented then sanctions can be imposed. I think we will have to wait and see.

STACK: For a final question, say it’s January 2017, and you’re called into the White House to advise the president (whoever that may be) on our strategy towards the broader region, towards the Middle East, specifically. What aspects of current policy do you think need to be changed, what should be retained, and among debate over having a “lighter footprint” in the Middle East, is there still room for us to have an active role in the region?

AMBASSADOR JETT: We have to have an active role. We can’t simply retreat and come up with some neo-isolationist foreign policy. I think how we have a role is important. The political situations in Iraq and Syria, and for that matter Afghanistan, have to be resolved. That will lead to the possibility for a successful military option, and for addressing the refugee situation. Beyond that, I think we have to be true to our values about respecting democracy and not simply say, ‘All we care about is stability.’ More foreign aid is required. Foreign aid is the only government program that a majority of Americans want to cut. But that judgment is based on a very poor understanding of reality. If you ask people in this country, “What percentage of the budget is foreign aid?” they typically say, “15-20%,” and if you ask them how much it should be, they will typically say, “8-12%.” The actual number is a fraction of 1%.

There should be more aid to help countries not just develop economically, but also to strengthen their institutions. There should be less paranoia about terrorism, because terrorism is not that big of a threat. How many Americans have been killed by ISIS? I think one journalist was beheaded, and one woman killed in the Paris attacks. The killings in San Bernadino were not an ISIS operation. That is not to say it terrorism is not a threat, particularly ISIS, but I don’t think we need to run around jumping into bed with right-wing dictators just because they say they’ll join us in our fight against terrorism. We did that during the Cold War when the enemy was Communism and our survival was at stake, but terrorism does not rise to that level and can be made worse if the measures taken to combat it are not chosen wisely.

The Israel-Palestine situation did not give rise to ISIS. It was the internal politics of Iraq and Syria which has given rise to ISIS and was largely brought about by our invasion of Iraq by President Bush under false pretenses. But the Israel-Palestine issue is still important even though the leaders on both sides of it never miss an opportunity to miss an opportunity. Given that lack of leadership it is time to impose a peace on Israel and Palestinians. The frustrating thing for reasonable people is that we got very close to a peace, back in the Clinton administration, and it failed to go through at the last moment. The agreement would basically be based on the 1967 borders, with some land swaps, a very limited right of return, and Jerusalem as a shared capital.
If people were flexible and creative they could do that. Given Israel's justifiable security concerns, it would also be necessary to have a Palestinian state that is basically the Costa Rica of the Middle East, meaning they would have no armed forces or major weapons systems, but would rely on a police force for internal security. The only reason they would need heavily armed forces is to suppress their own people. There is no kind of peacekeeping arrangement that could provide for Israel's security and Palestine has no need for heavy weapons. I think both sides have demonstrated an incapacity and a lack of leadership to get to peace, and so imposing one is the only solution. What do you do with 500,000 Israeli settlers on the West Bank? You build houses in Israel and you offer them that housing, and if they want to stay on the West Bank they can be the Jewish minority in Palestine.

STACK: Thanks so much for doing the interview, and for a great conversation.
LEGAL EDUCATION AND TRAINING IN THE MIDDLE EAST AND NORTH AFRICA: A TOOL FOR DEVELOPMENT; A TOOL OF FOREIGN POLICY

Jackie Faselt (Tufts University)

ABSTRACT:

The United States Agency for International Development (USAID) and the non-profit organization American-Mideast Education and Training Services, Inc. (AMIDEAST) collaborated on a development program called Legal Education and Training Project (LET) from 1984 to 1991. The goal of the program was to promote shared values and positive relations with the Middle East, by enhancing the rule of law and promoting human rights. The success of the program was anecdotal at best, and quantitative methods of moderating and evaluation was notably lacking in all similar projects at that time. The LET program did lead to more robust legal and judiciary training in the region. In the context of the history of development, the LET program appears to be an outlier from larger development program trends. Upon further examination of the global history of democratization, it is evident that while the program may not conform to traditional development trends, it does appear to conform to the trend of Arab exceptionalism.
Part 1: Overview

Though educational development projects are typically associated with primary and high school education, post-secondary and professional education have also been used as tools of international development. Professional development in the legal sphere has been utilized to promote a broader implementation of human rights and rule of law abroad. The Legal Education and Training Project (LET) was funded by the United States Agency for International Development (USAID) and carried out by American-Mideast Education and Training Services, Inc. (AMIDEAST). It ran from 1984 to 1991 with a total budget of $1.7 million in Egypt, Yemen, Jordan, Tunisia, and Morocco. The Program was internally marketed as a development project that would also benefit United States foreign policy. The United States sought to promote shared values and positive relations with the Middle East. In hopes of both achieving its political goals and aiding foreign countries, the United States developed legal education and training programs in the region to enhance rule of law and human rights.

USAID has a long history of funding and promoting development projects that aim to increase human rights and rule of law abroad. In 1961 President John F. Kennedy created USAID through an executive order and signed the Foreign Assistance Act, which led to what is known as a decade of development (“USAID History”). In 1966, Title IX was added to the Foreign Assistant Act, which “stressed support of democratic initiatives, popular participation in government, strengthening legislative capacity and local governments and civic education” (Near East Human Rights Evaluation, 1993 p. 1). In 1978 the Carter Administration added section 116(e) to the Assistance Act, which authorized the president to spend no less than $750,000 annually on “programs and activities, which will encourage or promote increased adherence to civil and political rights, as set forth in the Universal Declaration of Human Rights” (Near East Human Rights Evaluation, 1993 p. 2)

AMIDEAST is not a government agency; rather, it is a relatively small nonprofit established in 1951 with a history of educational development in the Middle East. By 1983, when it applied for a grant from USAID’s Human Rights Educational and Training Program, it already had an established record of “providing education and training opportunities to Arab students in many fields… both in the U.S. and at in-region institutions” (McCloud, p. 1). The organization went on to argue that it is qualified for the grant because of its familiarity with local traditions, interests, and priorities as well as its long term working relationship with national governments and universities (McCloud, 1983, p. 1). AMIDEAST’s capability was fortified at the time it applied for the grant by its ten field offices in eight Arab countries and its past experience with the “design and administration of thousands of academic and non-degree training programs, many of which have been in law and other fields closely related to human rights” (McCloud, 1983, p. 1).

The justification for the existence of the LET program was to create a geopolitical atmosphere that was more conducive to positive US relations in the Middle East and North African region. The project overview explains that “moderate” Arab countries should be given resources because they are necessary to balance the conservatism and radicalism also found in the region (“Legal Education and Training Project”, 1985, p. 2). In the 1980s the infant democratic institutions embedded in the government of the “moderate” countries in the region only had a fragile framework of human rights and rule of law. US foreign policymakers at the time thought that improving human rights and rule of law in Arab nations would strengthen their institutions, which would be beneficial to the nations themselves and the United States.
The long-term societal goals of the project were to:
1. Promote better understanding of the meaning and importance of human rights.
2. Further the observance of high regional and national standards of human rights practices.

The two organizations thought that fulfilling these goals would lead to the development of compatible social and political values, which would in turn lead to positive relationships between “moderate” Middle Eastern nations and the US (“Legal Education and Training Project”, 1985, p. 4). Furthermore, the concept of human rights was interpreted broadly under the assumption that the training and education of legal professionals would act as a causal mechanism for the “implementation of the human and civil rights standards which are already reflected in the constitutions and legal codes of the target countries” (McCloud, 1983, p. 3). The purpose was not to create institutions or values but rather to strengthen existing ones. The developers of the program specifically noted that all project activities should be designed to help fortify local establishments and strengthen indigenous cultural traditions that favor human rights (“Legal Education and Training Project”, 1985, p. 4). It is evident that USAID and AMIDEAST crafted and carried out their program with an understanding that populations in the Middle East might be wary of a heavy foreign hand; this fear undoubtedly stems from the legacy of western colonialism in region.

To accomplish the goal of promoting human rights and enhancing institutions, USAID and AMIDEAST created specific project goals on the topic of legal education.

The LET project-specific objectives were defined as to:
1. Enhance the quality of relevant legal education and training.
2. Establish a regional network with potential for future regional initiatives.
3. Strengthen institutional framework of programs that contribute to awareness, protection and promotion of human rights.
4. Increase the commitment of both the legal and academic communities to improved human rights practices.

The topics of training included constitutional law, due process, the rule of law, civil and political rights, and legal and administrative procedure, among others (McCloud, 1983, p. 4). By achieving these goals USAID hoped to accomplish their goal of promoting “moderate” Arab states that would be inclined to establish positive relations with the US based on their shared values (“Legal Education and Training Project”, 1985, p. 4).

In order to fulfill the objectives that were outlined in the program overview, AMIDEAST used a diverse set of mechanisms in their eight country platforms. The first line of operation was to fund participants’ travel to regional and international symposiums and conferences on human rights (“Legal Education and Training Project”, 1985, p. 14). Two popular conferences were the Salzburg Seminar on American Law and Legal Institutions, held in Austria, and The Academy of American and International Law, which was held in Texas (“Legal Education and Training Project”, 1985, p. 14). Another operation was library and curriculum
development in regional post-secondary institutions; in FY 1986 the equivalent of $13,000 worth of books were distributed to eight universities in three countries (“Legal Education and Training Project”, 1985, p. 17, 27). AMIDEAST also provided consultants for local institutions, namely for the Center of Advanced Legal and Judicial Training in Jordan on the topics of technology, administration, and curriculum development (“Legal Education and Training Project”, 1985, p. 20). The program also promoted and funded research on the protection of minorities, the safeguarding human rights within the justice system, and methods of teaching human rights in legal education in order to, “adapt the value system inherent in international human rights standards to the local cultural and social environment” (“Legal Education and Training Project”, 1985, p. 22).

Through analysis of the project overviews, grant proposals, and evaluations written by USAID or AMIDEAST for internal purposes, it is evident that one of the main purposes of the LET program was to advance US-MENA relations. The enhancement of human rights and rule of law was not a byproduct of foreign policy, but rather a mechanism to effect positive change for both countries, at least in the view of the United States government. The US government did not stop to consider whether it was appropriate to assume that the American version of rule of law and Western-style human rights standards could be successfully applied to nations with histories of different social contracts between government and people.

Part 2: The Impact

The scope of impact of a legal education development project with the goals of promoting human rights, rule of law, and democracy is three-fold. First, one must assess the potential shift of attitude on the principles of human rights of the individual participant; next, whether or not that shift of attitude led to a change in their practice of law; and finally whether that change in behavior led to systematic changes of increased rule of law and a greater societal respect for defined human rights. Despite evaluation efforts, the impact of LET in these three categories of impact were hard to assess quantitatively or qualitatively but, by assessing the legacy of the program it is evident that LET led to the creation of future, like-minded development programs.

In 1993 USAID published a final report that attempted to assess the first two categories of impact: shift of attitude and change in law practice of participants. The methodology of the impact evaluation included reviewing files, interviewing project managers and meeting with representatives of local organizations and participants of the program. (Development Associates, p. ii). It was found that the funded trips to American conferences had limited efficacy because of the language barrier and high costs. “One expert doubted that the participant came away with a 10% understanding of what was heard” (Development Associates, 1993, p. 9). Conferences at Siracusa were found to have much more potential for impact as they were conducted entirely in Arabic and the closed environment led to a freer exchange of views on politically sensitive human rights issues.

One Egyptian lawyer and law professor stated that the LET programs he had participated in, including the conference at Siricusa, had a direct influence on his work: “Although he was a conservative Muslim, he was more open to others’ beliefs. He was now taking cases pro bono defending Christians, for he was committed to the importance of freedom of worship” (Development Associates, 1993, p. 10).
While the report did uncover that some participants were more receptive to some types of legal education programming than others, the report did not address empirical evidence of effectiveness or impact. Assessment was limited to potential for impact. It was filled with anecdotes, but not rooted in social science research methods. This may not be a flaw of the report, but may instead reflect the magnitude of the challenge of tracking the effectiveness of professional development and education in general. Dr. Jeswald Salacuse, who was on the advisory board of the LET program and has been involved in legal education development programs for decades, commented that evaluations of such programs are rarely empirically sound and that assessments on impact are episodic, or anecdotal at best (personal communication, March 26rd, 2015). The authors of the LET program final report explain that the reasons for this deficit of scientifically reliable data may include the logistical difficulty of tracking alumni. “Because training programs were often completed years before, participants were difficult to locate” (Development Associates, 1993, p. 3).

The real question of the impact of this project is whether or not the education and training led to a transformation of attitudes and practices of the participating lawyers and judges in the context of human rights. Authors of the report admit, “a far more sophisticated evaluation scheme would be required to develop [this] information” (Development Associates, 1993, p. 10). In his report on Monitoring Performance Of Legal And Judicial Reform In International Development Assistance (2006), Livingston Armytage states the increased awareness of:

(a) the lack of researched-based experience yet available, b) an emerging recognition of the imperative to introduce and increase the monitoring, measurement and evaluation of legal and judicial performance and the impact of reform efforts, and (c) the beginning of what commentators describe as a ‘serious’ commitment to developing the capacity as a yardstick to guide ongoing work” (p. 3).

The third stated scope of the impact, the systematic shifts professional development programs seek to inspire, is the hardest to assess. Salacuse states that the three largest political motivations for the United States to fund legal education and training abroad were to promote democracy, rule of law, and free market economies (Personal communication, March 26rd, 2015). These goals fit in with the Cold War strategy to “steer development, economies, and policies of post colonial nations in clearly pro western directions” (Latham, 2011, p. 75). In the absence of any empirical data on the effectiveness of the LET program in the context of individual participants, it is challenging to gauge the impact of the program in its success or failure at promoting democracy and free market economies in the Middle East. For example, countries such as Jordan that claim the existence of democratic legislative institutions, in reality have a “history of rigged elections…that have produced toothless legislatures” (Fahim, 2011). However, the potential setbacks of the LET program cannot be directly tied to a lack of democracy in parts of the Middle East, just as its potential successes cannot be directly tied to emerging democratic institutions in post-revolutionary Tunisia.

In the absence of examinable data, one method of addressing the impacts is to address the program’s influence on the history of development as a whole. By assessing the LET program’s successors’ size and scope it is evident that the USAID believed in the potential of legal and judicial education programs even if
the LET program’s effectiveness was only anecdotally successful at best. From 1992 to 1995, instead of one large contract for a regionally coordinated legal training program, USAID supported some separate programs that AMIDEAST was working on in a limited number of Middle Eastern nations (Golub, et al, 1995, p. 16, 19). For example, one of the more robust programs took place from 1992 to 1997 in Cairo; The Legal Rights Project included curriculum for lawyers and other human rights specialists but also focused heavily on “legal English” training for judges and prosecutors (Golub, et al, 1995, p. 16).

The greater focus on English language education may be the direct result of the program assessment of the LET project’s hardship with the language barrier at international and American conferences. In 1996 USAID and AMIDEAST continued their partnership in Egypt under a comprehensive legal and judicial reform initiative known as the Administration of Judicial Support Projects (AJOS). In the first eight years of its run, the budget was $18.4 million, which was approximately nine times as much as the original LET program (AMIDEAST, 2008). Based on lessons learned from the LET program, future endeavors became more refined, and grew substantially. According to Salacuse, the LET program can be viewed as a small first draft of a larger legal and judicial development phase that was about to resurge in the mid 1990s, and focused more on legal institution building than the promotion of human rights (personal communication, March 26rd, 2015).

Another method to track the impact of the project would be to assess reaction or criticism of the LET program from first-person sources. However, this method could not be utilized because first hand accounts of the reception of the program during or shortly after its operation period were not found. There are several possible reasons for the lack of non-governmental primary sources. It is possible that because the program took place in the Middle East, commentary was hard to find because of language barriers. Another reason why the project might not have swayed domestic conversation on development practices is because of its relatively small size. For example only $2 million were spent over the course of eight years when the annual USAID budget at the time was $5 billion per year (“A Foreign Affairs Budget for the Future” 2008, p. 2).

The lack of first-person accounts and details of how the program shifted over its eight year run make it difficult to determine whether or not changing political, economic, or social factors had any effect on its implementation during its years of operation. It is possible, however, to see how changing political realities may have led to its creation in the first place. For example, Egypt transformed into a more outwardly-looking country after Sadat took power in the 1970s. In order to capitalize on or reinforce what is known as the Infitah, or the opening up of the Egyptian economy, the US may have began planning democracy and rule of law development initiatives that were then implemented in the early 1980s - a short time after Sadat’s assassination.

The impact of the LET in the context of changed attitudes and practices of participants, as well as region-wide systematic shifts, was hard to assess quantitatively or qualitatively. However, the LET program led to the creation of new legal education development projects, which were much better funded. The challenges of measuring the effects of postsecondary and professional education are still relevant today. In a world of limited funds for development projects, it will be important for monitors and evaluators to create scientifically sound methods assess outcomes if they wish receive continued support for their programs.
Part 3: Global Historical Context

The LET falls into a category of legal or judicial reformative development projects that have the general goals of promoting democracy, human rights, rule of law, and capitalism. This subset of international development closely parallels the larger trends of development from the 1960s to current day. Initially when looking at these larger trends of development as they pertain to legal reform, the LET program appears to be an outlier. However, upon further examination of Middle Eastern political history, it is evident that while the LET program does not conform to the traditional development trends, it does conform to the trend of Arab exceptionalism.

It is important to note that the LET was not the inaugural legal reform aid program for the United States/USAID. In fact, there had been a large wave of legal and judicial reform assistance in the 1960s (personal communication, March 26rd, 2015). During that time USAID and the Ford Foundation began judicial reform programs in Asia, Africa, and Latin America, as part of the, “law and development movement” which lasted a decade (Skaar et al, 2012, p. 9). “The movement engaged professors from Harvard, Yale, Stanford, Wisconsin, and other leading American law schools, and within a few years had generated hundreds of reports on the contribution of law reform to economic development” (“Law and Development Movement” p. 1). The assumption of the movement was that lawyers and judges could act in part as social engineers and that law reform would aid in economic development (“Law and Development Movement” p. 1). Salacuse states that one reason for this first large wave of legal education development projects stemmed from recent African and Middle Eastern independence movements and the hope that the programs would help train a new generation of African leaders (personal communication, March 26rd, 2015). Several inaugural judicial reform programs included the International Legal Center, SAILER, and the Peace Corps, which primarily received funding from the United States government as well as private American foundations (Johnstone, 1972, p. 677).

The “law and development movement” of the 1960s did not last forever and was declared a failure after just over a decade, as judicial reform fizzled out of fashion in the early 1970s. Salacuse contends that the first wave ended because private foundations and donors lost interest in the idea, and without monetary contributions legal development programs could not continue (personal communication, March 26rd, 2015). Other critics state that the movement failed because of “the naive belief that the American legal system (and American legal culture generally), which [is referred to as] ‘liberal legalism,’ could be easily transplanted to developing countries” (“Law and Development Movement” p. 1). Additional reasons for its failures include the exclusion of customary law from reform efforts, a lack of cultural sensitivity, a lack of willing participants, and an absence of a consistent development theory on legal reform (Skaar et al, 2012, p. 9).

It is important to step back from the specifics of legal education development programs and see the larger development trends of the 1960s to assess parallels between the two. In The Right Kind of Revolution: Modernization, Development, and U.S. Foreign Policy from the Cold War to the Present, (2011) Michael Latham states:
Modernization was a fundamentally liberal idea. As part of the wider discourse of development so deeply embedded in U.S. political and intellectual life from the late 1950’s through the early 1970’s, it promised to raise economic productivity, elevated living standards, and stimulate cultural transformation to create a more human, just, and safer world” (p. 125).

The law and development movement of the ‘60s paralleled the larger development trends of the decade. Cullather highlights that modernization rests on the theory that there will be a convergence of all states to a superior form of political economy (2011, p. 642). With this understanding of modernization it is evident that people and agencies promoting rule of law and the democracy through legal education and judicial reform programs in the 1960s were doing so because they viewed the democratic, open market system as superior to the Soviet Union’s communist alternative.

A change in the view of development in the 1970s corresponds with the end of the first law and development movement. A “critical reassessment of development” occurred during the 1970s and “exposed modernization’s failure, set out new agendas, and forced professionals to reconsider their fundamental objectives, values, and goals” (Latham, 2011, p. 175). This decade focused more heavily on the open market system as a means to prosperity. There was popular sentiment that “if government would only get out of the way, unfettered capitalism could unleash long-suppressed human potential” (Latham, 2011, p. 177). It is no surprise then that the first wave of legal education aid programs came to an end in an era where less focus was placed on societal development projects.

The 1980s followed suit in some ways and offered changes in others. While modernizers of the ’60s may have wanted to use development as a tool of broader social transformation, Ronald Reagan “relied more heavily on ostentatious displays of force” in an era when conservatives, “had very little patience for non-alignment” (Latham, 2011, p. 181). The foreign policy of the Reagan administration focused more heavily on military force than on soft power to accomplish its goals. However, as the Cold War came to an end there was a change in governing structures around the world. What is known as the third wave of democratization took place in eastern and southern Europe in the 1980s and ’90s, when large regime shifts in Latin America were set in motion in the 1980s and continued into the 1990s as well (Miller et al, 2012, p. xxi). The Middle East followed a slightly different pattern. Some Arab countries, particularly Egypt, followed the Turkish model, which was a “form of guided democracy…in which the military acted as an unelected arbiter, determining the political rules of the game behind the scenes… That role diminished very gradually, while at the same time Islamist-oriented political parties rose to power” (Miller et al, 2012, p. xxi). The changing political realities of the1980s and 1990s brought on a shift in the goals of development both in a larger context and specifically within legal reform projects.

What is labeled as the “second wave” of aid to judicial reform began in the late 1980s and had taken off by the 1990s (Skaar et al, 2012, p. 10). The new wave had a greater number of donors than the first, including a large rise in the number of multilateral programs from the United Nation Development Program, The World Bank, various regional development banks, and the European Union (Skaar et al, 2012, p. 10). These new participants reflected reemerging goals of development as a whole. For example, “The renewed international interest in judicial reform in the 1990s was closely linked to the process of economic
liberalization, pushed mainly by the World Bank [and] the International Monetary Fund” (Skaar et al, 2012, p. 12). The new wave focused on the goals of the promotion of democracy, the capitalist market, and rule of law, according to Salacuse (personal communication, March 26th, 2015).

Understanding the historical context allows one to see that the LET program, which started in 1983, may be considered an outlier to larger development trends. This may explain why the LET program has such a relatively small budget compared to the overall USAID expenditure of the decade, and why future USAID-AMIDEAST partnerships in legal reform were much larger monetarily. For example, the LET had a budget of $1.7 million, while its successor program, the Administration of Judicial Support Projects (AJOS) had a budget that was $18.4 million for the same number of years (AMIDEAST, 2008). The LET program was the first USAID grant-based legal development project that AMIDEAST took on. Therefore donor fatigue, one of the hypothesized causes of the decline of the first wave of legal development, would not have been an issue and may explain why the program began on the earlier side of the second wave.

It is also very important to note that the LET project occurred in the Middle East, which did not completely follow the global trends of democratization in the 1980s, as highlighted before. In The Rise and Fall of Arab Presidents for Life (2011), Roger Owen examined Arab exceptionalism, or the issue of why Middle East and North African autocratic regimes have avoided the transition to democracy after the end of imperialism in the region. One explanation may include the relationships between governments and the security sector. For example, “Kingship bestowed only a little extra by way of legitimacy in the Arab world,” so the kingdoms therefore must “be propped up by the omni-present security service…” (p. 125). Many supposedly reforming or democratizing nations were still troubled with corruption, minimal political participation, and the dominance of single parties, or families” (Latham, 2011, p. 189). If one buys into the theory of Arab exceptionalism, it would not be surprising that the LET program, which focused exclusively on the Middle East, was an exception to the larger trends of legal development, and started before the commencement of the second wave. Because the Middle East's political history ran on a different timeline than the rest of the globe, development projects in the region, which had the goal of effecting political change, also adhered to a different timeline.

As stated before, AMIDEAST’s work with USAID in legal and judicial training did not end with the LET project, and in general the second wave of legal development aid has continued until today with only slight changes. Post-9/11 legal development programs have focused more on institution-building than before. Secretary Powell stated that:

Our goal is to eradicate poverty. The president has a vision of how to achieve that goal: enabling the spread of political systems where access to opportunity is fair and where democracy and the rule of law enable free people to use their God-given talents to prosper.” (2005, p. 34).

After 9/11, legal development was incorporated into security sector reform, while development, democracy, and security were increasingly seen as “inextricably linked” (Powell, 2005, p. 34). This subset of international development focusing on legal education and reform closely mirrored the larger trends of development beginning in the 1960s. At first glance, the LET program appears to be an outlier from larger trends of development as they pertain to legal reform. However, upon further examination of global history of democratization, it is evident that while the LET program does not conform to traditional development trends, it does appear to conform to the trend of Arab exceptionalism.
REFERENCES:


THE CONFUCIUS INSTITUTE PROJECT:
CHINESE CULTURAL DIPLOMACY
AND SOFT POWER PROJECTION

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ABSTRACT:

According to estimates, there are approximately 200,000 American students learning Chinese today, whereas there are between 300 and 400 million Chinese students studying English. In an attempt to change this and to prepare the leaders of tomorrow’s world to effectively engage with China, Barack Obama announced in September 2015 the 1 Million Strong initiative, which hopes to increase the number of Chinese-learning students in the United States to 1,000,000 by the year 2020. It involves advancing language-learning technology, creating a national Chinese curriculum, and establishing a consortium of governors who support Chinese-learning in public schools. Nevertheless, endeavors to bring Chinese into the classroom have not been without controversy, most notably the Chinese government-sponsored Confucius Institutes Project. The Confucius Institutes Project, initiated in 2004, has since then grown to 475 Confucius Institutes and 851 Confucius Classrooms around the world, including 97 Institutes and 367 Classrooms stateside. This paper, acknowledging that the influence and potential of cultural diplomacy in international relations theory remains poorly defined and understood, examines the Confucius Institutes Project as a platform for Chinese cultural-linguistic diplomacy and soft power project and investigates its organizational structure, practices, and significance. This paper in the end surmises that although the Confucius Institutes Project does not seem to be effective in projecting China’s goodwill image and peaceful rise, it nevertheless facilitates country-to-country and people-to-people exchanges.
Introduction

“The international dissemination of Chinese culture must shoulder the critical tasks of improving our country’s image and soft power... The cross-media dissemination of Chinese culture has not only broadened our strategic interests, but has also increased our international influence.”

To strengthen Chinese soft power, the country needs to build its capacity in international communication, construct a communication system, effectively use the new media and increase the appeal, creativity, and credibility of China’s publicity. The stories of China should be well-told, voices of China well-spread, and characteristics of China well-explained.
– Xi Jinping, Pres. of the People’s Republic of China, 2014 (Xinhua, 2014)

The increasingly prominent role that China is playing in the global economy, international security, and other countries’ calculations of their own national interests has prompted noticeable alarm and concern among academics, ordinary citizens, and policymakers around the world, particularly in Europe and the United States, about the implications of China’s recent ascendancy. There have thus been many attempts made by the Chinese government to better explain the Chinese point of view, to project a more favorable image of the rapidly rising country, and to reassure its neighbors and the world that its intentions are benign. These have included boosting military-to-military cooperation with other countries through military attaché exchanges and joint exercises, disseminating more information oriented towards foreign audiences through translated websites and white papers, employing foreign development assistance programs and good neighbor policies, and promulgating the notion of peaceful development and peaceful rise as China’s grand strategy (Dai, 2010).

More recently, though, the Chinese government has devoted greater attention to the importance and relevance of cultural diplomacy and has made vigorous efforts to use cultural platforms to project China’s peaceful development image and soft power. The Confucius Institute Project is affiliated with the Ministry of Education and under the guidance of the Office of Chinese Language Council International. Moreover, it has been the principal means to achieving this end by providing more opportunities for people to learn about Chinese culture and to study Chinese language and by so-called winning their hearts and minds for political purposes (Hughes, 2014, p. 55-56). Other means have included broadcasting Chinese Central Television and China Radio International programs abroad; exporting Chinese movies like Crouching Tiger, Hidden Dragon, Hero, and Red Cliff; spreading contemporary and traditional Chinese art, cuisine, literature, and martial arts overseas; translating major newspapers like People’s Daily and Xinhua into foreign languages for international publication; and using world-renowned Chinese athletes, celebrities, and singers to raise China’s cultural profile. While many of these means do not appear to be, or are in fact not, products of Chinese government action, some are doubtlessly officially orchestrated.

Despite the broad range of activity in the international dissemination of Chinese culture and language, there has been a lack of comprehensive academic literature on the subject, particularly with respect to its impact on China’s global standing and the way that China is perceived around the world. Simply put, aside from Joshua Kurlantzick’s Charm Offensive: How China’s Soft Power is Transforming the World (2008) and a few
other journal articles, Chinese and Western scholars have had little to say about China’s cultural diplomacy or its soft power in recent years. This may be attributed to a number of factors, such as the extent to which China’s soft power is developed and possesses the critical elements of attention, attractiveness, and persuasiveness, or the lack thereof (Womack, 2010, p. 66-67). The purpose of this paper, then, is to consolidate and to contribute to a further understanding of Chinese cultural diplomacy and soft power by looking at how the Confucius Institute Project and other Chinese government-sponsored language promotion initiatives affect China’s goodwill image and soft power capabilities.

This paper is divided into four major sections. The first briefly discusses Joseph Nye’s concept of soft power. The second follows with a background of the Confucius Institute Project since its formal launch in November 2004. This section describes the activity, history, global distribution, and organizational structure of Confucius Classrooms and Institutes. The third section examines reactions to this specific aspect of Chinese cultural diplomacy and then suggests a calculus based on data from various public opinion polls for measuring the successes, or the lack thereof, of the Confucius Institute Project. The conclusion offers final reflections and thoughts.

I. Soft Power in International Relations Theory

Although globalization has brought about important changes and challenges, the international system remains largely characterized by the exercise of power by individual sovereign states to achieve their goals and to protect their interests, as Brantly Womack (2014) observes (p. 266-268). Broadly speaking, power is defined in this context as the ability of states to control or influence other states and even the outcomes of events and includes the capabilities to attract, to coerce through the use of force and sanctions, and to induce through the use of material rewards and payments (Nye, 2004, p. 24). But what exactly is the attraction, i.e. the capability to attract, then? It is useful to know that Joseph Nye, who coined the concept of soft power more than a decade ago, considers attraction to be soft power. Moreover, he explains it as “the ability to get what you want through attraction rather than coercion or payments” with the sources of attractiveness essentially being a country’s brand, namely its culture, policies, political ideals, and public diplomacy (p. ix-xi). Yet, it is not difficult to imagine that hard power, such as economic strength, military might, and technological advancement, can also make a country attractive and deserving of emulation and respect.

In addition to this difficulty of distinguishing between hard and soft power, Womack (2010) interestingly raises two other logical problems related to soft power (p. 64-65). First is the issue of
significance, for if a country has the hard power and resources to command compliance from other countries, it would seem as if the lack of soft power is merely an inconvenience. In other words, what can a country do with soft power that it cannot do already with its hard power? There have certainly instances in recent years where China, for example, has threatened other countries with the more coercive hard power economic and political levers, like aid/investment and multilateral organization participation, to help it realize its goals (Kurlantzick, 2008, p. 6-7). One example is the denial of the Dalai Lama’s application for a visa to attend the Fourteenth Nobel Peace Laureates Summit in Cape Town in October 2014 due to the mounting pressures from the Chinese government on Pretoria. Second is the issue of causation and structure, given that attention, attractiveness, and persuasiveness are distinct and interactive elements of soft power and should be treated as such. Simply put, attention does not imply an attractiveness and attractiveness does not inevitably lead to persuasiveness. To summarize, Womack (2010) poignantly writes, “The appropriate perspective for understanding soft power is that of the potential partner, because it is the potential partner’s unforced decision to comply that is at stake. Even if the gun is pointed elsewhere, the man with the gun may still appear alienating and threatening (p. 66-67).”

It is necessary to understand, though, that while the Chinese view of soft power is largely consistent with the definition put forward by Joseph Nye, there are some key differences in terms of its application, scope, and sources. The Chinese view, as examined by Yeh-Chung Lu and Hongying Wang (2008), specifically asserts that soft power applies to both domestic and international individuals, policies, and organizations; encompasses all elements outside of the security realm, including aid and investment; and stresses China’s economic model and traditional culture as its main sources rather than China’s political ideals and popular culture (p. 427-431). The emphasis on China’s economic model, which has resulted in rapid development notwithstanding firm state control, is particularly interesting and may very well be attractive to other countries, especially those in the developing world. It would seem as if China has embraced soft power in recent years and has, more importantly, expanded upon the original conceptual framework to produce a notion of soft power with Chinese characteristics. Regardless, the broad concepts of culture and soft power have become increasingly salient in international relations theory, with many scholars contending that cultural appeal and soft power behaviors have often superseded diplomatic norms, rational choice, and realpolitik as the force majeure in the post-Cold War era (Ding, 2008, p. 114). That is to say, attraction and culture are now the lens through which ordinary citizens and policymakers approach issues, exert influence, and make decisions.

Yet, for the purposes of this paper, it must be said that the influence of language, which has also received much more academic attention, is arguably one of the most important components of any civilization and culture, for language and power are closely linked. This is, in part, because various languages have been used throughout the course of human history to assist in the formation of global-local power structures, functioned as mediums for the dissemination of cultural knowledge and values, and served as one of the most convenient ways for distinguishing between friends and foes (Ding, 2008, p. 114). For example, the spread of ancient Chinese culture and classical Chinese language to Japan, Korea, and Vietnam operated as one of the pillars of China’s historical dominance in East Asia and remains relevant until today in Japanese, Korean, and Vietnamese cultures and languages. Brantly Womack (2006) cites data supposing that the Vietnamese language, in fact, borrows nearly sixty percent of its vocabulary from the Chinese language, with the proportion rising to seventy to eighty percent in the areas of economics, law, politics, and society (p. 61). This explains partly why so many hegemonic powers in history, such as the Arabs, British, French, Greek, Romans, and Spanish among countless
others, actively promoted the dissemination and use of their own cultures and languages. Whether China is seeking global and/or regional hegemony in the long-term is a growingly important question; however, scope and space limitations unfortunately preclude a more detailed discussion in this paper.

II. Background on the Confucius Institute Project

The Office of Chinese Language Council International, also known by its abbreviation as Hanban, is a nominally non-governmental and non-profit organization governed by a group of members from Chinese government commissions and ministries, including the Ministry of Culture; the Ministry of Education; the Ministry of Foreign Affairs; the State Administration of Radio, Film, and Television; and the State Council among other relevant organizations. The Confucius Institute Project, which is quite similar in nature to the British Council, French Alliance Francaise, the German Goethe Institutes, and the Spanish Cervantes Institutes, is as aforementioned considered to be the most efficient way to foster appeal and soft power overseas and is thus a significant part of Hanban (China Daily, 2011, Website). It should not be a surprise that the Chinese Government has invested so much effort and money into expanding and improving the Confucius Institute Project, steadily increasing from $278 million in 2013 to over $300 million in 2014. Hanban also directs and funds all of the activities of the Communications Division, which deals with the facilitation of international cooperation and exchanges; the Examinations Division, which focuses on the Certification of Chinese Language Teachers and the Chinese HSK Proficiency Test; as well as the Teaching Evaluation and Quality Division, which oversees the development and distribution of teaching materials and resources, teachers, and volunteers.

Confucius Institutes themselves are coordinated through the Confucius Institute Headquarters (Hanban) in Beijing, which is responsible for assessing applications for the establishment of new institutes, evaluating and setting annual budgets and programs, formulating regulations and rules, and supplying management and teaching staff (Hanban, About the Confucius Institutes, Website). Moreover, most Confucius Institutes are created through a collaboration between two academic institutions, one in China and one in the host country. Hanban then provides the start-up money for the new institutes, which are located physically on the university campuses. The Economist (2014) reports that Hanban usually allocates an average of $100,000 to $200,000 a year on many campuses, and sometimes even more than that. Some examples of Confucius Institutes in the District of Columbia and Virginia operating on this university model are the partnerships between Beijing Language and Culture University and George Mason University; Nanjing University and George Washington University; Minzu University and Old Dominion University; and Beijing Normal University and the College of William & Mary. Donald Starr (2009) explains that there are also a few Confucius Institutes that are either run entirely by Hanban or by the host country under license with the Hanban that exist worldwide (p. 70-71). While all Confucius Institutes will evidently have certain commonalities, including their pledge to abide by the regulations and rules laid down by Hanban, there are nevertheless still considerable orientation variations among them, such as the arts and music focus at the State University of New York at Binghamton, the business focus at the London School of Economics, and the medicine focus at Hyogo College of Medicine in Japan among many others.

Likewise, according to Donald Starr (2009), Confucius Classrooms, which focus on secondary education, serve as focal points for learning and teaching about Chinese culture and language by connecting secondary
schools to the local Confucius Institutes (p. 71-72). The Asia Society’s Confucius Classrooms provides such an infrastructure for the network of one-hundred schools and school districts in the United States, including the Fairfax County Public Schools system. There have been other efforts by Hanban to promote secondary-level Chinese learning and teaching worldwide, such as through the Chinese Bridge Delegation to China, the Chinese Guest Teacher and Trainee Program, and the Chinese Culture and Language Initiative with the College Board in the United States; scholarship opportunities to support the research and study of non-Chinese citizens in China; online and radio, and television self-learning and teacher-led Confucius Institute programs, and even summer camps, such as the Chinese Bridge Camp for High School Students. These programs are carefully designed and positioned by Hanban with the aim of reaching as many demographic groups as possible – elites and non-elites, male and female, old and young, rich and poor, etc.

More importantly, according to the statistics recently released by the Confucius Institute Headquarters regarding the global proliferation of Confucius Institutes and Classrooms, the Confucius Institute Project has spread to over 126 countries. This includes 475 Confucius Institutes, 851 Confucius Classrooms, 33,745 full-time and part-time teachers, and 1.1 million registered students, accompanied by a 30.6% increase in registered students as well as 35 new Confucius Institutes and 205 new Confucius Classrooms established in 2014 alone (Hanban, Annual Development Report 2014, p. 4-5). This contrasts rather starkly with the 282 Confucius Institutes, 272 Confucius Classrooms, 3,100 full-time and part-time teachers, and 260,000 registered students scattered throughout 88 countries at the end of 2009 (Hanban, Annual Development Report 2009, p. 6-7). There are further plans for establishing another 60 Confucius Institutes and 350 Confucius Classrooms worldwide by the end of 2015, with the ambitious objective of having 1,000 Confucius Institutes established by the year 2020. Alan Yang and Michael Hsiao’s “Introduction to the Special Issue” (2014) states that this is, of course, in addition to the 25,000 Hanban Scholarships subsidized, the more than 20,000 cultural campaigns and exchanges organized, the more than 100 million students taught, and the 200,000 language teachers trained since it was launched (p. 3). There is no doubt that the Confucius Institute Project, given how fast it has grown and how much attention it has received in just a few years, is a critical facet of China’s outward-looking and pragmatic posture that was heralded by Deng Xiaoping during the Openness and Reform Era.

Similarly, although the first Confucius Institute opened in Seoul, South Korea in November 2004, the Confucius Institute Project has been most prolific in North and South America, which have nearly 47.7% of all Confucius Institutes and Confucius Classrooms. This is followed by the 27.9% in Europe, the 13.7% in Asia, the 6.2% in Oceania, and the 4.5% in Africa, as suggested by the data in Tables 1 and 2. According to
Hanban’s Annual Development Report (2014), the countries with the most Confucius Institutes and Confucius Classrooms include: the United States (542), the U.K. (134), Australia (60), Canada (41), Thailand (31), South Korea (28), Russia (23), Japan (21), Kyrgyzstan (20), and New Zealand (20) (p. 72-79). This seems to imply that Hanban considers geographical distance, gross domestic product, levels of development, and population in determining where to open Confucius Institutes and Confucius Classrooms. Donald Lien and Chang Hoon Oh (2014) apply a supply and demand analysis to the establishment of Confucius Institutes and Confucius Classrooms and contend that, in addition to the aforementioned factors, foreign direct investment, language background, and trade levels are also significant. They explain that, “The Confucius Institute Project is underrepresented in developing, distant, and non-English countries that receive little FDI from and/or that trade infrequently with China (p. 437-441).” There are, as Alan Yang and Michael Hsiao’s “Differentiating the Politics of Dependency” (2014) points out, over 400 universities in 76 countries on Hanban’s official waitlist, many of which are in these regions (p. 20). This suggests that there are still many opportunities for expanding and improving the existing Chinese cultural diplomacy efforts and that there is actually a lack of supply rather than a shortage of demand for the Confucius Institutes and Confucius Classrooms themselves.

Southeast Asia, which has only 55 Confucius Institutes and Confucius Classrooms, presents a unique challenge for the establishment of Confucius Institutes and Confucius Classrooms because of the individual component countries’ asymmetric relationships with and close proximity to China. The term asymmetry is defined by Womack (2006), in this context, as the structure in which disparities in individual capacities that creates the dichotomy of strong and weak states and that typically creates differences in the attention, interactive behavior, and risk perception (p. 78-85). Soft power, therefore, becomes an instrument by which strong states can induce cooperation through attraction and persuasion rather than relying on force and rewards. This explains why Southeast Asia has been what A. Yang and M. Hsiao (2014) call the “testing ground for China’s good neighbor policies for decades (p. 22).” But why has the spread of the Confucius Institute Project been more prolific in certain countries than others? Here, they argue rather convincingly that existing governmental and popular attitudes towards China play a fundamental role in its degree of failure or success. It should therefore not come as a surprise that whereas the Confucius Institute Project has been well-received in countries like Cambodia and Thailand, where the ethnic Chinese communities exercise an important influence on local economics and politics, it has also met much more serious resistance in countries like Myanmar and Vietnam, where there are lingering suspicions of China and its intentions in the region (p. 32).

Against this background, the next section of this paper will analyze the impact the Confucius Institute Project, which just observed its tenth anniversary in 2014, is having China’s standing in the world and on the way that China is viewed outside of its boundaries. It will consider the following question: Does language promotion actually help China to project a benign and non-threatening image and to win friends? Yet, it should be noted now that this impact, if any, may still not be fully apparent or even discernible from the other cultural and public diplomacy efforts.
III. International Reactions & Measuring Success

Although opinion polls and surveys certainly have their limitations, they nevertheless serve as one of the most convenient tools for assessing how a population feels and thinks about any given issue. Following the precedent set forth by Joseph Nye in Soft Power: The Means to Success in World Politics (2004), this paper will use existing focus group and opinion polls to evaluate the effectiveness of the Confucius Institute Project and to measure the evolution of China’s soft power capabilities over the past decade. Specifically, this data will be drawn from comprehensive studies conducted by the Chicago Council on Global Affairs in partnership with the East Asia Institute, Hanban in partnership with Zhejiang University, and the Pew Center’s Global Attitudes Project.

The first study, conducted by the Chicago Council on Global Affairs in 2008 on the eve of the Beijing Olympic Games and evaluated by Shambaugh and Whitney (2009), compared the effects of the soft power of China, Japan, South Korea, and the United States in both the East and Southeast Asia regions and found that China’s cultural and linguistic influence was viewed as quite significant in Indonesia and Vietnam, moderately significant in Japan, and far less significant in the heavily Confucian-influenced South Korea and the United States. Moreover, as Table 3 suggests, China’s hard power level clearly exceeded its soft power level, which was itself ranked lower than that of Japan, South Korea, and the United States (p. 8). These results can be most reasonably attributed to China’s authoritarian political system and ostensible disregard for civil freedoms and human rights, which intrinsically conflict with the values of the democratic societies in Japan, South Korea, and the United States. These results, though, do not reflect the significant changes in the international system that were occurred in the 2008 watershed year, particularly with the Global Financial Crisis and the Lhasa Tibetan Unrests.

Likewise, the second study, conducted by Hanban between 2008 and 2011, interviewed Chinese learners at different levels of proficiency in Lebanon, Japan, Russia, Thailand, and the United States regarding their attitudes toward China as a whole, familiarity with Chinese festivals and traditions, familiarity with contemporary and historical Chinese figures, motivations for learning the language, and thoughts on the vices and virtues of Chinese people among other things. Wu (2013) details how most of the respondents correctly identified China’s

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<tr>
<td>China</td>
<td>_</td>
<td>0.62</td>
<td>0.65</td>
<td>0.71</td>
</tr>
<tr>
<td>Japan</td>
<td>0.51</td>
<td>_</td>
<td>0.56</td>
<td>0.69</td>
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<td>S. Korea</td>
<td>0.55</td>
<td>0.65</td>
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<td>0.72</td>
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<tr>
<td>United States</td>
<td>0.47</td>
<td>0.67</td>
<td>0.49</td>
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<td>Indonesia</td>
<td>0.70</td>
<td>0.72</td>
<td>0.63</td>
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<tr>
<td>Vietnam</td>
<td>0.74</td>
<td>0.79</td>
<td>0.73</td>
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<tr>
<td>Average</td>
<td>0.59</td>
<td>0.69</td>
<td>0.61</td>
<td>0.72</td>
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<td>Rank</td>
<td>4</td>
<td>2</td>
<td>3</td>
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Table 4: Do You Like China? (2008-2011)

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<tr>
<th></th>
<th>United States</th>
<th>Thailand</th>
<th>Lebanon</th>
<th>Russia</th>
<th>Japan</th>
<th>Average</th>
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<tbody>
<tr>
<td>Extremely Favorable</td>
<td>52.3%</td>
<td>25.9%</td>
<td>46.1%</td>
<td>64.9%</td>
<td>4.7%</td>
<td>37.5%</td>
</tr>
<tr>
<td>Favorable</td>
<td>39.8%</td>
<td>61.6%</td>
<td>50.6%</td>
<td>32.0%</td>
<td>79.7%</td>
<td>53.4%</td>
</tr>
<tr>
<td>Unfavorable</td>
<td>0.0%</td>
<td>2.7%</td>
<td>1.1%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>1.2%</td>
</tr>
<tr>
<td>Extremely Unfavorable</td>
<td>0.0%</td>
<td>1.3%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Other</td>
<td>8.0%</td>
<td>8.5%</td>
<td>2.2%</td>
<td>3.1%</td>
<td>15.6%</td>
<td>7.4%</td>
</tr>
</tbody>
</table>

capital, regarded Chinese culture and people highly, were at least familiar with Chinese New Year and the Mid-Autumn Festival as well as Confucius, Mao Zedong, and Jackie Chan, and would help Chinese people in their neighborhoods (p. 126-147). On their attitudes toward China, 37% had an extremely favorable opinion, 53% had a favorable opinion, 7% did not respond or had a neutral opinion, 1% had an unfavorable opinion, and 1% had an extremely unfavorable opinion (p. 131). Refer to Table 4 for the breakdown of responses by country. There also seems to be a correlation between having favorable opinions of China and learning the Chinese language. There is no way to confirm this based on the above data because the study did not have a control group of non-Chinese language learners. Regardless, it would still be logically erroneous to equate causation to correlation because correlation is a necessary, but insufficient condition for causation.

The final study, conducted by the Pew Center's Global Attitudes Project (September 2014), observed a deteriorations and elevations in the general image and reputation of China around the world between 2007 and 2014. According to the study, attitudes toward China deteriorated in fourteen countries, improved in thirteen countries, and remained the same in five countries, with the average falling from 52% in 2007 to 49% in 2014. The favorability ratings varied across countries and, in some cases, even across regions. For example, while there were increasingly favorable impressions of China in Uganda, South Korea, Israel, Venezuela, and Australia, there were also increasingly less favorable and/or more unfavorable impressions in Kenya, Japan, Egypt, Brazil, Malaysia, and Vietnam. This may be due to a number of factors including, but not limited to, China's continued growth in economic power and prosperity, major regional and/or world events, and simple shifts in the individual bilateral relationships. However, in the cases of Canada, Europe, and the United States, there have been a rather consistent trend of less favorable and sometimes really unfavorable impressions of China which, given the number of Confucius Institutes and Confucius Classrooms concentrated in these countries, raises some reasonable doubts about the efficacy of the Confucius Institute Project. Graphs 1 and 2 above present an overview of the aggregate changes, however they do not provide for the complete country-by-country and/or year-to-year picture of the evolution in global public opinion on China.

With all that in mind, it is worth saying that the spread of the Confucius Institute Project is not without controversy, for it is often viewed, particularly in Europe, Japan, and the United States, as a propaganda tool to disseminate China's political values and worldview and to reduce the amount of discussion on topics that are considered politically sensitive, such as the issues of Taiwan and Tibet. In fact, Dr. Thomas Cushman of Wellesley College (2014), in his testimony before the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations of the U.S. House Committee on Foreign Affairs, specified that the so-called “list of forbidden topics” includes: civil society, crony capitalism, freedom of speech, judicial independence, and universal values (p. 4). Ingrid D’Hooghe (2014) notes how many of the Confucius Institute Project’s university partners nevertheless have claimed that they both demanded and received the freedom from the Hanban Headquarters to discuss any topics during their classes, meetings, and events as they see fit (p. 177-178). The question remains, though, of whether or not the Confucius Institute Project’s academic mission is distinguishable from its political mission, which merits further academic study of its own beyond this hasty generalization.
IV. The Conclusion: Final Remarks and Thoughts

Overall, while it would seem that the Confucius Institute Project has not been the most effective and efficient investment in terms of enhancing China’s goodwill image and improving its capabilities to win the hearts and minds of people around the world, it has undeniably transformed the academic landscape for the study of Chinese culture and language and perhaps even the domestic landscape for sustaining the current levels of Chinese economic growth. James Paradise (2009) reiterates, “As China attempts to become an innovation society and bolster its scientific capability, increased communication and exchanges with foreign scholars facilitated by the Confucius Institute Project could be a huge benefit – especially for a country whose opening to the world was one of the driving forces for its socioeconomic development. (p. 668)” Judging the Confucius Institute Project from the standpoint of changing global perceptions of China and expanding Chinese soft power may therefore be an inappropriate calculus for measuring its failure and success, for it is nevertheless facilitating people-to-people and scholar-to-scholar exchanges (p. 669). These exchanges, in turn, foster mutual cooperation and understanding. Whether China will be in the position to project its soft power in the future, though, will ultimately depend on the sources from which soft power is derived, namely the attractiveness of China’s culture, policies, and political ideals, and that will require the use of cultural-linguistic and public diplomacy.
REFERENCES:


REFERENCES (CONTINUED):


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To be considered for publication, a paper must be:

- Between 3,000 and 7,000 words in length (shorter or longer submissions will be examined on a case by case basis). Double-spaced, Times New Roman font, sized 12pt. Submitted as either a .doc or .docx file. Formatted and cited according to APA guidelines. All submissions should be sent to PSUJIA.submissions@gmail.com. Please remove all references to your name from your paper, as all submissions will be reviewed blindly by PSU JIA staff. An abstract of 100 to 200 words should accompany all submissions.

We look forward to reviewing your submissions!