

COMITIUM

THE KENNESAW JOURNAL OF POLITICS

VOLUME 1
ISSUE 1

*Try to learn something about
everything and everything about
something.*

Thomas Henry Huxley (1825-1895)

Department of Political Science and International Affairs



Journal Staff

Editor-in-Chief

Plamen Mavrov

Editorial Board

Shayan Alam

Carley Cole

Ruth Forsyth

Gillian Griffin

Patrick Hughes

Angela Reisner

Justin Rivard

Brigette Snyder

Faculty Adviser

Dr. Barbara Neuby

Letter from the Editor

Dear Reader,

It is with great enthusiasm that we present you with the first issue of *Comitium: The Kennesaw Journal of Politics*, KSU's newly founded student journal of international affairs and political science. We hope to set a precedent of quality student scholarship with this inaugural issue with the aim of attracting more undergraduate and graduate students from all disciplines to share their research and outstanding academic papers regarding topics connected to politics.

The *Comitium* showcased on the cover of this issue (Italian: Comizio) was the Roman equivalent of the Greek *Agora*, or central public square. The name *Comitium* is Latin for "assembly." Much political, judicial, and cultural activity took place in this area; thus, one may argue that this was the axis around which the Roman Republic revolved. The name has been carefully chosen to describe the philosophy of this publication: civil and intelligent discourse. We seek to provide a medium for student researchers to share their scholarship with others. Open and constructive dialogue and distribution of information is essential to a functioning, vigorous democracy, and, in our case, university.

Kennesaw State is growing in so many directions that it can be difficult to keep up with the changes at times. Seemingly everything from degree programs and student population to athletics and facilities is experiencing some level of expansion. Hopefully, this academic journal will pave another avenue of expansion with regards to encouraging and showcasing outstanding undergraduate and graduate research.

In the following pages are contained analyses of a broad array of topics concerning both domestic and international affairs, some are current, others are historic, but all are important in their diversity and depth, two components essential in any civil and intellectual discourse.

We hope you enjoy reading the results of your classmates' hard work as much as we did, and we wish that you submit us your own pieces for the next issue! Keep a lookout for the next call for papers.

Sincerely,

Plamen Mavrov
EIC Comitium

NOTE: The journal editing process functions on a blind review basis under the advisement of Dr. Barbara Neuby.

Copyright Notice

All authors retain full ownership of their contributions to COMITIUM.

The information contained within these papers may be quoted or photocopied for academic purposes, but credit must be given to the author and COMITIUM. Reproduction for commercial purposes is strictly forbidden.

COMITIUM: THE KENNESAW JOURNAL OF POLITICS

Volume 1, Issue 1, August 2013

CONTENTS

Journal Staff.....	1
Letter from the Editor.....	2
Copyright Notice.....	3
Current Events:	
Two Years after Demands: A Comparison of Development in Two Arab Spring States <i>Justin Rivard</i>	5
Feature Articles:	
The Common Revolution: A Look at Rebellion in Late Imperial China and its Purpose in Establishing Communist Control <i>Patrick Hughes</i>	9
Redefining Traditional Marriage: The Legality of Same-Sex Couples <i>Cameron Yarbrough</i>	16
Nuclear Europe: A Debacle and Necessity <i>Benjamin Thornton</i>	24
Reviews:	
The Myth of “Traditional” Sovereignty- Luke Glanville <i>Plamen Mavrov</i>	32
Faculty Highlight:	
Dr. Barbara Neuby- Professor of Political Science, Department of Political Science and International Affairs	35

CURRENT EVENTS

Justin Rivard is a junior at KSU. He is currently working toward his BA in International Affairs and minor in Asian Studies. He has extensive academic debate experience and, as a result, has distinguished himself at Model United Nations simulation conferences both on the regional and international levels while at KSU. After he graduates he plans to attend graduate school and pursue a master's in Public Administration. The following article was composed during the Summer 2013 semester.

Two Years after Demands: A Comparison of Development in Two Arab Spring States

Justin Rivard

This article examines the dichotomy in progress towards democracy between two Arab states after demands were made by their people for political change in early 2011. The two states in question, Tunisia and Syria, have clearly proceeded down completely different paths in response to those demands. The Tunisian process for political change has been remarkable in that it has been largely peaceful and progress has been made towards drafting a lasting constitution. However, despite the progress made within the last six months there have been two assassinations which have threatened the progress of a peaceful completion in the country's transition to democracy. In Syria the changes have been quite different as the civil war continues while geopolitics governs the conflict in which multiple world powers continue providing aid to both sides with hopes that their chosen side will win and gain support once either group manages to take control of the country.

INTRODUCTION

The 2011 event commonly known in the West as the "Arab Spring" saw an unprecedented number of protests for democracy and human rights demands in many Middle Eastern countries. Tunisia has widely been seen as having made the most progress towards fulfilling its people's demands for a genuine and stable democracy. On the other end of the revolutionary spectrum has been Syria. This fractured state has been drawn into a prolonged civil war since its authoritarian leader, President Bashar Al-Assad, began violently suppressing his citizens' protests shortly after they erupted. Throughout the Syrian Civil War, the United States and its allies have adopted a non-military intervention policy against the Al-Assad regime. The rhetoric of Western leaders has been in support of the establishment of democratic institutions and procedures with human rights being paramount. In addition, they do not want another costly military

intervention; instead, opting to affect regime change in Syria through non-lethal aid, the non-lethality of which has been disputed.

TUNISIAN SETBACKS

On 25 July 2013, Mohamed Brahmi was assassinated outside his home in Aryanah, Tunisia. Brahmi was the leader of the secular Arab nationalist People's Party who was highly critical of the interim Islamist government led by the Ennahda Party.¹ There have been accusations that the Ennahda Party was responsible for the assassination, but the man apprehended and charged with the shooting instead has links to an Al-Qaeda cell operating in Tunisia. Furthermore, the bullets were a match to an assassination of another opposition party leader, Chokri Belaid, in February of this

¹ Bouazza, Ben and Paul Schemm. "Tunisia killing could spell end to Islamist govt," Associated Press, July 25, 2013.

year.² The Ennahda Party issued a statement denouncing the attacks as cowardly and trying to uproot Tunisian unity and transition to democracy. Since this latest assassination, Tunisia's largest trade union has gone on strike.³ Additionally, 42 opposition party members, all of whom represent secular parties, of the 217 seats in the Tunisian interim parliament have withdrawn and began orchestrating a sit-in. Despite this, the Ennahda Party insists that it can continue to govern while a new constitution is being drafted and adopted.

The Difficulties of Appeasement and Porous Borders

Back in February, Stratfor Analysis, a geopolitical intelligence firm which analyzes economic and military conditions and forecasts potential changes in investments and the international market, released a report detailing the difficulties the interim government will be facing in the wake of the first assassination. The main issue they face is a balancing act of appeasing Salafists, who have been increasingly outspoken since the fall of President Zine El Abidine Ben Ali, and secularists, who are equally outspoken on what the new government should be.⁴ Another problem is the massive amount of militants and weapons flooding into Tunisia after the fall of the Ghadafi regime in Libya. This all compounds the troubles of the Ennahda government, which continues to be unable to create jobs in Tunisia as well as viably grow the economy in any major

² Bouazza, Ben and Paul Schemm. "Tunisia: Same weapon in both politicians' killings." Associated Press, July 27, 2013.

³ UPI Top News. "Tunisia's largest union goes on strike after assassination," UPI Top News, July 26, 2013.

⁴ Statfor Analysis. "Tunisia: An Assassination Emphasizes Threats to Stability." Stratfor Analysis. February 6, 2013.

sector. That, coupled with the ongoing general trade union strike, makes the future of Tunisia's democratic transition look bleak.

In the Stratfor Analysis, insinuations were made that the Tunisian government needs to create more ties with the Tunisian military, much like Egypt has done for some time. This analysis was written back in February and seeing as how the military swiftly and effortlessly overthrew the democratic government in Egypt just this past month, Tunisia's lack of military ties might be a hidden virtue. Since the assassinations, the Tunisian military has ordered air strikes on suspected terrorist camps on its border with Libya. These recent strikes can be seen as the interim government posturing to distance itself from allegations, mostly from opposing secular parties, of being aligned with these terrorist groups.

THE BATTLE FOR SYRIA

Unlike its non-intervention in Tunisia, the US has continued to aid Syrian opposition forces since spring of this year. Secretary of State John Kerry just last month promised even more non-military aid to the Syrian rebels. As for why the US has an ingrained belief in pro-democracy and non-military action is that the cost of another war in the Middle East will be an added burden on the American people. The American decision makers, not wanting to risk losing their elected mandate from their voters, have therefore been choosing to use non-military intervention in Syria.

Both the Russian Federation and the People's Republic of China have received blame directly and indirectly for the failure of positive international action in Syria. These actions have not escaped admonishment as *Reuters*, among many, has written, "Russia, an ally of Syria, and China

have repeatedly blocked Western-backed Security Council attempts to increase pressure on Syrian President Bashar al-Assad to end the violence sparked by a government crackdown on pro-democracy protesters.”⁵ Disingenuously, there have been instances of direct military intervention by Russia to the Assad regime. For example, *The New York Times* reported in July 2012 how the Russian cargo ship, *Alaed*, turned back 40 miles off the coast of Scotland near the port of Thurso en route to the eastern Mediterranean when its British insurer revoked its coverage. Western leaders publicly criticized Russia for the shipment of attack helicopters that were discovered onboard.⁶

Iranian Ambitions

Such instances show how the ruling elite within both Russia and China do not seem to want the western norms of democracy to spread in the Middle East because this would jeopardize the norms of direct authoritarian rule extant in their respective states. In addition, there is the case of Iran. The US has repeatedly warned Iran to stop sending arms to Assad’s forces and also denounced the use of the Iranian Revolutionary Guard elite, the Quds Force, within Syria.⁷ In this instance, the Shiite elite in Iran, the Assad family, and the military elite want to keep the pro-Shiite government of the Alawites and formulate Shiite alliances throughout the region.

⁵ Nichols, Michelle. "Deadlocked U.N. Security Council Members Lay Blame Over Syria." Reuters. July 25, 2012.

⁶ Kramer, Andrew E. "Russian Ship With Syrian Helicopters Embarks on Renewed Voyage." *The New York Times*. July 12, 2012.

⁷ Ahmed, Amir, Mohammed Jamjoon, Hamdi Alkhshali, and Bargara Starr. "Syrian Army, Rebels Fight for Control of Aleppo; Marketplace Burns." CNN. September 30, 2012.

The Syrian people’s change in ideas from compliance to an authoritarian regime to the demand for a greater level of civil freedom and their desire for that freedom to become the norm across the region is at the heart of the civilian rejection of the Assad government. According to *Al-Jazeera*, the intellectual elite in Syria are making pro-revolutionary films and fueling the protests because “they were convinced that to make a difference they had to stay in their country and hope that their words and images might make a difference.”⁸ This want for change came from the Syrian liberal elite and was embraced by a part of the opposition.

CONCLUSION

It is possible to see democracy established in Syria in the future, however, with the means of violence used to gain power it will be very difficult for the faction which takes control to be seen as a legitimate authority by its opposition. Along the same lines, Tunisia is also trying to move forward, but the remarkable difference is the choice to not use widespread violence in order to move societal change. In all likelihood Tunisia has a real chance to leap ahead of its Arab Spring counterparts, so long as peaceful means for political transition are upheld. With the assassinations and the organized walk outs and worker strikes, Tunisia will have a challenging time establishing democratic rule but will have the advantage of obtaining that transition through much more peaceful means. The Ennahda party must maintain the continued compromise from both the secular and Islamist parties now more than ever as anything else will be seen as favoritism to the opposition.

⁸ Cooke, Miriam. "Inside Dissident Syria." *Al-Jazeera*. October 15, 2012.

REFERENCES

- Ahmed, Amir, Mohammed Jamjoom, Hamdi Alkhshali, and Bargara Starr. "Syrian Army, Rebels Fight for Control of Aleppo; Marketplace Burns." *CNN.com*. September 30, 2012.
<http://edition.cnn.com/2012/09/29/world/mast/syria-civil-war/> (accessed July 25, 2013).
- Cooke, Miriam. "Inside Dissident Syria." *www.aljazeera.com*. October 15, 2012.
<http://www.aljazeera.com/indepth/opinion/2012/10/20121010784881623.html> (accessed July 27, 2013).
- Bouazza, Ben and Paul Schemm. Associated Press. 2013. "Tunisia killing could spell end to Islamist govt." AP Top News PackageNews (AP, UPI, etc.), EBSCOhost (accessed July 28, 2013).
- Bouazza, Ben and Paul Schemm. Associated Press. 2013. "Tunisia: Same weapon in both politicians' killings." AP Top News PackageNews (AP, UPI, etc.), EBSCOhost (accessed July 28, 2013).
- Kramer, Andrew E. "Russian Ship With Syrian Helicopters Embarks on Renewed Voyage." *www.nyorktimes.com*. July 12, 2012.
<http://www.nyorktimes.com/2012/07/13/world/europe/russian-ship-with-syrian-helicopters-embarks-on-renewed-voyage.html> (accessed July 27, 2013).
- Nichols, Michelle. "Deadlocked U.N. Security Council Members Lay Blame Over Syria." *www.reuters.com*. July 25, 2012.
<http://www.reuters.com/article/2012/07/25/us-syria-crisis-un-idUSBRE86O1PX2012075> (accessed July 27, 2013).
- Statfor Analysis. 2013. "Tunisia: An Assassination Emphasizes Threats to Stability." Stratfor Analysis 66. Business Source Complete, EBSCOhost (accessed July 28, 2013).
- UPI Top News. 2013. "Tunisia's largest union goes on strike after assassination." UPI Top News, July 26. News (AP, UPI, etc.), EBSCOhost (accessed July 28, 2013).

FEATURE ARTICLES

Patrick Hughes is a senior at KSU studying International Affairs and International Management with a focus on Chinese Relations. In addition to working for KSU's Honors Department, he also has been the Captain of the Model United Nations team for two years and has attended, chaired, and won awards at multiple conferences in the United States and overseas. He is also a Resident Assistant for KSU's Residence Life Department. Upon graduation, Patrick plans to either serve in the Peace Corps or attend graduate school to get his master's degree in International Relations. The following article was composed during the Spring 2013 semester.

The Common Revolution: A Look at Rebellion in Late Imperial China and its Purpose in Establishing Communist Control

Patrick Hughes

In the Late Qing dynasty, China was riddled with peasant rebellion and foreign influence. The Manchu emperors were powerless to save the nation and over time the people of China came to understand that. This paper conducts a chronological analysis of the major rebellions in China from the First Opium War in 1839 until the Communist Revolution in 1949. As it can be seen, the Communist takeover was not a sudden red revolution, but rather a peasant response to over a century of being controlled by weak governments and having domestic affairs dictated by foreign powers. While the people of China did not immediately follow the communist movement, by 1949 the Chinese Communist Party (CCP) had full peasant support and thereby the vast majority of China. The Communist Revolution, therefore, was not a hostile conquest in the sense that it went against the people. Rather the CCP held popular support because of its promise to prevent the vices of the past century from repeating, which were believed to have been caused by foreign manipulation, adherence to tradition, and a large socio-economic divide between classes.

INTRODUCTION

Throughout China's history, the emperor has been seen as the patriarch of China. All were expected to hold themselves subject to his wishes and obey accordingly. In the common household, only several years after the death of the father could the eldest son attempt to break from maintaining the family's tradition and alter the culture. This tradition is maintained even in the 21st century, but has proven difficult for Chinese society as a whole. In the 1800s, however, it appeared that China had entered into a new stage of socio-political development. No longer were the old ways as acceptable to the people as they once had been. Also, foreign influence had become so strong that the Chinese questioned the sincerity of their "father" emperor. For the Qing Dynasty (1644-1911), the people had entered into an

adolescent stage of rebellion. What no one knew, however, is that this was not simply a rebellion against the Qing, but would also be a revolution against the entire dynastic cycle. The revolution was caused not simply by the Han Chinese being unhappy with the emperor, but in that the people had proved to be stronger than any empire. Only in a rebellion sponsored, supported, and occupied by the common citizens would any change be possible. Once this occurred, all of China realized that the emperor, or anyone wishing to become one, had already lost.

THE TAIPING REBELLION

In the time immediately surrounding the First Opium War and the defeat of the Qing armies by Great Britain, an entire section of China was unified by a dissenting

voice. The rejected scholar Hong Xiuquan had a vision of changing the old ways of China and ushering in a new era of peace and brotherhood under the guise of Christianity. He called it the Taiping or “The Heavenly Kingdom of Great Peace”. In his “Ten Commandments”, Hong states, “All the men in the world are brethren, and all the women in the world are sisters” (Cheng et al, 142). This is a far cry from the teachings of Confucius, which provides for a strict relationship protocol based upon a defined hierarchy. In fact, the departure from Confucian teachings was one of the major contentions of the Qing against the Taiping movement. In a proclamation against the Taiping, Zeng Guofan states,

Ever since the times of Yao, Shun, and the Three Dynasties, sages, generation after generation, have upheld the Confucian teachings, stressing proper human relationships, between ruler and ministers, father and son, superiors and subordinates, the high and the low, all in their proper place, just as hats and shoes are not interchangeable (Cheng et al, 147).

While the Qing insisted that the old fashioned ways of Confucius were proper for China, Hong and his rebellious followers sought a new order of equality for all.

Interestingly enough, the true reason why Hong first desired change was because of his failure in the scholar testing system, which was traditionally one of the only methods which allowed for a low class citizen to move up in society. This once again was being upheld by the nostalgic Qing in order to maintain the old ways despite its effects on China as a whole. Although the Taiping Rebellion (1850-1864) ultimately failed, it did force the Qing to

realize that change was necessary if they wished to remain in power.

THE REFORMATION PERIOD

In the half century that followed the Taiping Rebellion, the Qing would unsuccessfully subject the people to change after change in the system. These constant failures in reform allowed for doubt to creep into the minds of the people. It became questionable whether or not the Qing even had the ability to change. After all, what little control the emperor had was lost in the treaties to foreign powers, especially to Britain and France. In the Zongli Yamen Document on the Unequal Treaties, it is stated that “Since the Treaties of Tientsin were ratified, China’s relations with foreign powers have invariably been conducted in accordance with their stipulations” (Cheng et al, 157). Noticeably, the document specifies that the foreign powers held the true influence. These treaties affected everything in China from the opium trade, which the treaties had forced the legalization of, to heavy taxation in order to pay the war penalties to foreign powers. These stipulations also dictated what could actually be traded to China. All of these social and economic forces found their source in the foreign treaties. The people, however, saw this not simply as an overreach of the other nations, but also evidence of the weakness of the emperor to halt this invasion.

Even as the Qing attempted to reform, they refused to move away from the old ways. Many Chinese saw this as foolish. Revolutionary leader and future president of the Republic of China Sun Yat-Sen, in his reform proposal to Li Hongzhang, states, “Now that the nation is sparing no effort to make itself wealthy and strong, it will not be long before we march side by side with Europe in terms of achievement. We have in our possession all modern inventions, such

as steamships, locomotives, telegraph, and firearms, which the Westerners have used so effectively in the past to advance their interest at our expense” (Cheng et al, 169). Unfortunately, the Qing did not listen to Sun Yat-Sen. Although the emperor Guangxu, who reigned from 1874-1908, attempted to bring about this reform and abolish the old fashioned model of ruling China, it was stopped from taking hold by the Empress Dowager’s intervention. Sun Yat-Sen referenced the mentality that allowed the Reform Movement to fail. He stated, “The difficulty with China is not only the lack of enough dedicated people to perform but also the ignorance of too many people on the importance of performance” (Cheng et al, 171).

The Han Chinese already knew that their country was dying from within. The stress of the economic and social state was only being inflamed by the foreign powers and the old fashioned restrictive ways of the Qing. It was only a matter of time before the people took matters into their own hands.

THE BOXER UPRISING

That time came during the Boxer Uprising (1897-1901). In an attempt to do something that the Qing could not, the Chinese people organized a rebellion dedicated to removing foreign influence. By this time, the Chinese empire had been shredded into municipalities that were covertly controlled by foreign powers in a

pseudo-colonialist manner. **Figure 1** illustrates this control.

In *The Search for Modern China*, the authors write, “The coming of missionaries, the building of railroads, seizures of Chinese territory in Shandong, and other aspects of imperialism outraged north Chinese peasants and caused them to organize to obliterate the foreign presence in Shandong and Hebei” (Cheng et al, 184-185). The people had waited for nearly 60 years to have the Qing protect them from foreign influence. When it became clear that

they could not, the foreign powers had a new force to fear in the form of the peasants.

One of the groups, called the Shining Red Lantern, had a song which they held to. It stated, “Learn to be a Boxer, study the Red Lantern. Kill all the foreign devils and make the churches burn” (Cheng et al, 186). By now, Chinese determination had replaced helplessness.

Although the Boxer Rebellion proved to be a failure, just like so many rebellions before it, the people learned something drastic. They discovered that they could not rely on the Qing rulers to look out for the interests of the people. Detailing the reasons for this, the authors of *The Search for Modern China* write, “Initially, Qing troops suppressed the Boxers, but in January 1900 the dynasty ordered that the Boxers should not be considered bandits” (Cheng et al, 185). This failure to support the people initially resulted in the Chinese having lost what little faith remained in the Qing. Worse yet was that the children were indoctrinated



Figure 1, Spheres of Influence

into this disillusionment with the emperor's authority as well. Several accounts relating to the Boxer Rebellion come from children. One states "When I was ten, I went to Fenglou to watch people play with the Shining Red Lantern" (Spence, 185). Although these children did not play a direct role in the rebellion, it would prove instrumental in furthering the efforts of movements to come. The youngest generation now understood the consequences of social, economic, and political intrusion and also had an inherent distrust of any authority which suppressed the people.

A NEW ERA

It was nearly a decade after the rebellion before all of the distrust and disillusion with the Qing finally came to a conclusion. Over those years, many changes had occurred. The civil service exam system was abolished and numerous officials now spoke of constitutional reform. The people of China had for years been forced to live in a society that would not progress. Becoming a scholar was nearly the only way to move up the hierarchy, but it had been stalled for decades. Economically, the people were subject to poverty and hunger. In part, this was caused by the tremendous debt of the empire from foreign treaties, which exceeded five years of annual income (i.e. GNP), but it was also caused by the influence of Opium that destroyed the lives of people in all classes.

The Chinese people were ready for something new. They had within them a fire and desire for change, but were forced by all of these pressures to appear weak. In his novel *Family*, author Pa Chin writes, "If a man's heart is really ardent, how can he give the appearance of being cold and disinterested" (Pa Chin, 53)? It was under this pretext that the October 10 Revolution (1911) occurred. The Qing Dynasty was no

more, but what no one realized was that China was going to be entirely different. The stage had been set not only for a political reform, but also a social and communal reform as well. Before that could happen, however, China was led by a republic that never held any substantial power over the nation. Suddenly, the people had the will to change, but not the strength to enact it. It would take several more decades of rebellion, before this revolution would finally take full effect.

The revolution was begun by parts of the older generation under the Qing dynasty, but they understood that it would have to be completed by their children. In *Family*, Pa Chin describes this strange dilemma. In a powerful analogy, he writes of a father's desire for his child. He states, "He watched his first son learning to crawl, then to walk, then to speak a few simple words. The child was adorable, intelligent, and Chueh-hsin lavished nearly all his affection on him. 'He's going to do all the things I couldn't,' thought Chue-hsin" (Pa Chin, 43). The true dilemma with Chueh-hsin and others in his generation was that they could not get enough accomplished in their own lifetime. Their children understood this and pushed to educate themselves so that they may further along the difficult transition in China both for their own benefit and also to honor their parents. One of Pa Chin's characters states, "Maybe he's harbouring some secret heart-break. Unfortunately for him, he's living in the wrong age...Yet sometimes he reads new books" (Pa Chin 55)! There was this idea in the new generation that the answer lay in their education. Pa Chin, throughout his novel, has the pride of the new generation to develop through the children becoming students, which fascinatingly is the simultaneous anguish of the older generation. There were still those who held to the old ways and the patriarchal system with the idea that "it has its economic and

social foundation,” but fewer and fewer accepted that argument. A strong change in society had begun; however, neither generation understood the full effect of this transition immediately.

THE MAY 4TH MOVEMENT

The students in the May Fourth Movement (1919) helped to usher in a new era. While there was no direct change from their protests, it did help to create a new ideology, which the Communist Party would later take hold of. The idea that authority equipped with inequality only leads to pain and anguish would later become a cornerstone of China. Pa Chin describes this effect, stating, “We’ve been too much of a headache to them the last few years—demanding checks on stores to see whether they were selling enemy goods, holding parades and demonstrations, our movement growing bigger and stronger all the time...And this is only the first step” (Pa Chin, 57). This first step would be monumental to overcoming the problems of China.

The amount of pressure put on the youth during this time was tremendous. Pa Chin references “a forceful article in the *Journal*, a semi-monthly published in Peking. The writer had said that the youth of China must not be idlers living only for enjoyment; they ought to lead a Spartan existence. Chinese society was dark, and their responsibility was a heavy one. It was up to them to face the social problems and solve them” (Pa Chin, 189). This social pressure proved often to be too great, but the Chinese held to the idea that one day their movement for anti-imperialism and anti-tradition would take hold. Writing of this pressure, Pa Chin notes, “He remembered what his French teacher had said the other day: ‘In France, youngsters your age don’t know the meaning of tragedy.’ But he was a youth of China, and already tragedy was

weighing him down” (Pa Chin, 244). It was this weight that proved to be the factor that provoked the new generation to reject the traditional ways in exchange for methods that would promote intellect and opportunity. Pa Chin writes of the dread of the Chinese students, “The pressing darkness increased the tension in every student’s heart, assailing them with a nameless fear. They had the peculiar feeling that this was not merely the darkness of night, but the darkness of society and the political situation” (Pa Chin, 58). This fear could only be repressed by reminding the people of the hardship that they had endured.

For years, decades even, the Chinese people had been repressed by a poor social and economic state promoted by tradition and foreign influence. Finally, the time came for them to step up and take hold of the system. All of the previous rebellions had failed, but finally, with the May 4th Movement, the stage would be set for a new order. Pa Chin remarks on this revelation. He states, “Suddenly it dawned upon him...What had taken his wife away was something else. It was the entire social system, with its moral code, its superstitions. He had borne them for years while they stole his youth, his happiness, his future, the two women he had loved most in the world. They were too heavy a burden” (Pa Chin, 309). This revelation would cause China to favor a more drastic change than the ones supported by the Kuomintang (KMT) Nationalist Party of the Republic of China.

In *Family*, Pa Chin alludes to the departures from the past. He writes, “We may not see each other again, he thought miserably. Once I leave I’ll be like a bird released from a cage. I’ll fly away and never come back” (Pa Chin, 326). Although it would be a difficult transition and even a deadly one, the Chinese people had made their decision. Their support would fall behind whoever brought them peace in the

ever tumultuous social and economic environment. Their cooperation would be with the one who brought them freedom from foreign influence and a stifling tradition.

THE RISE OF THE CCP

At first, the people hoped that the KMT could bring about this change. But as Pa Chin writes, “Reality is often the exact opposite of what people desire; it smashes their hopes, mercilessly, swiftly” (Pa Chin, 190). As time went on, the KMT only did what dynasties before it had done. It allowed the Japanese to slowly invade China in the 1930s. It created an unstable economy riddled with high inflation. Furthermore, it cared more for the repression of the Chinese Communist Party (CCP) than for defending China. However, the CCP supported the student uprisings. The authors of *The Search for Modern China*, in reference to this, note that

The outburst of a series of student demonstrations in December 1935, which caught the government off guard, was thus actually the end product of a long period of indignation and frustration over the fate of China. Although the Chinese Communist party (CCP) underground agents did help students organize the demonstrations in Peking, the prime moving force of the student movement of this decade, in which thousands of students took part, was unmistakably [*sic*] patriotic and nationalistic (Cheng et al, 305).

The Communists proved in this incident to be a loyal ally to the people. Even further, they wished to promote the equality that they had desired for so long.

One of the final blows to the KMT came in the form of a military order from CCP leaders Mao Zedong and Chu De. Speaking of a peace agreement between the CCP and KMT, they wrote, “The responsible members of the Nanjing Guomindang government have rejected the agreement because they are still obeying the orders of US imperialism and Chiang Kai-shek...and because they are trying to block the progress of the cause of the Chinese people’s liberation” (Cheng et al, 346). Ostensibly, the Chinese were reminded of the failures of the Qing dynasty and came to the realization that the KMT was repressing them in a similar manner. Socially and economically, the people were held to their poverty and the vices that accompany it. All of this was thought to be the result of support of foreign influence in China. The CCP promised the people that all the wrongs would be righted. Therefore, they received their backing. With the support of the peasants, there was nothing left to do except solidify the victory from 1946 to 1949.

CONCLUSION

For nearly a century, the people of China had been rebelling against every social and political wrong. Although every rebellion proved to be a failure, the government of the time attempted to make the changes that they felt necessary in order to appease the people. However, these alterations only infuriated the people more as time went on. They fixed the symptoms but not the causes of the anger. Eventually, if true change was to happen, then the people themselves would have to make it. The CCP attempted to be the change of the people and also enact it in the name of the people. It was this that led to their victory, and it was their support of the Chinese people that allowed the victory to be lasting. In no way was the victory complete. There

was still much work to be done for China, but progress would be made. Pa Chin alludes of this feeling of opportunity in his closing remarks of his novel *Family*. He writes, “A new emotion gradually possessed Chueh-hui. He didn’t know whether it was joy or sorrow, but one thing was clear – He was leaving his family. Before him was an endless stretch of water sweeping steadily forward, bearing him to an unfamiliar city. There, all that was new was developing” (Pa Chin, 329). The final stage of rebellion was over. The people of China could look forward with the idea that the common people

had won the revolution and would further the progress of China henceforth.

REFERNCES

- Cheng, Pei-kai, Michael Lestz, and Jonathan D. Spence. *The Search for Modern China: A Documentary Collection*. New York: W. W. Norton & Company, Inc, 1999. Print.
- Chin, Pa. *Family*. Illinois: Doubleday & Co., Inc, 1972. Print.
- "Map Imperial China." New Page 1. N.p., n.d. Web. 5 Aug. 2013. <http://wfps.k12.mt.us/teachers/carmichaelg/new_page_36.htm>.

Cameron Yarbrough is a senior at KSU. He is pursuing a degree in History Education, with the goal of becoming a high school social studies teacher upon completion of his studies. His favorite period to study in American history is the colonial period leading up through the American Revolution. He is a brother of Phi Sigma Pi National Honors Fraternity as well as a member of the President's Emerging Global Scholars Program. The article below was originally composed during the Fall 2012 semester, and even though it is outdated it provides a good analysis of the same-sex marriage issue prior to the Supreme Court's decision to take up the case. The author has included an 'update' section to reflect recent developments.

Redefining Traditional Marriage: The Legality of Same-Sex Couples

Cameron Yarbrough

The issue over same-sex marriages in the United States has been a prevalent one in the US legal and political system for many years. Therefore, it is imperative to know and understand each side before expressing support or opposition. The purpose of this article is to present all sides of the issues of same-sex marriage, DOMA, RMA, and Proposition 8, what proponents have to say, what opponents have to say, what public opinion has said, and what the Supreme Court has declared. The goal is to provide the reader with all of the information needed to make an informed decision regarding this issue. This has been done by examining key documents and events such as the US Constitution, the Proposition 8 vote in California, and relevant historical sources. The information presented was recently updated to include the July 2013 decision made by the Supreme Court.

INTRODUCTION

The institution of marriage is a staple of American society and culture, and has been since the founding of the United States almost 240 years ago. Until recently, only couples consisting of one man and one woman have entered into the union of marriage. However, that definition of marriage is being currently challenged and to the hopes of many it will be redefined to allow same-sex couples to legally enter into this institution, something that is currently denied to them in many states throughout the country as well as on the federal level, and to be able to receive the same governmental benefits as heterosexual married couples. The Supreme Court is expected to hear cases related to this issue during this current term that began in early October (Sherman, 2012). Supreme Court decisions on these cases will play a large role in deciding the future of the covenant of marriage for years to come.

In 1996, Congress enacted legislation entitled "The Defense of Marriage Act" (DOMA). This act protected marriage

by providing the definition of "a legal union between one man and one woman as husband and wife" to the word 'marriage,' and the definition of "a person of the opposite sex who is a husband or wife," to the word spouse (Defense of Marriage Act, 1996). This act is the cause of much controversy today as well as many court cases. The main issue is whether this law is constitutional or not, pertaining to the US Constitution. Many state and district courts have already determined that aspects of this act are unconstitutional, which ensures the Supreme Court will weigh in on the issue to determine the final status of the constitutionality of this law (Sherman, 2012).

THE SUPREME COURT'S POWER OF JUDICIAL REVIEW

The first case regarding the definition of marriage as 'one man, one woman' was heard in 2003 in Massachusetts. The Massachusetts Supreme Judicial Court found in that state's constitution the right to marry, ruling unconstitutional the denial of marriage to same-sex couples (Chemerinsky, 2011). This is the first in-

stance where a state and federal governments were in disagreement on their treatment of same-sex couples. While the federal government outlawed such union in 1996, the state of Massachusetts allowed it in 2003.

When hearing cases the Supreme Court exercises judicial review, which is “the power to review the constitutionality of federal or state laws or executive actions” (Chemerinsky, 2011). Ironically, this power was never expressly given to the Supreme Court in Article III of the Constitution, “which created the federal judiciary and defined its powers” (Chemerinsky, 2011). The Supreme Court, during *Marbury v. Madison* (1803), declared that it had the power of judicial review. While never mentioned in the Constitution, the Supreme Court has held this power since the ruling of *Marbury v. Madison*, and that power has not been challenged since. Having this power is crucial, because it decides who interprets the Constitution, the most important legal document in the United States. Because the question of the constitutionality of DOMA and its repeal has been issued, the ultimate decision rests with the Supreme Court, a result of it having long established final judicial review.

THE FRAMERS AND MARRIAGE

Because of this question, it is important to look at what the framers of the US Constitution thought about the tradition of marriage. While not saying much about the tradition of marriage as it exists now, many of the founders spoke out against homosexuality, as did many of the early leaders of the original colonies. Sir Thomas Gates, governor of Virginia in 1610, passed a law outlawing sodomy. He proclaimed, “No man shall commit the horrible, detestable sins of Sodomie [*sic*] upon pain of death” (Outhistory.org, 2009). While on a

committee to reform the criminal code of Virginia in the late 1770s, Thomas Jefferson included ‘sodomites’ under a list of criminals that were not to be protected under the 8th amendment in the Bill of Rights forbidding “cruel and unusual punishment,” and proposed that they be castrated (Crompton, 1976). In the 1828 Webster’s Dictionary, author Noah Webster defined sodomy as, “a crime against nature” (Sodomy). After hearing from these men, it is understood that the founders were against homosexuality, and therefore by logical extension, against same-sex marriage. From an originalist’s perspective, if the Supreme Court decides to look at the intent of the Framers when determining the outcome of this issue, the choice appears rather clear: uphold DOMA.

However, Congress and the Supreme Court believe that the Framers may have foreseen the necessity to update or revise the Constitution, which is why the capacity for amendments exists. The Fourteenth Amendment, ratified in July 1868, states under its Equal Protection Clause that state and local governments are prohibited from denying citizens “equal protections of the law.” The Fourteenth Amendment prevents state and local governments from denying “equal protection” to each of its citizens, regardless of race, gender, religion, etc. However, in 1954, under *Bolling v. Sharpe*, the Supreme Court held that the federal government was also held under the equal protection clause by means of the Due Process Clause of the Fifth Amendment. The main question that arises when discussing the Equal Protection and Due Process clauses is, “what ‘protections’ are citizens granted?” These clauses are in place to protect against government action that discriminates based on certain traits such as race, gender, age, and disability. The issue that arises with these clauses and the legality of same-sex marriages is whether or not federal marriage

benefits are considered rights to be protected under these clauses.

THE LEGAL DEFINITION OF MARRIAGE

One of the main issues in this situation is the legal definition of marriage, which also determines which couples are allowed to take advantage of federal marriage benefits. Currently, the legal definition of marriage is as DOMA says it is—one man and one woman. According to public opinion polls, that definition appears to have changed to allow same-sex couples to be included under that definition. A 2011 survey conducted by the Greenberg Quinlan Rosner organization and sponsored by the Human Rights Campaign shows that an increasing number of voters oppose DOMA. Surveying 800 people nationwide through means of cell phone and landline calling, Greenberg Quinlan Rosner, a research and strategic consulting firm, found that 51% of voters oppose DOMA, with 40% “strongly opposing” and the remaining 11% “somewhat opposing,” while only 23% “strongly favor” the act, with the total percentage

of those that favor the act totaling 34% (Figure 1).

The survey also found that Republicans are almost evenly divided on the issue, with 45% favoring and 44% opposing (“Defense of marriage,” 2011). This is interesting to note because current Speaker of the House John Boehner and the House Republicans

are the main supporters for the act (“Defense of marriage,” 2011). Finding that opposition rests within the party of the act’s main supporters shows that an increasing number of conservative leaders are becoming more open-minded and tolerant. It is important to note that 44% of Republicans oppose DOMA. Historically, Republicans have opposed same-sex marriage. It appears the Republican Party is changing along with the United States, and the definition of marriage is changing as a result.

RMA: RESPECT FOR MARRIAGE

Currently in both the House of Representatives, lies the Respect for Marriage Act (RMA) introduced by Jerry Nadler (Rep. D-NY), and Dianne Feinstein (Sen. D-CA). The RMA repeals the DOMA and “restores the rights of all lawfully married couples—including same-sex couples—to receive the benefits of marriage under federal law” (“Respect for marriage act” 2011).

Not only are gay and lesbian same-sex couples fighting for the legal right to get married, but they are also fighting for protection of their union by the federal government, which would grant them the

right to the many government benefits that heterosexual married couples currently possess, a number totaling over 1,000 benefits. For example, the federal government denies gay and lesbian same-sex couples certain Social Security, Tax, Military, Federal Employment and Immigration benefits. Some of

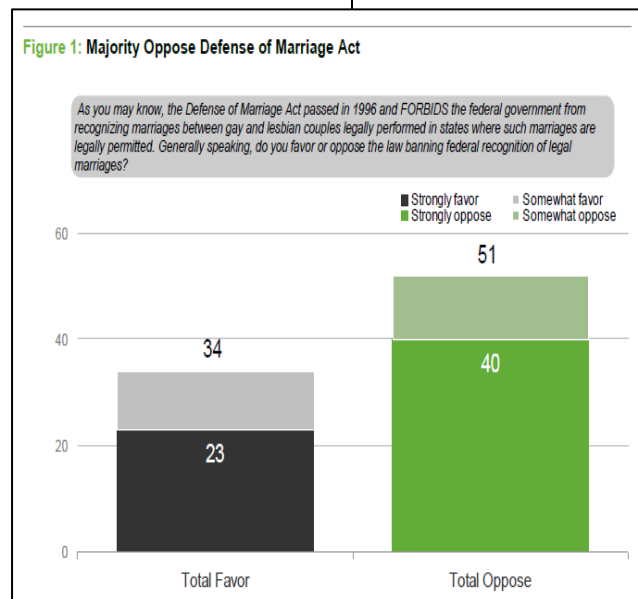


Figure 1 (“Defense of marriage,” 2011)

these benefits include: the Spousal survival benefit, the ability to file joint income tax returns, and the right to add a partner to a long-term healthcare insurance program (Michon, 2012).

One important aspect of the RMA is the fact that it only requires the federal government to both recognize the union as a marriage and provide government benefits. As it regards this, the Human Rights Campaign wrote on their website,

The bill does not require states that have not yet enacted legal protections for same-sex couples to recognize a marriage. Nor does it obligate any person, state, locality, or religious organization to celebrate or license a marriage between two persons of the same sex (“Respect for marriage act” 2011).

If the Respect for Marriage Act is passed through both the House and the Senate and is signed into law, the states would not be required to change any ruling previously passed within the state. However, it would protect the legality of same-sex couples travelling to or living in states that do not have legislation that protects same-sex couples. Proponents of the RMA argue that its purpose is to overturn legislation that specifically targeted same-sex couples, mainly DOMA. They argue that DOMA is discriminatory against “lawfully married same-sex couples.” According to the Human Rights Campaign, DOMA discriminates in both Sections 2 and 3 by allowing states to “refuse to recognize” valid same-sex marriages, and denying all same-sex couples the many benefits that are only available to heterosexual couples (“Respect for marriage act,” 2011).

OPPOSITION TO RMA

Opponents to RMA often use religion as their basis for opposition. Their argument stems from the book of Genesis when God is said to have created man and woman in His image. Genesis 1:27 (New King James Version) says, “So God created man in His own image; in the image of God He created him; male and female He created them.” Rev. John Edmiston of ChristianAnswers.net uses this verse to speak against same-sex marriages, claiming that marriage is a holy union and a representation of God himself. Believing that God created both male and female in His image, a union representing His image is only possible through a heterosexual marriage (Edmiston, 2002). He also argues that the physical make-up of males and females further adds to his argument. The fact that natural reproduction requires one male and one female speaks to the naturalness of heterosexual marriages. He continues by claiming that if God had intended for same-sex marriages, He would have allowed natural reproduction through means of same-sex intercourse. Rather than this being natural, he argues that, “Homosexual anal intercourse carries a high risk of disease, this is recognized in Scripture [Romans 1:27] where gay men are said to receive in their bodies the due penalty for their error” (Edmiston, 2002). Not only believing that the Bible spoke against same-sex marriage, many opponents to RMA (some of them elected officials) believe that the Bible also speaks out against homosexuality, calling it a “detestable act” in Leviticus 18:22.

While RMA would overturn DOMA, the cause for debate and argument would not stop there. Several states have passed legislation outlawing the union of gay and lesbian same-sex couples, with the most memorable being Proposition 8, in California. Proposition 8 was passed by referendum in the November 2008 state elections and was a result of the 2008 ruling by the California Supreme Court that declared Proposition 22, which declared that only a marriage between a man and woman is valid and recognized in the state of California, was unconstitutional because it violated the CA Constitution's equal protection clause.

Proposition 8 meant two things for citizens of California. First, it amended the California Constitution to eliminate the right of gay and lesbian same-sex couples to marry in that state, and second, it meant that only marriages between one man and one woman were "valid and recognized in California" ("Voter information guide," 2008). **Figure 2** shows a breakdown of the votes by the citizens of California, which indicates how split the state was on the matter. Out of 13.7 million votes, the decision came down to a margin of just 600,000 votes deciding whether to enact Proposition 8 (Bowen, 2008). One of the issues regarding same-sex marriage that the Supreme Court is expected to hear this term deals with a decision by the United States 9th Circuit Court of Appeals, which declared Proposition 8 unconstitutional by a 2-1 decision in February 2012 (Dolan, 2012).

SAME-SEX MARRIAGE AT THE STATE LEVEL

Two other states whose rulings on the legality of the marriage between gay and lesbian same-sex couples will influence the Supreme Court's decisions on which cases to hear regarding the issue are

Massachusetts and New York. However, in these states, there was not a proposition to be declared unconstitutional, but the courts in both of these states repealed DOMA as opposed to state law. In Boston, the federal Court of Appeals struck down the constitutionality of DOMA in May 2012, stating

Proposition 8		
Eliminates Rights of Same-Sex Couples to Marry. Initiative Constitutional Amendment		
Election results		
Yes or no	Votes	Percentage
✓ Yes	7,001,084	52.24%
✗ No	6,401,482	47.76%
Valid votes	13,402,566	97.52%
Invalid or blank votes	340,611	2.48%
Total votes	13,743,177	100.00%
Voter turnout		79.42%
Electorate		17,304,428

Figure 2 (Bowen, 2011)

that it discriminated against

same-sex married couples. In October of that same year, in Manhattan, the federal court of appeals declared the act unconstitutional for the same reason. While the case in Boston was settled several months prior to the Manhattan case, the case that occurred in Manhattan is the "leading candidate for a Supreme Court review of the same-sex marriage issue" (Dematteis, 2012). Writer for *The New York Times* Lou Dematteis wrote an article entitled, "Same-Sex Marriage, Civil Unions, and Domestic Partnerships" in which he argued that the Manhattan case is so important because while it addressed the constitutionality of DOMA, the Manhattan federal court of appeals also held that gay Americans were a legal class of people who deserved the same rights and benefits as everyone else, which

included equal protection under the law guaranteed under the Fifth and Fourteenth Amendments. This kind of constitutional protection is known as either heightened or strict scrutiny, and this was the first time that this level of protection was applied to same-sex couples (Dematteis, 2012).

Heightened or strict scrutiny is the highest form of scrutiny able to be applied to a discriminatory act or law, above intermediate scrutiny⁹ and the rational basis test¹⁰. The only circumstance where an act or law is upheld under strict scrutiny, according to the Supreme Court, is if “it is proved necessary to achieve a compelling government purpose.” In addition, the government must have “a truly significant reason for discriminating” (Chemerinsky, 2011). This type of scrutiny is usually reserved for discrimination based on race or national origin, to ensure that no one is discriminated against based on those two qualifications.

FEDERAL MARRIAGE BENEFITS

Currently being denied marriage rights, homosexual couples, married and not, would have access to the benefits of heterosexual couples if legal matters go their way. Access to these benefits, specifically Social Security benefits, could mean avoiding spending years in poverty. Among these benefits are the Spousal Survivor benefit, Spousal Retirement benefit, and the Lump-sum Death benefit. Estate Tax and Estate Planning benefits are also currently unavailable for same-sex couples. Benefits such as the Estate and gift tax exemption, the Estate Tax “Portability,” and Life Estate

⁹ To determine if a statute passes this test, a court considers whether the statute involves important governmental interests and whether the law is substantially related to the achievement of important government objectives.

¹⁰ Having a reasonable connection to achieving a legitimate objective.

Trusts are all denied to same-sex couples, which could greatly hinder them financially (Michon, 2012). They would also be granted the right to legally get married, thus redefining the definition of “traditional marriage.” The federal government, however, would be obligated to recognize those unions as valid, as would state and local governments, including those whose constitution does not include protection for gay and lesbian same-sex couples.

THE SUPREME COURT DECIDES

The Supreme Court is expected to have its closed-door conference in November, according to journalist Howard Mintz, writer for Mercury News based in San Jose, California. It is during this conference that the Supreme Court will decide which cases it will consider to hear. Mintz writes that the public will know by late November whether the Supreme Court is going to tackle the Proposition 8 and DOMA issues, which, with the exception of the upcoming election, is one of the most anticipated announcements coming this year (Mintz, 2012). Should the Supreme Court choose to take on those issues, it is expected that it will be almost evenly split, with Justice Anthony Kennedy being the deciding vote (Dolan, 2012). In the past, conservatives have looked to the Justice Kennedy for support, but he has often been as much of a swing vote as states such as Ohio and Florida in Presidential elections.

The current form of marriage, a component of not just American society and culture, but of societies and cultures all over the world, is being heavily challenged and potentially redefined for years to come. To say that the Supreme Court has a decision that is tremendously arduous as well as momentous would be an understatement. From Proposition 8 and many other state federal court rulings to the controversy of

DOMA and RMA, the Supreme Court will once again attempt to draw from the Constitution what it thinks the Framers intended for the covenant of marriage from a legal point of view. The decisions by the Court this term may change the course of American history; its values, beliefs, and morals – the backbone of American society – may be determined by the outcomes of these cases.

UPDATE: AS OF 23 JUNE 2013

On June 23 of this year, the Supreme Court delivered its ruling on the constitutionality of both DOMA and Proposition 8. In a decisive 5-4 vote, the court declared Section 3 of DOMA, which defined marriage as one man, one woman for the purposes of federal benefits as a violation of equal protection under the law guaranteed by the US Constitution. However, in the ruling on Proposition 8, the court decided, “that supporters of the California law did not have standing to appeal a federal district court ruling that struck it down. By doing so, the justices let stand the lower-court ruling that had found the ban unconstitutional” (Hurley, 2013). However, with this ruling on Prop 8, the court has left the states with the task of setting their own policy on gay marriage.

Early predictions made about Justice Kennedy casting the deciding vote were correct. Justice Kennedy voted with the majority of justices to strike down Section 3 of DOMA, paving the way for same-sex couples to legally marry.

There is still some confusion amid the decision, however, and that is the contradicting laws in some states that have outlawed same-sex marriage. The Supreme Court left alone Section 2 of DOMA, which states, “all states and territories have the right to deny recognition of the marriage of same sex couples that originated in states

where they are legally recognized” (Frequently Asked Questions). This section of DOMA is legally constitutional, and states where same-sex marriage is outlawed do not have to recognize such marriages.

REFERENCES

- Bowen, D. (Producer). (2008). *Proposition 8*. [Web Map]. Retrieved from http://en.wikipedia.org/wiki/California_Proposition_8
- Chemerinsky, E. (2011). *Constitutional law: Principles and policies*. (4th ed., p. 821). New York City: Wolters Kluwer Law & Business.
- Crompton, L. (1976). *Homosexuals and the death penalty in colonial america*. Informally published manuscript, Department of English, University of Nebraska - Lincoln, Lincoln, Nebraska, , Available from Digital Commons@University of Nebraska - Lincoln. (1-1-1976)Retrieved from http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1061&context=englishfacpubs&seiredir=1&referer=http://www.google.com/url?sa=t&rct=j&q=Thomas+Jefferson+bill+against+homosexuals&source=web&cd=1&ved=0CB4QFjAA&url=http%3A%2F%2Fdigitalcommons.unl.edu%2Fcgi%2Fviewcontent.cgi%3Farticle%3D1061%26context%3Denglishfacpubs&ei=5YCFUKyIE4_Y8gSJ04DQCA&usg=AFQjCNGAZOev6U2DPJM0dK6ngw84SS-KNQ
- Dematteis, L. (2012, October 19). Same-sex marriage, civil unions, and domestic partnerships. *The New York Times*. Retrieved from http://topics.nytimes.com/top/reference/timestopics/subjects/s/same_sex_marriage/index.html
- Dolan, M. (2012, February 7). Prop. 8: Gay-marriage ban unconstitutional, court rules. *Los Angeles Times*. Retrieved from <http://latimesblogs.latimes.com/lanow/2012/02/gay-marriage-prop-8s-ban-ruled-unconstitutional.html>
- Edmiston, J. (2002, march 23). *christiananswers.com*. Retrieved from <http://www.christiananswers.net/q-eden/ednf018.html>
- Frequently Asked Questions: Defense of Marriage Act (DOMA) | GLAAD*. Retrieved from <http://www.glaad.org/marriage/doma>

- Hurley, L. (2013, June 26). *Gay marriage gets big boost in two Supreme Court rulings/ Reuters*. Retrieved August 1, 2013, from <http://www.reuters.com/article/2013/06/26/us-usa-court-gaymarriage-idUSBRE95P06W20130626>
- Interview by Greenberg Quinlan Rosner [Web Based Recording]. Defense of marriage act. Greenberg Quinlan Rosner, Washington, D.C., Retrieved from <http://www.hrc.org/files/assets/resources/DOMAPoll2011Memo.pdf>
- Michon, K. (2012, January 01). *Nolo.com law for all*. Retrieved from <http://www.nolo.com/legal-encyclopedia/same-sex-couples-federal-marriage-benefits-30326.html>
- Mintz, H. (2012, October 29). Supreme court may decide soon whether to weigh in on gay marriage, including california's prop. 8. *Mercury News*. Retrieved from http://www.mercurynews.com/crime-courts/ci_21881289/supreme-court-may-decide-soon-whether-weigh-gay
- Outhistory.org*. (2009, April 14). Retrieved from http://outhistory.org/wiki/Sodomy_law:_Virginia,_May_24,_1610
- Respect for marriage act*. (2011, November 10). Retrieved from <http://www.hrc.org/laws-and-legislation/federal-legislation/respect-for-marriage-act?gclid=CMKBopTDorMCFRR7nAodDgYAOw>
- Sherman, M. (2012, September 29). Another big Supreme Court term kicks off Monday. *Associated Press*, Retrieved from <http://www.boston.com/news/local/new-hampshire/2012/09/29/another-big-supreme-court-term-kicks-off-monday/y5SJo3fuKdVPS72RhY3ytL/story.html>
- Sodomy. (1828). In Webster's American Dictionary of the English Language. Retrieved October 22, 2012, from <http://1828.mshaffer.com/d/search/word,Sodomy>
- US Congress, (1996). *Defense of Marriage Act (3396)*. Retrieved from website: <http://www.gpo.gov/fdsys/pkg/PLAW-104publ199/pdf/PLAW-104publ199.pdf>
- Voter information guide*. (2008). Retrieved from <http://voterguide.sos.ca.gov/past/2008/general/title-sum/prop8-title-sum>

Benjamin Thornton is an undergraduate studying International Affairs at KSU, with a concentration in Business, Economics, and Trade. He has partaken in the conferences of the Model United Nations team and was a part of the inaugural Model NATO team at KSU. He enjoys writing on and studying global security issues. He intends to eventually earn his doctorate in International Affairs.

Nuclear Europe: A Debacle and Necessity

Benjamin Thornton

During the Cold War, United States military support and assets were paramount to its ally Western Europe. After the Cold War, the number of European states relying on that support increased as NATO [North Atlantic Treaty Organization] expanded into Central and Eastern Europe (CEE). Despite the thawing relations between the Russian Federation, the US, and Europe (i.e. EU), there is still a security concern regarding CEE. Budgeting issues and redefining its security priorities have caused a shift in US policies. These budgeting issues and the effort to create collective defense policies among all NATO members signify a turning point in Europe's security outlook. The importance of current security concerns in Europe and the trans-Atlantic relationship grows as significant global nuclear proliferation issues continue to be at the forefront of international security. For CEE, the US security guarantee is essential as European capabilities are being enhanced. How Europe and the United States deal with the delicate balance between security and disarmament will have a significant global impact in many ways.

INTRODUCTION

The European nuclear weapons security question has many complexities that arise from internal and external policies. Originally, Europe's nuclear posture was centered on assurance from the United States of defense against Soviet nuclear threats. As Europe¹¹ and the United States are redefining their security relationship, there is a global push for the elimination of nuclear weapons ("global zero"). However, non-proliferation has not been adopted as a policy amongst all states. Iran is continuing to advance its nuclear capabilities, including delivery methods. Additionally, Saudi Arabia has claimed it will seek to purchase a nuclear weapon if Iran tests its own (Tomlinson, 2012). North Korea recently tested a third nuclear bomb and missile this

spring. Also, the threat of non-state actors obtaining nuclear weapons strongly influences current nuclear policies; this threat is not limited to terrorist organizations. The risk of proliferation in the Middle East enhances the uncertainty of nuclear security on Europe's south-eastern border consisting of the Balkan Peninsula. Europe needs the security that deterrence gives when a state has nuclear capabilities. This is based either on reliance from US troops stationed on European soil accompanying the arsenals or European capabilities themselves. The delicate balance to seek on the way forward is one where Europeans must accept nuclear arsenals as a security guarantee while being forerunners in disarmament efforts that are embraced with reciprocity by global actors.

The difference in European national security concerns, internal politics, disarmament efforts, and complementary policies to nuclear security will be addressed in the following analysis. The difference between Central and Eastern European countries (CEE) will significantly, but not strictly, differ from that of Western European countries. The European security situation will be looked at within the context of NATO, national priorities, and an ex-

¹¹ The term Europeans in this paper is identified as referring to those European states that are concerned with deepening trans-Atlantic (i.e. North American) relations. These states are known as being Atlanticists. A significant number of European states have adopted significantly strong relations with the US. The term may refer to those European states in the European Union or NATO, but it is not limited solely to those states.

panding European policy outlook. Statements from officials and research from scholars will be utilized in the following discourse.

A DIFFERENCE IN PERCEIVED THREATS AND POLICY: RUSSIA'S PRESENCE

Differing perspectives on plausible threats creates the main fissure in Europe's nuclear stance. Europe is at a pivotal point between the security of the US and engagement with Russia. Much of the nuclear security question is determined by NATO policy. This being because the majority of European countries are NATO allies. Most other European countries are staunch NATO partners. European defense and NATO defense policies are thus intertwined and essentially the same. A five-point formula for NATO was agreed upon by its foreign ministers in Tallinn, Estonia in April 2010. First, as long as nuclear weapons exist, NATO will remain a nuclear alliance. Second, as a nuclear alliance, sharing nuclear risks and responsibilities is fundamental. Third, NATO's broad aim is to reduce the role and number of nuclear weapons. Fourth, Allies must broaden deterrence against the range of 21st-century threats. Fifth, NATO's aim should be to seek Russian agreement to increase transparency on non-strategic nuclear weapons (NSNW), relocation of weapons, and inclusion of NSNW in the next round of arms control discussions (NATO 2020: Assured Security; Dynamic Engagement, 2010).

As Europeans are struggling to increase their collective security capacities within the Common Security and Defense Policy (CSDP), the US remains the most essential aspect to European security. The International Security Policy working group of the Friedrich-Ebert-Stiftung forum notes that

[T]he CSDP has thus far yielded only meagre results, functioning as a supplement to national policy and based on the lowest common denominator among the member states. Real integration of national security policies has not taken place. At the same time, EU member states are currently suffering from a deep economic crisis which will make it difficult for them even to maintain the current level of spending on foreign and security policy for the foreseeable future." (GROUP, 2012).

Most Western European states are enacting severe defense budget cuts. They do not perceive the same threats as CEE. There is a difference in perspective security dimensions amongst Europeans, with the division, not strictly, being along Western versus Central and Eastern security posture.

It is no secret that a guarantee of US security is a main policy focus for CEE. These states are concerned that, despite their resilience as Atlanticists¹², the US is increasingly losing interest in the region. Consequently, "Central and Eastern European countries are no longer at the heart of American foreign policy." (22, 2009). This was stated in a letter (The Letter of 22) sent to the Obama administration in July 2009. There were twenty-two prominent leaders and various figures of Central and Eastern European states that signed the letter.

Subsequent events reinforced the concerns of the CEE. The latest being the subtle scrapping of the fourth phase of the EPAA. With regards to this, "[t]he missile deployments the United States is making in phases one through three of the European

¹² The term Atlanticists refers to those European administrations that believe in strengthening ties across the Atlantic between Europe and North America.

Phased Adaptive Approach, including sites in Poland and Romania, will still be able to provide coverage of all European NATO territory as planned by 2018” (Defense, 2013) (Wire, 2013).

The main security threat for these countries is Russia. Although the threat is low by historical standards, the perceived Russian threat is still prevalent amongst the CEE. Justifiably, there are various reasons for feelings of insecurity amongst the CEE with regards to Russia. One reason is the August 2008 Russian invasion of its Caucus neighbor The Republic of Georgia. Another is the September 2009 Ladoga and Zapad exercises that simulated a nuclear first strike on Warsaw and the invasion and occupation of the Baltics by 30,000 Russian and Belarusian troops (Somerville et al, 2012). The geographical boundaries of Poland pose security concerns as well, as it shares borders with Belarus and Kaliningrad, the former a staunch Russian ally and the latter an exclave of Russia. Russia has already deployed nuclear-capable offensive Iskander missiles to Kaliningrad (Sokov, 2011). As mentioned, the offensive Russian practices give ample reason for the CEE to have a security complex. A main concern for CEE states is Russian NSNW.¹³ The security of US nuclear arsenals is more so contextualized in the presence of US troops as well as the arsenals’ power. Due to the commanding US military assets, the perspective is that engaging in a conflict with the US brings more cost than an engagement strictly with the European states and their respective military assets.

The Russian threat is further exacerbated by major cuts in US and European defense spending. The 2008 financial crisis caused Europeans to take on widespread austerity measures. This caused a resultant 10% drop in defense spending for NATO

¹³ This is discussed in greater detail under the section titled “Disarmament Efforts”.

countries. In 2012, Russian military spending rose 12% (Reuters, 2013). While Russian aggression is unlikely, it is still plausible, most notably the effort for Russia to secure a corridor to Kaliningrad from Belarus via the southwest portion of Lithuania. The nuclear policy held by NATO for decades was to compensate for an overwhelming conventional deficit against the Soviet army. After the dissolution of the Soviet Union, NATO forces had a commanding surplus. The balance of power is now changing, however. As Russia moves to secure its geopolitical status, the threat of a conventionally superior Russian force is again relevant. To remove the nuclear weapons and American security from Europe, especially Eastern and Central Europe, would send a signal to Moscow that NATO is not as revered as it once was—in essence, the Alliance is not as adamant in protecting Allies as it once was. Moscow could be tempted to make a strategic move that threatened CEE. The assurance that there are adequate conventional troops to resist Russian aggression is central to CEE foreign policies (Somerville et al, 4: 2012). The security of the idea that retaliation could be guaranteed is essential, given Russia follows through with a nuclear attack (an action which is unlikely). (Binnendijk & Catherine, 2012) observe the following:

Although the views of CEE countries are not monolithic, many CEE officials believe that U.S. nuclear systems in Europe provide them with reassurance in at least two ways: they offset some of the weight of potential Russian nuclear intimidation, and they symbolically represent America’s commitment to use the full range of its military strength to defend all of its Allies. (3: 2012).

This requires commanding numbers of conventional and impressive numbers of non-conventional assets, neither of which Europeans possess and therefore must be provided by the US.

INTERNAL DIVISIONS

The main opponents of nuclear arsenals on European soil are typically Western European and have no nuclear arsenals of their own. The focus is also more on NSNW. Their argument is (especially in Germany, Belgium, the Netherlands and Norway) “that the weapons, which are free-fall bombs designated to be delivered by now ageing aircraft, are of limited military value in relation to future threat scenarios” (Somerville et al, 1: 2012).

There is a split within European countries on nuclear posture. One particular political division between England and Scotland is the nuclear facility located in Faslane, 25 miles from Glasgow. The Scottish National Party stated its willingness to join NATO given that “all existing nuclear weapons on Scottish soil are removed and it isn’t asked to host any in the future.” (Woodfield, 2013). Were Scotland granted its independence in the 2014 referendum, the conflicting ideologies would need to be addressed. Separate national ideologies will play a role the European future nuclear posture.

DISARMAMENT EFFORTS: A SEARCH FOR BALANCE

France has taken measures to reduce its nuclear arsenals while maintaining its security status. France is also a prominent European supporter of keeping nuclear weapons relevant to European security. In 2008, then French President Nicolas Sarkozy announced the French “arsenal will include fewer than 300 nuclear warheads. That is

half of the maximum number of warheads we had during the Cold War.” France is to work with the UK in strategic updating and dismantling of its arsenals. It seeks the purpose of dissuasion with its nuclear posture (Sarkozy, 2008). Of Western European countries, France (and the French public) has a positive view of its nuclear weapons capabilities; however, it understands the importance of disarmament.

Likewise, the 2010 Strategic Defense and Security Review (SDSR) of the United Kingdom called for the reduction of operational nuclear weapons to 120, the total stockpile being no more than 180. The UK implemented a “like for like” system of updating its Trident arsenals. In a government statement, the UK declared, “The United Kingdom has been perhaps the strongest supporter of multilateral disarmament from among the nuclear weapon states” (Government, 2010).

The new Strategic Arms Reduction Treaty (START), which is in jeopardy of being abrogated by Russia because of the Theatre Ballistic Missile Defense, achieved notable success in reducing strategic arsenals further. This treaty, along with other agreements, has done nothing to address the issue of non-strategic nuclear weapons (NSNW), of which Russia is thought to have between 2,000 and 6,000 (Woolf, 2012). Along with maintaining nuclear capabilities and conventional superiority, addressing NSNW is a priority for CEE countries. The Cooperative Threat Reduction Act (a bi-lateral agreement between the US and Russia) took measures to secure and dismantle the old Soviet nuclear stockpiles. Russia announced “it would reject an automatic extension of the agreement governing its participation in the program, due to expire in 2013” (Weiner, 2012). This is most likely because Russia sees a need for modifications to the bill, particularly dealing with liability and transparency issues.

There were repeated attempts in the 1990s by organized criminal groups to obtain these ill-guarded arsenals in Kaliningrad (Lee, 2001). The Russian exclave is still rampant with corruption and organized crime. Assurance that these weapons are secure and not available to the highest bidder is an essential end goal. Reciprocal transparency and documentation would provide a sense of security for the US, Europe, and Russia. It would be a significant step forward to future disarmament efforts. With regards to this, the Polish Permanent Mission to the UN released a statement noting, “Large arsenals of sub-strategic nuclear weapons...increase the risk of proliferation by non-state actors. Instead of enhancing our security they make it more volatile.” (Sobkow, 2010).

Investing in nuclear deterrence capabilities is not as justified as it once was during the height of Cold War tensions. The general perspective now is that the investment requires a disproportional amount of defense spending to the actualized and shrinking threat. *The Telegraph* noted, “[I]t makes less sense to invest so much into [a security system] that provides less and less insurance against a narrowing range of threats.” (Browne & Kearns, 2013). “What is it we’re really trying to deter?” US Joint Chiefs of Staff, Gen. James E. Cartwright stated, “Our current arsenal does not address the threats of the 21st century.” President Obama “believes that we can make pretty radical reductions — and save a lot of money — without compromising American security in the second term. And the Joint Chiefs have signed off on that concept.” (Sanger, 2013). US and European elites that champion disarmament efforts should realize that their nuclear arsenal reductions are irreversible. Were they to reduce their stockpiles and become vulnerable to losing their competitive edge, it would be anathema to their disarmament efforts to re-engage in

beefing up their arsenals. Any reductions must be ensured by reciprocal efforts by others globally. There also must be a firm handle on proliferation efforts by rogue states. There are many difficulties in quelling proliferation efforts by those states. They often circumvent sanctions where they can and continue with their developments despite international pressure and disapproval, albeit at a slower pace.

COMPLIMENTARY NUCLEAR THREAT POLICIES

Security from nuclear threats is not solely encased in possessing nuclear arsenals. Various mechanisms have supported security from nuclear threats while not promoting enhanced nuclear capabilities. The American-led Proliferation Security Initiative (PSI) was launched in Krakow, Poland in 2003. Despite the immense tensions within NATO about the Iraq War, many Europeans endorsed the Initiative, notably France. Since then the PSI has grown to over 100 member states. Every European country is a participant of the PSI. Many partake in the annual exercises and interdiction efforts. The PSI is momentous in preemptive efforts against nuclear proliferation but is not endorsed by all nations, however. China is the only veto-wielding permanent member of the United Nations Security Council (UNSC) not endorsing the PSI,¹⁴ which is useful in encouraging a global non-proliferation norm and actively being a force to back sanctions by the UNSC. The participation of every European country signals a unified posture against proliferation and the will to actively fight against it.

The Active Layered Theatre Ballistic Missile Defense (ALTBMD) is a complementary component to nuclear arsenals; it is

¹⁴ China’s main objection to the PSI lies in the international legality of interdiction.

not a replacement. By 2020, the third stage of the European Phased Adaptive Approach (EPAA) will be complete. This was not satisfactory for some European countries. On September 17 2009,¹⁵ the Obama administration canceled the previous Patriot missile battery plans of the Bush administration to Poland as well as Stage IV of the EPAA. One NATO member, Poland, implemented its own missile program in its new budget. Interoperable with NATO, the system is to provide security for Poland and Europe. This was a significant step by a European state to honor the collective security policies set out by the Common Security and Defense Policy.

Furthermore, the Visegrad Group (V4) has developed the V4 CBRN (chemical, biological, radioactive, nuclear) Response Force to be deployable under Polish command by 2016. The parameters of this group are not yet known. Likely utilization would occur through deployment to threatening areas for proactive and reactive reasons. Such a group would be useful in Turkey, and other southeastern European boundaries, given the threat of chemical munitions from Syria, notably by non-state actors. The group could respond to domestic accidents as well, were such to arise akin to the Fukushima disaster in Japan or Chernobyl meltdown in Ukraine.

CONCLUSION: THE NEED FOR CAUTION IN DISARMAMENT

As mentioned previously, not until the proliferation of nuclear weapons and their components has been contained and disarmament efforts have a guarantee of reciprocity will European states be willing to completely dismantle their stockpiles and force the US to remove its own. The security context of European states that rely on

¹⁵ This was on the very sensitive 70th anniversary of the Soviet invasion of Poland.

collective nuclear deterrence will need to change as well. It is posited that as Russia focuses its security concerns on China within the next decade, the plausibility of Russian threats to Europe will diminish. However, for the next ten to fifteen years, Russia still remains a genuine threat for the CEE.

The nuclear question is complex, not only for Europeans, but for the US and Russia as well. The push for “global zero” brings on even more complicated features—nuclear powers outside of the West and those wishing to acquire nuclear capabilities. Given the uncertainty of the nuclear picture for the next decade, it would be a mistake for Europe to give up its nuclear associated securities. For one, if these securities were forfeited (the withdrawal of nuclear arsenals and accompanying troops), CEE may become more vulnerable to threats, notably Russian aggression. Secondly, it would be counter-productive to non-proliferation efforts achieved thus far if it were decided that nuclear arsenals should be reinstated after removing or dismantling them. The double standard would send a signal that non-proliferation is a serious matter for the US and Europe only when threat levels are low.

In conclusion, Europe must find a balance between various security concerns and foreign policies. Until it can provide substantial security for itself, it will be reliant on the security guarantees of the United States. Europe is in a position that allows only minimal progress forward for fear of going too far. Still, it needs to be steadfast in encouraging global nuclear reductions.

REFERENCES

- 22, L. o. (2009, July 16). *An Open Letter To The Obama Administration From Central And Eastern Europe*. Retrieved April 9, 2013, from Radio Free Europe: http://www.rferl.org/content/An_Open_Lett

- er_To_The_Obama_Administration_From_Central_And_Eastern_Europe/1778449.html
- Binnendijk, H., & Catherine, M. K. (2012, January). NATO Reassurance and Nuclear Reductions: Creating the Conditions. *Transatlantic Current*, 2, 1-16. Retrieved April 14, 2013, from www.ndu.edu/inss: <http://transatlantic.sais-jhu.edu/publications/articles/NATO%20Reassurance%20and%20Nuclear%20Reduction%20Creating%20the%20Conditions.pdf>
- Browne, D., & Kearns, I. (2013, February 5). *Trident is no longer key to Britain's security*. Retrieved April 16, 2013, from The Telegraph: <http://www.telegraph.co.uk/news/uknews/defence/9850192/Trident-is-no-longer-key-to-Britains-security.html>
- Defense, U. D. (2013). *Missile Defense Announcement*. Washington D.C.: Office of the Assistant Secretary of Defense (Public Affairs). Retrieved from <http://www.defense.gov/speeches/speech.aspx?speechid=1759>
- Government, H. M. (2010, October). *Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review*. London. Retrieved August 2013, from https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/62482/strategic-defence-security-review.pdf
- GROUP, I. S. (2012, April). *Fredriech Ebert Stiftung*. Retrieved April 16, 2013, from International Policy Analysis: <http://library.fes.de/pdf-files/id/ipa/08998.pdf>
- Lee, R. (2001, April 27). *Nuclear Smuggling From The Former Soviet Union: Threats And Responses*. Retrieved August 1, 2013, from <http://www.bu.edu/globalbeat/nuclear/FPRI042701.html>
- NATO 2020: Assured Security; Dynamic Engagement. (2010, May). Retrieved April 14, 2013, from www.nato.int/cps/en/natolive/official_texts_63654.htm
- Reuters. (2013, April 14). Retrieved April 14, 2013, from <http://www.reuters.com/assets/print?aid=USBRE93D0CP20130414>
- Sanger, D. E. (2013, February 10). *Obama to Renew Drive for Cuts in Nuclear Arms*. Retrieved from The New York Times: http://www.nytimes.com/2013/02/11/us/politics/obama-to-renew-drive-for-cuts-in-nuclear-arms.html?pagewanted=1&_r=0
- Sarkozy, N. (2008, March 24). *Presentation of Le Terrible in Cherbourg*. Retrieved August 1, 2013, from http://carnegieendowment.org/#/slide_443_holding-out-hope-for-multipolar-world: <http://carnegieendowment.org/2008/03/24/presentation-of-le-terrible-in-cherbourg/ynb>
- Sobkow, W. (2010, May 5). Retrieved April 15, 2013, from www.un.org/en/conf/npt/2010/statements/pdf/poland_en.pdf
- Sokov, N. (2011, February 15). *A Second Sighting of Russian Tactical Nukes in Kaliningrad*. Retrieved August 1, 2013, from <http://cns.miis.edu/index.htm>: http://cns.miis.edu/stories/110215_kaliningrad_tnw.htm
- Somerville, A., Kearns, I., & Chalmers, M. (2012, February). *Poland, NATO and Non-Strategic Nuclear Weapons in Europe*. Retrieved April 9, 2013, from [www.rusi.org](http://www.rusi.org/downloads/assets/Poland-NATO-and-NSNW-120217.pdf): <http://www.rusi.org/downloads/assets/Poland-NATO-and-NSNW-120217.pdf>
- Tomlinson, H. (2012, February 11). *Saudi Arabia to acquire nuclear weapons to counter Iran*. Retrieved August 01, 2013, from <http://www.theaustralian.com.au/>: <http://www.theaustralian.com.au/news/world/saudi-arabia-to-acquire-nuclear-weapons-to-counter-iran/story-fnb64oi6-1226268171576>
- Weiner, S. (2012, October 18). *The End of Cooperative Threat Reduction (As We Know It)*. Retrieved August 01, 2013, from <http://csis.org/>: <http://csis.org/blog/end-cooperative-threat-reduction-we-know-it>
- Wire, H. S. (2013, March 18). *U.S. cancels final phase of European missile defense system*. Retrieved from Homeland Security News Wire: <http://www.homelandsecuritynewswire.com/dr20130318-u-s-cancels-final-phase-of-european-missile-defense-system>
- Woodfield, P. (2013, March 21). *Nuclear Weapons Hide in Pandora's Box as Scots Seek to Quit U.K*. Retrieved April 9, 2013, from <http://www.bloomberg.com/news/2013-03-22/nuclear-weapons-hide-in-pandora-s-box-as-scots-seek-to-quit-u-k.html>
- Woolf, A. F. (2012). *Nonstrategic Nuclear Weapons*. Congressional research Service. Retrieved April 16, 2013, from <http://www.fas.org/sgp/crs/nuke/RL32572.pdf>

REVIEWS

Plamen Mavrov is a senior International Affairs and Political Science major and Economics minor. His interests are wide but he tends to particularly focus on international political economy, especially that of developing areas. He currently serves as President of Global Society, the umbrella organization that oversees the KSU model conference simulation teams (MUN, MAU, MAL, and MNATO). He is currently serving as a research assistant in the Department of Political Science and International Affairs, focusing on cross-border ethno-religious conflict in regions such as Northern Ireland, Israel-Palestine, India-Pakistan, and the Caucuses. After graduating, Plamen plans to pursue a graduate degree in International Affairs with a focus on international development.

The Myth of “Traditional” Sovereignty

Luke Glanville

Griffith University

International Studies Quarterly 57, No.1 (March 2013): 79-90

Retrieved 15 July 2013 from <http://www.jstor.org/stable/41804848>

Plamen Mavrov

Sovereignty is the foundation of the modern international nation-state system which provides the basis for the complex socio-political and economic organization of a people. The concept of non-interference in another state’s internal affairs is thought to have been internationally recognized and abided by since the concept of the nation state was established by the Treaty of Westphalia in 1648. In his article, *The Myth of “Traditional” Sovereignty*, Luke Glanville attempts to revise this notion and clarify a complex and evolving concept that has been mythologized by the most recent wave of internationalism that started with the foundation of the United Nations in 1945.

Glanville begins his assessment of sovereignty by stating that “the right to wage (just) war and to intervene in the affairs of other states has in varied and evolving ways been understood to be a fundamental attribute of sovereignty for much of its history” (79). Thus, according to the author, it is not *immunity from intervention* that has defined a state’s sovereignty for centuries, but rather its *ability to intervene* (emphasis is my own).

Glanville cites various classical scholars ranging from St. Thomas Aquinas and Francisco Suarez to Jean Bodin and Hugo Grotius, all of whom defined sovereignty as essentially “the right [of the prince or sovereign] to wage (just) war” (81). After introducing the contending views to the traditional view that predated its supposed establishment in the 17th century, Glanville clarifies exactly what the Treaty of Westphalia sought to achieve:

The Peace was concerned not with establishing the “traditional” rights of sovereignty but with resolving competing dynastic claims, settling questions of the division of territory, particularly between the Holy Roman Empire and the two victorious powers, France and Sweden, and resolving issues regarding constitutional arrangements with the Empire (82).

Ergo, the Peace did not alter the conception of sovereignty, according to Glanville; instead, it was no different than any other peace treaty in that it attempted to

rectify only the causes of the war between the combatants. No categorical imperative was meant to be set. After this peace, it is more than one hundred years later that Christian Wolff and Emmeric de Vattel begin to outline the modern notion of non-interference (82). However, even these theorists did not fully embrace the concept without restrictions. Glanville quotes Vattel as saying, “As for those monsters who, under the title of sovereigns, render themselves the scourges and horror of the human race,” he declared, “they are savage beasts, whom every brave man may justly exterminate from the face of the earth” (83).

The author continues the history of sovereignty’s conceptual development when he notes the Holy Alliance’s¹⁶ use of the right of intervention “to prevent or defeat popular revolution throughout Europe” (83) and of Britain’s restraint from intervention “if pressing imperatives like the maintenance of the balance of power required it” (83). Thus, non-intervention was becoming the new norm but it was not yet established as an unquestionable cornerstone of sovereignty given the multiple exceptions that could prompt one of the great powers at the time or the hegemonic Britain to intervene. Glanville cites even John Stuart Mill, a strong non-interventionist, as one who “offered numerous exceptions to the principle” (84). The rights and responsibilities of the sovereign to act justly still formed the foundation for the definition of sovereignty.

Shifting from the 19th to the 20th century, Glanville notes that “[t]he decisive move away from the freedom of sovereigns to wage war was not made by international

¹⁶ The Holy Alliance consisted of Austria, Prussia, and Russia and was formed after the end of the Napoleonic Wars at the Congress of Vienna (1814-15) with the intent of reasserting and maintaining the monarchist status quo.

society until the signing of the Kellogg-Briand Pact in 1928” which essentially outlawed war (85). The cementation of the concept of non-intervention finally occurred with the ratification of the Charter of the United Nations, Article 2(7) of which declares:

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are especially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Glanville finally reaches the post-Cold War era and concludes that general scholarly consensus regarding the traditional meaning of sovereignty is that it “is conditional upon the performance of sovereign responsibilities, in particular the protection of human rights” (86). The author cites the 2011 NATO intervention in Libya as well as Somalia, Rwanda, East Timor, and Kosovo as examples of justified, authorized, and consensual interventions in light of the modern definition of sovereignty. These recent examples, the author notes, should be a warning that “concluding that the ‘traditional’ meaning of sovereignty no longer applies” may be premature (87). In conclusion, Glanville reflects on the implications of his analysis and notes “we can learn little if we ignore this rich history and replace it with a mythical story of “traditional sovereignty” (88).

The critical perspective of this article is a much needed one in the discussion of the “inviolability” of sovereignty, a characteristic that has been at the center of post-Cold War and US-hegemonic inter-

national affairs, especially given the blatant violation of sovereignty during the 2003 invasion of Iraq which saw no large-scale reprimands from the international community due to the power status of the aggressor. Glanville's article certainly is a good addition to the literature of international law and political theory that will help students of international affairs and political science understand the changes that will be occurring in the next twenty five years as the world reverts back to pre-WWII multipolarity, if current global economic and military developments continue. With this change in the balance of power, the definition of sovereignty is likely to change in order to accommodate the new environment. This article helps students of IA understand why those changes may occur and how they have been occurring for centuries even after the "traditional" definition was supposedly set at Westphalia, which Glanville has quite thoroughly disproven.

The abundant classical and modern citations certainly work to the benefit of the author's case. Additionally, the organization is clear and the transitions between sections are fluid. However, there is one aspect that falls slightly short and cannot be ignored if a balanced reading of the article is to be had.

The author, in the section regarding the fate of "traditional" sovereignty, does not delve deeper into the rise of supranational entities that are emerging in various regions and that are slowly eroding the traditional political and economic boundaries of nation-states, thus placing sovereignty in a limbo of sorts. Such entities include but are not limited to the European Union (EU), Economic Community of West African States (ECOWAS), East African Community (EAC), and Southern Common Market (MERCOSUR). Such unions are having a progressive impact on how far sovereignty claims can be extended depending on the union's cohesion and member integration. A paragraph or two on that aspect of sovereignty's post-"traditional" status as it concerns supranational unions would have been helpful in providing a more rounded view of the issue and not just focusing on the politico-military aspect of the subject. Overall, the author achieved the goal of proving that the current "traditional" concept of sovereignty has been only recently and greatly mythologized, thus leading it to be generally unquestionable, which is usually counterproductive to the growth of original and groundbreaking scholarly output as well as quality policy formulations and implementations.

FACULTY HIGHLIGHT

Dr. Barbara Neuby



Profile

Following a 20-year career in engineering, Dr. Barbara L. Neuby earned her PhD in Political Science in 1993 from Southern Illinois University in Carbondale, Illinois. Currently, Dr. Neuby is beginning her 11th year at KSU and teaches primarily in the Master of Public Administration program; Public Budgeting, Organization Theory, and Health Policy. Dr. Neuby publishes in the budgeting and finance areas and co-authors published research with MPA students.

1. Why are Political Science and International Affairs important?

Political Science and International Affairs are important because they represent the major events of our time, the possibility that society will examine and learn from these events, and, ultimately commit to improving the lot of mankind.

2. You were the adviser for a KSU political science journal in the 2005 and 2007. Why did that endeavor fall through?

Spectrum was our journal. We published 2 editions of it. Students decided they did not want to revise and resubmit their work after it had been subject to peer review.

3. Having learned from that experience, what do you think are the three most important things that must be done to ensure the sustainability of this journal?

1. Broad attractiveness for many audiences is important. That's why we emphasized law, politics, public administration and conflict management: there was something for everybody.
2. Good distribution network for handling of journals, marketing, publicity, etc. (ours was hard copy). Name recognition is important, that's your brand.
3. Solid leadership both in terms of faculty and students is also very important.

4. What pedagogical changes do you see on the horizon in your discipline?

Use of more online and tech-dependent curricula, tech-savvy teachers willing to alter course formats to deliver instruction, and an online college network where entire public universities are online and mobile are the changes I see.

5. *How do you define good teaching?*

Good teaching incorporates four factors: subject matter knowledge, good communication; relevant materials, and a teacher who understands human nature.

6. *Briefly describe your teaching philosophy.*

Every student is a person of general capability. It is the instructor's job to grow that capability as well as possible in the time allowed within the constraints of the course material, format, etc. Teachers must be able to reach each student as a person and must let students see them as people so that the student can learn quickly to trust the person as teacher. Teaching is a social occupation in which how you respond to people can make the difference between learning and not learning. Students will not learn from someone they do not trust.

7. *What do you think are the most important attributes of a good instructor?*

Good communication, openness to new ideas, understanding of human nature, fairness, accessibility, and current/relevant course materials.

8. *What are your current research interests?*

Global and local financial changes, healthcare policy changes, world political "reset" of superpower interrelationships.

9. *Have you involved your students in your research? Do you think undergraduate research is something that should be garnering more attention?*

I have involved graduate students in my research because most of what I teach is at the graduate level. Graduate students and I have published several articles.

10. *Why did you choose this profession/field?*

Switching from engineering to political science/public administration was a big change, but I did it because I felt it was a way to make a bigger impact. Although I share several inventions and the patents for those inventions, changing lives for the better through education carries a lasting legacy matched by few other careers.

11. *Given your specialization in public budgeting, what do you think of the ongoing European financial predicament?*

The EU financial predicament is representative of the ensuing collapse of fiat currency systems and of the governments' and publics' refusal to face the reality of the human condition. Everybody wants governments to give them everything and nobody wants to pay. We are in the waning days of a fiat monetary system. There is a global reset in the making.

12. An additional specialization of yours is health policy. With the Affordable Healthcare Act starting to take effect, what are some impacts you foresee it having?

Doctors resist being told what they can and cannot do and are leaving the profession. The “cost savings” counted on through Medicare reductions will not materialize, I predict, leaving general tax revenues to fill the gap. Already the employer mandate has been postponed and, I also predict, so too will the individual mandate either be delayed or tweaked. If a person cannot afford to pay for insurance now, what makes you think they will stop eating or purchasing essentials to make a healthcare insurance premium payment in the future? Tax revenues and new healthcare fees will not be enough to support premium subsidies. Job growth, real job growth, is slight and the jobs are lower-skilled, lower income level jobs. Look at what’s already happening in the retail sector and in some of the industrialized jobs: employers are cutting workers’ hours to 29 because at 30 hours per week, the employee (under the PPACA) is considered full-time and the employer must either give them insurance options or pay a fine. This will not happen. I shouldn’t have to elaborate on what lower hours will do to our economy. I’m in favor of reform but not through the vehicle of the PPACA.

13. Why do you think undergraduate research is not as prevalent at Kennesaw State as it is at other major universities?

Students do not understand what research is or its value and, in general, are not willing to put in the long hard hours to do the work necessary.

15. Having overseen and read through the pieces of this issue, what did you find particularly interesting? Is there something that especially surprised or informed you?

I was very glad to see that these are serious pieces of research on important topics. I hope that will continue to be the case. The students write well and can form logical arguments. We need more of that.

16. What are your suggestions to students wanting to get involved in research but not knowing where to start?

Focus your topic on one thing. All too often students bring in their “topic” like how to have world peace. The topics are too broad, undefined and don’t understand that reinventing the wheel is not wanted. The practice of making correct citations is usually overlooked and done incorrectly causing one’s research legitimacy to be called into question. When you try to focus, ask what do we already know about X and what don’t we know? There’s no point in regurgitating others’ work. Then, from among the points of interest we don’t know much about, pick one, just one, and focus on finding the answers either through qualitative search and evaluation or quantitative analysis.

17. What post graduate advice do you have for those political science students that are graduating this year?

Write a good resume. Go to the Career Services office and get help if you need it. When you look for jobs, keep a good log of:

- a. Where you went, how you went (internet, phone, cold call etc..)
- b. Who you spoke to.
- c. What they told you.
- d. What type of job qualifications were listed?
- e. What type of job duties?
- f. What type of skills do you have? Be specific to employers. If you don't like or know Excel, don't say you do but offer to learn.
- g. **PROOFREAD YOUR RESUME.** When I get applications for research assistants that are full of typos, syntax errors, etc.... I throw them out. Your resume is you on paper. Make it your best.

This interview was conducted online on 20 August, 2013.

Department of Political Science and International Affairs



© 2013