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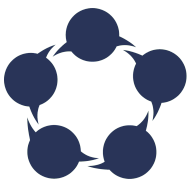

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Editorial Note

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Anya Kuteleva, ***Editor-in-Chief***
University of Wolverhampton

As the United Nations turns 80, the contributions in this volume of *Politikon: The IAPSS Journal of Political Science* ask us to take stock not just of where we are—but how far we have veered from where we hoped to be. In 2005, on the UN's 60th anniversary, optimism and ambition filled discussions of reform. The Responsibility to Protect (R2P) was newly enshrined. Global leaders promised that "never again" meant more than rhetoric. The collective security framework, though imperfect, was imagined to be improvable.

Nearly two decades later, Abigail Georgison revisits Andrea Charron's critique of the UN's security framework—originally published in Politikon in 2007. Through a retrospective assessment of the R2P doctrine and its failed implementation in Libya, Georgison applies Claude and Naidu's seven ideal elements of collective security to evaluate both Charron's original argument and the doctrine's evolution. Her article reflects a wider reality that many multilateral ideals—however noble—struggle to withstand geopolitical rivalry, inconsistent application, and the absence of sustained post-intervention support. The R2P, Georgison suggests, has now become more of a thematic commitment than an enforceable mechanism.

This concern—the distance between principle and practice—is echoed in Mohammad Amaan Siddiqui's analysis of how the state's use of language, especially in defining "terrorism" and "resistance," shapes who is heard, who is silenced, and who is criminalized. His comparative analysis of the United States and India—two of the world's largest democracies—shows that even within systems that claim to protect dissent, counterterrorism frameworks can be used to reinforce dominant power structures. The politics of security, much like humanitarian intervention, often involves not just action but framing—deciding which voices are legitimate and which are not.

Lloyd George Banda and colleagues explore a different aspect of governance. Using time-series data, they probe whether transparency reforms have meaningfully curbed corruption in Malawi. Their findings are sobering: while transparency is essential, it is ineffective without institutional strength and political resolve. This empirical contribution resonates with the broader question of this issue—what happens when good governance ideals meet structural constraints?

Greta Comedini charts the Eurozone's shift toward technocratic governance during the sovereign debt crisis, highlighting how economic emergencies can override democratic norms. Her study complicates the narrative of European integration, asking whether the concentration of authority in unelected institutions undermines democratic legitimacy. Just as Banda and colleagues show how reform can be hollow without robust implementation, Comedini illustrates how crisis-driven reforms, even when efficient, may erode the democratic foundations they aim to protect. Comedini's findings raise fundamental questions about legitimacy: who governs in a crisis, and what democratic costs are we willing to accept in the name of expertise and efficiency?

Together, these contributions reflect a growing interest among a new generation of scholars in exploring the structural challenges of governance, security, and legitimacy across global, national, and regional contexts. Each paper acknowledges that theory and practice rarely align perfectly, and that reform is often a matter of negotiation, compromise, and realism about institutional limits. We hope the articles in this issue inspire deeper reflection and dialogue. The questions they raise are far from resolved, but asking them remains essential to understanding and improving the world we live in.

Collective Security at the Crossroads: Analyzing the UN's Security Framework from 2005 to 2025

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Abigail GEORGISON
georgisa@myumanitoba.ca
University of Manitoba

Abstract

On the 80th anniversary of the United Nations (UN), this paper revisits Andrea Charron's 2007 discussion of the UN's collective security framework in "Expanding the UN's Collective Security System." Charron analyzed the UN's capacity to uphold international peace and security, reviewing the Responsibility to Protect (R2P) and the Duty to Prevent as potential tools for strengthening collective security. This paper situates Charron's work in the geopolitical landscape of 2007 and examines the R2P and Duty to Prevent doctrines against the seven ideal elements of security. It then analyzes the application of R2P in Libya in 2011 to evaluate its impacts and limitations with consideration of the seven ideal elements of security. Charron's assertions and predictions are assessed within the contemporary geopolitical context of 2025. Finally, the paper reflects on the future of collective security and the challenges posed by an eroding international rules-based system.

Keywords: Collective Security; United Nations Security Council; Responsibility to Protect; Duty to Prevent; Humanitarian Intervention; Global Governance; State Sovereignty; Conflict Resolution; Peacekeeping Operations; International Law

Introduction

For the 80th anniversary of the United Nations (UN), it is appropriate to revisit Andrea Charron's 60th anniversary discussion on the UN's collective security framework in "Expanding the UN's Collective Security System." The original article was written in 2005 during a period of hope and promise in the post-Cold War era. Charron confronts the UN's challenge to live up to the ideal of collective security (i.e. to maintain international peace and security) and identifies two proposed doctrines aiming to strengthen the organization, namely the Responsibility to Protect (R2P) and the Duty to Prevent.

Charron's critical analysis of these doctrines underscores the importance of considering political realities and the intentional limitations of the existing UN collective security framework when trying to pursue normative ideals. This update challenges Charron's assertions published in 2007 against the current context and analyzes her predictions about the R2P alongside the only application of the doctrine in Libya in 2011. The good intentions

of the R2P and its normative direction fell apart when applied to a real-world context. However, carefully striving for reform grounded in ideal principles can help shape international norms and expectations, even if perfect implementation is unattainable. Charron's call to return to the basic principles of the UN Charter and maintain caution when considering expansions to the collective security framework has become increasingly relevant in the modern context of escalating war and conflict around the world, refugee crises, the rise of cyber warfare, division among the Permanent Five members of the UN Security Council (UNSC), and the aftermath of the failed application of the R2P in Libya. An updated evaluation finds that Charron's 2007 analysis remains highly relevant, despite evolving global threats. Charron's (2007) call for cautious, deliberate reform that strengthens rather than undermines the UN's core mandate of maintaining collective security amid a resurgence of inter-state conflict is important to remember when trying to adapt to address emerging global threats.

This paper proceeds as follows. First, I will outline the geopolitical concerns that were fore of mind in 2007. I establish Charron's assessment of the effectiveness of the proposed doctrines against Claude and Naidu's theoretical framework of the seven ideal elements of collective security. I then turn to a description of how the R2P was operationalized in Libya. This is followed by an analysis of the R2P and the Duty to Prevent in the modern context against the same seven ideal elements of collective security framework Charron used in 2007 (36). I then discuss the new threats and rapidly evolving geopolitical context in 2025. Finally, I conclude with some final thoughts on Charron's analysis and the future of collective security. While Charron analyzed the idea of Duty to Prevent in 2007, it was never fully fleshed out as a doctrine and has never been operationalized. Therefore, the focus of this paper's analysis is on the R2P and collective security.

The Evolving Role of the UN in Collective Security: From Cold War Certainty to 21st Century Complexity

The world plunged into the 21st Century with hope and promise for a more peaceful international order. The fall of the Soviet Union brought on expectations for a more collaborative and effective UN and the 1990s saw a sharp increase in the number of UN peacekeeping and conflict resolution missions (Bellamy and Luck 2020, 15; UN 2020). This inspired global anticipation of a more concrete role for the UN in this "new" world order which saw the United States as the hegemon, a new Russian Federation looking to be an active member of the international community, and a China finding its footing. The world

hoped to look beyond the traditional state framework and focus on improving the conditions of individuals within the state (Bellamy and Luck 2016, 24; Annan and Mortimer 2016, 24). The 1990s shifted focus from interstate conflict in a Cold War context to civil wars and unconstitutional changes of government in Africa, Yugoslavia, and Haiti. The 2000s required another shift and shattered the illusion that the world could coast on an assumed "peace dividend" following the end of the Cold War. The focus was now on international terrorism. The UNSC was expected to solve all of these conflicts, and the record of success was ultimately disappointing.

In 2007, Andrea Charron explored the limitations of the UN's collective security framework in a contemporary context and advocated for its modernization to address evolving threats to international peace and security. Charron's analysis is shaped by the optimistic political climate of the early 2000s as well as the emergence of unprecedented threats to international peace and security. The UN Charter outlines solutions to address violations of state sovereignty, but these pacific tools (in Chapter VI) and the use of force (in Chapter VII) are not always appropriate or adequate instruments to address more pressing modern threats to international peace and security. These threats include immediate and violent dangers like genocide, human rights violations, civil wars, terrorism, and weapons of mass destruction as well as larger, more latent issues like climate change, poverty, and infectious diseases (Charron 2007, 33, 49).

This optimism was quickly tested as the terrorist attacks against the United States (US) on September 11, 2001, shocked the world and prompted a sharp refocus from human security back to state security concerns. This direct attack on a powerful and seemingly impenetrable state resulted in a significant transformation of global security priorities. The events of 9/11 highlighted the rise of asymmetric warfare and threats from non-state actors. Additionally, uncertainty over how to address these new threats and the following US-led invasions of Afghanistan in 2001 (which received UNSC blessing) and Iraq in 2003 (which did not) revealed significant divisions between UN Security Council (UNSC) members.

The US intervention in Afghanistan began as a collective response to a direct attack by Osama bin Laden, who was harboured in Afghanistan by the Taliban, against the United States. The subsequent war on terror was focused on capturing Osama bin Laden and his Al Qaeda terrorist network. NATO and coalition states participated. Over time, many of the NATO states began to equate "winning hearts and minds" with the best way to collect intelligence on the movement of Al Qaeda and the Taliban from local Afghans. This involved western militaries conducting projects such as building schools, eradicating opium farming,

and building roads to improve the lives of Afghan citizens, but the world had to confront the reality that sometimes intervention makes delicate local situations worse and makes civilians targets of violence (Gordon 2020).

Al Qaeda now had a world-wide network and operated in Africa and the Middle East, including Iraq. An interventionist-minded President George W. Bush sought to end Iraq's alleged, and later proved non-existent, nuclear weapons program and launched a war with the United Kingdom against Saddam Hussein's Iraq in 2003 without explicit UNSC authorization (BBC 2004). This exposed the challenges of maintaining collective decision-making within the UNSC in the face of unilateral actions. The international arena was confronted with the reality that unauthorized uses of force, unilateral decisions, and international conflicts would continue in the modern era, with the UN remaining ill-equipped to prevent or mitigate large-scale conflicts when permanent members of the UN Security Council are involved.

Simultaneously, the rise of globalization and rapid technological advancement in the 1990s and 2000s resulted in the development of new threats that the UN's collective security framework was ill-equipped to confront. Conflicts within a state or between states, non-state, and private actors, genocide, human rights violations, civil wars, and terrorism arose as unprecedented challenges. Additionally, the world is now subject to the agenda of multinational corporations that cannot be fully regulated within any single nation, resulting in human rights abuses and climate impacts without accountability. The impact of these issues on the world's increasingly interconnected financial, health, telecommunication, and transportation systems strained the traditional state-centred security model that the UN Charter was created to address in 1945. Global interdependence became more intense and complex, resulting in the unprecedented escalation of security threats to the international level (Annan and Mortimer 2016, 73). These complex threats require more comprehensive and innovative responses, which the UN struggled to develop.

To address these emerging issues and maintain international peace and security in a changing context post-Cold War, discourse centred on two new doctrines: the R2P and the Duty to Prevent, and how they might expand the scope of the existing UN collective security framework to accommodate the emerging threats and new actors on the world stage. The R2P outlined the principles by which the UNSC should authorize international intervention or the use of force in a sovereign state to protect populations from mass atrocities such as genocide, war crimes, crimes against humanity, and ethnic cleansing (Evans and Sahnoun 2001, XI-XII). Similarly, the Duty to Prevent was intended to be an offensive extension of

this effort to prevent international security threats from malicious actors with weapons of mass destruction (WMD). However, the latter concept was much more controversial because it would authorize the proactive and potentially pre-emptive neutralization of terrorists or rogue states with WMD (Feinstein and Slaughter 2004, 136). Both proposed doctrines required a significant re-evaluation of the UN's historical conceptions of sovereignty and challenged individual state's national interests and were therefore heavily debated.

The UN Charter (1945) strictly establishes a principle of non-intervention in the domestic jurisdiction of any state (Art. 2, Sec.7). The R2P allows the UNSC to authorize the international community to use military force to address a domestic conflict as an "exception" to Article 2(7) of the UN Charter. In other words, the UNSC can meddle in the domestic jurisdiction of a sovereign state if it was unable or unwilling to protect its people. Such an exception would never have been permitted under the UN Charter previously. The fear was always that great powers would use this exception as a guise for aggression against smaller states. The R2P broadens the scope of threats the UN addresses with force and shifts the idea of sovereignty from a state's right into a sense of state responsibility. Therefore, these new doctrines would considerably change the principles of the UN Charter and the scope of the UN collective security framework.

R2P and the Duty to Prevent: Assessing Compatibility with the Seven Ideals of Collective Security

In "Expanding the UN's Collective Security System," Charron assesses R2P and the Duty to Prevent against the original ideals of the UN's collective security system to determine their compatibility. Charron (2007) insists that the UN is still an important forum to coordinate state actions to maintain international peace but argues these modern threats are urgent and numerous and require solutions beyond the capacity of the UN's collective security capacity at the start of the 21st century (33). Charron supports the call to update and adapt the old collective security system but advises that these proposals should maintain the original UN Charter's delicate balance between the powers of the international organization and the respect for national sovereignty. While the Charter has struggled to live up to the ideal of collective security, it is still important to review how these new doctrines engage with these ideals to ensure the principles of collective security are not disregarded in this expansion of the principles of the UN (Charron 2007, 34).

R2P and Duty to Prevent in Theory: Navigating Collective Security's Foundational Ideals

First, the aims of the proposed doctrines must be thoroughly understood. The UN Charter (1945) was created on the principle of state sovereignty, specifically stating that "nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state" (Art. 2, Sec. 7). However, haunted by the insufficient international responses to the genocides in Rwanda and Srebrenica in the 1990s, former UN Secretary General Kofi Annan advocated for the expansion of UN's collective security framework to include the prevention of humanitarian crises within the domestic jurisdiction of states. Annan insisted that "it cannot be right, when the international community is faced with genocide or massive human rights abuses, for the United Nations to stand by and let them unfold to the end" (European Parliament 2009).

Therefore, R2P proposed that national authorities have a primary responsibility to protect their citizens from mass atrocities. Thus, when nations fail in this promise or are unable to protect their people, the responsibility shifts to the international community to protect citizens against the threat, even if the threat is the nation's own government (Evans and Sahnoun 2001, XI-XII). This doctrine frames human rights violations within a state as threats to international peace and security, giving the UNSC jurisdiction to dictate international responses to domestic events (UN 1945, Art. 42). According to R2P, the international community has the responsibility to prevent these internal conflicts, react to humanitarian crises with appropriate measures that could include the use of force, and rebuild and promote stability after a military intervention (Evans and Sahnoun 2001, XI).

The Duty to Prevent builds on R2P's reimagination of Article 2(7) to provide a preventative measure against immediate threats to international peace and security. The Duty to Prevent argues that rogue states and terrorists with WMDs require the proactive ore even pre-emptive use of force for self-defence. Currently, Article 51 of the Charter recognizes an inherent right of self or collective defence, but the armed attack must have taken place first (UN 1945, Art. 51). In the case of nuclear weapons, this may mean that the target state might never be able to respond. The authors, Feinstein and Slaughter, argue that traditional non-proliferation efforts are ineffective against WMDs. Thus, the collective security framework should be expanded to include the use of force for self-defence before these imminent threats can materialize (Feinstein and Slaughter 2004, 136-7).

Though norms surrounding intervention have evolved over time, for example, from responding exclusively to inter-state conflicts to civil wars, the scope and scale of modern-day humanitarian crises requires a reconceptualization of the collective security framework

to include intervention in sovereign states. This reconsideration, however, was normatively and ideologically difficult, especially for the Permanent Five members. Charron (2007) evaluates the UN Charter, R2P, and the Duty to Prevent within the framework of the seven ideal elements of collective security defined by Claude in 1971 and Naidu in 1975 (36). These elements are a benchmark for assessing the effectiveness of the UN's collective security system and its adaptability to these proposed doctrines.

Applying the Framework: How R2P and the Duty to Prevent Align with Collective Security Ideals

The first element is the prohibition of arbitrary, unilateral force (Charron 2007, 37). Restrictions on the use of force are enshrined in the UN Charter (UN 1945, Art.2 Sec.4). However, the UNSC retains authority over the use of force in efforts to maintain international peace and security and states reserve the right to the use of force for self-defence as per Article 51 (UN 1945). This principle and these specific caveats are based on well-established norms of international law. Charron (2007) notes that the R2P and the justification of military force for domestic humanitarian interventions lack the same legal precedent and are much more contested (42). The concept of R2P is not new, it draws on the early "just war" theory that justified wars against immoral enemies. However, this idea has since been replaced by treaties, like the UN Charter, that outlaw traditional war (Charron 2007, 41). Therefore, many feared that a return to this more liberal interpretation of international law might weaken the existing collective security system or be abused by actors with ulterior motives —such as using the guise of civilian protection for regime change or the complete takeover of a state (Charron 2007, 42).

Although the United States has used a doctrine of unilateral pre-emption as justification for the widely criticized Iraq war in 2003 without requisite UNSC authority, the pre-emptive and offensive use of force outlined in the Duty to Prevent has even less legal precedent (Charron 2007, 45). Additionally, the specific advocacy of rapid escalation to force for WMD threats is incompatible with the prohibition of pre-emptive force as a norm of collective security (Charron 2007, 46).

The second ideal element is the collective guarantee of security that requires all states to assist a victim state (Charron 2007, 37). The UN Charter supports this by giving the UNSC the responsibility to determine breaches to the peace and prescribe subsequent action, including the potential use of force (UN 1945, Art. 42). Article 24(1) confirms that member states "confer on the UNSC primary responsibility for the maintenance of international peace and security" (UN 1945, Art.24 Sec.1). However, the veto power of the five permanent

members of the UNSC (P5) results in some conflict situations being ignored in order to protect the national interests of one or more of P5 (Charron 2007, 39). R2P faces the same limitation as it relies on the approval of the UNSC's willingness to authorize the use of force (Evans and Sahnoun 2001, XII). The UN has shown a willingness to intervene in domestic conflicts with peacekeeping missions to protect civilians (such as Rwanda, Somalia, and the former Yugoslavia), suggesting that the necessary political will might not be too difficult to obtain with this peacekeeping precedent (Charron 2007, 43). However, the problem in these cases was that the resources were often inadequate and the assistance too little to save lives.

The Duty to Prevent would face even more opposition, as only small "coalitions of the willing" have been amenable to the preventive use of force (Charron 2007, 46). Therefore, operations based on the Duty to Prevent are unlikely to receive UNSC's approval or achieve a collective guarantee.

The third ideal element is collective force as a deterrent against individual aggressors (Charron 2007, 37). The UN Charter promises to take collective measures against threats to international peace and security (UN 1945, Ar.1 S.1). However, for R2P to be an effective deterrent, states must believe that if they commit human rights abuses, they will face armed intervention (Charron 2007, 43). The UN has a history of inconsistent application of collective security because of the vetoes of the P5 or the unwillingness of states to intervene against governments, especially those with large armies and potentially WMD (Charron 2007, 35, 43). States, therefore, can take a chance on human rights abuses with a bet that the R2P will not be applied to them, undermining the preventative intention of the doctrine. Either a P5 member will ensure that force is not granted, or too few states will be willing to sacrifice their military to "save strangers" (Wheeler 2004, 10). Similarly, international hesitation to act on the Duty to Prevent may erode the effectiveness of this tool of deterrence (Charron 2007, 46; Feinstein and Slaughter 2004, 141).

The fourth ideal element is that collective guarantees of action must be absolute and automatic (Charron 2007, 37). Breaches to international peace and security are determined by the UNSC, therefore there is no guarantee of a comprehensive or timely response (UN 1945, Ar.39). This is further complicated by the potential use of a veto that would frustrate the possibility of a collective international response (Charron 2007, 40). The R2P would be subject to the discretion of the UNSC as well, meaning that a lack of political will would result in inconsistent application and erode the ideal of automatism (Charron 2007, 43; Evans and Sahnoun 2001, XII). The Duty to Prevent is subject to this same issue of political will and inconsistent application. Additionally, international hesitancy is further complicated by

the irrationality and unpredictability of rogue states and the international community's fear of indiscriminate retaliation (Charron 2007, 47).

The fifth ideal element is the impartial assessment of the aggressor and victim, requiring the collective security system to be unbiased and above alliances and historical ties (Charron 2007, 37). This ideal is undermined if one of the P5 members is involved in a conflict and utilizes its veto (Charron 2007, 40). The definition of aggressor and victim is further complicated under the two proposed doctrines, requiring the international community to consider the cause of individuals and non-state actors as well as states. This puts the UN in the position of weighing which is more important to protect: the state as referent of security or civilian lives (Charron 2007, 43-4). Additionally, the Duty to Prevent presents the antithesis of this ideal of impartiality. This doctrine targets specific rogue states that lack "internal checks," therefore defining the aggressor based on identifiable criteria of acceptable state governance models (Charron 2007, 47; Feinstein and Slaughter 2004, 143). This is not within the scope of collective security and shifts the emphasis of the UN's collective security framework from the protection of states and citizens to the preservation of strong states (Charron 2007, 47).

The sixth ideal element is the universal definition of "aggression" and the ability to instantly recognize acts of aggression (Charron 2007, 38). The UN is reliant on member states and the Secretary General to report information and bring situations warranting intervention to the attention of the UNSC (Charron 2007, 44). With the R2P, the UN would face challenges like determining aggressors and victims within complex intra-state conflicts and humanitarian crises, while also deciding when a humanitarian situation becomes bad enough to warrant international intervention (Charron 2007, 38). The dependence on member states to provide this information results in potential biases that limit the objectivity of evaluating aggression, especially in conflicts where the P5 may be involved. The fact that Rwanda had a seat on the UNSC during the Rwandan genocide is a poignant example of this (Ngoc 2020). These decisions can also be heavily influenced by public opinion and the media, further complicating the determination of guilt (Charron 2007, 44). In the case of the Duty to Prevent, more states might agree on who the rogue states are, but there is not the same consensus around evaluating the threat level as international rather than regional. Therefore, many states would rather delay the determination of an aggressor in the hope that leaving them alone would maintain the status quo (Charron 2007, 47).

The final ideal element is that the system must be permanent, universal, and general (Charron 2007, 38). The near universality of UN membership works towards meeting this

ideal, but it is once again complicated by the veto power of the P5 that threatens the generality of the system. Charron (2007) explains that "some breaches of the peace are not subject to the collective security system principally because they involve/concern one of the permanent members" (41). This has created the issue of inconsistent application of the collective security system, which would continue with the addition of any new doctrine or expanded scope (Charron 2007, 44). Additionally, due to significant opposition to the Duty to Prevent, Charron (2007) identifies that "there is a fear that if the UN pursues the doctrine of duty to prevent as envisioned by Feinstein and Slaughter, states may choose to leave the UN rather than pursue this new corollary" (48). This would undermine the UN's credibility and efficacy as this ideal of permanence, universality, and generality is eroded.

Though the R2P aligns with the UN's evolving norms of collective security, it must overcome issues like the inconsistency of UN actions, volatile political will, and the difficulty of holding powerful states accountable. Significantly, in cases where a state's government is the perpetrator, Charron (2007) identifies that the implicit requirement for regime change in the R2P's responsibility to rebuild often conflicts with key ideals of the UN Charter (44). Despite these challenges, the R2P was adopted at the 2005 World Summit (Global Centre for the R2P 2019). As the Duty to Prevent was never fully developed as a doctrine and has never been operationalized, the focus of the remainder of this paper is on the R2P.

The First and Last Operationalization of the R2P

The first real-word test of R2P occurred in Libya in 2011. Established to protect civilians and prevent ethnic cleansing and large-scale loss of life, the R2P was invoked by the UNSC in response to Muammar Gaddafi's use of the Libyan Air Force against civilians and threats of vengeance against rebels during a period of civil unrest during the Arab Spring (Evans and Sahnoun 2001, XII; UNSC 2011a; Rothwell and Nasu 2011). UNSC resolution 1973 (2011) imposed a ban on all flights in the airspace of Libya Arab Jamahiriya and authorized member states and regional organizations to "take all necessary measures" to protect civilians, thereby authorizing the use of force (UNSC 2011a, 3). The resulting NATO-led military intervention involved naval and air forces but no ground troops (Al Jazeera Staff in Africa 2011). Although the intervention succeeded in halting some human rights violations by the Gaddafi regime, many civilians still died, and Libya descended into a prolonged civil war (Polat 2024). The resolution's prescriptive nature constrained NATO planners, and it lacked provisions for the responsibility to rebuild—a central pillar of R2P. Thus, this first operationalization of R2P was, in many ways, doomed from the start. The

Libyan intervention is remembered as a failure, reducing R2P from a potentially operational doctrine to a thematic concern that no longer motivates international preventative military action.

The resulting failure of this use of the R2P in Libya is due to the lack of consideration for the responsibility to rebuild and assist post-intervention recovery (Evans and Sahnoun 2001, XI). NATO's military intervention in Libya was primarily motivated by the desire to prevent a potential genocide. Gaddafi's dehumanizing reference to rebels as "cockroaches" echoed the language used by perpetrators of the Rwandan genocide (Arsenault 2011). Therefore, once the Libyan Air Force was prevented from strafing civilians and Gaddafi was captured and killed by Libyan rebels, the UNSC considered the situation largely resolved (Pessin 2011). However, this narrow focus failed to account for the long-term instability following regime change, and the post-intervention period was marked by escalating civil unrest and violence (Kirkpatrick 2011; Meo 2011). Though the immediate aftermath of the conflict was celebrated as Libyan liberation, the subsequent power vacuum brought suffering—particularly for women and girls—in conditions some describe as worse than under Gaddafi (Shelton 2017). Avoiding this adverse outcome requires intense effort to be put into the responsibility to rebuild, which the UNSC was not prepared to authorize, the resolution did not require, and NATO could not provide.

NATO's prompt disengagement from the conflict in Libya and the lack of follow-through on the responsibility to rebuild can be partially attributed to the lack of ground troops involved in the operation. The operation's primary objective—civilian protection—was carried out from a distance, as the enabling resolution explicitly prohibited "foreign occupation force[s] of any form on any part of Libyan territory" (UNSC 2011a, 3). Additionally, the Libyan rebels were not a unified group, making it difficult to support them effectively against Gaddafi's forces. Ongoing sanctions against Libya disadvantaged the rebels, who lacked access to weapons and ammunition, while Gaddafi's military retained such access (UNSC 2011b). Therefore, NATO conducted the operation primarily through aerial bombing, disconnected from the on-the-ground reality.

This reliance on remote intervention limited NATO's access to contextual information and important intelligence, leading to misinformed actions that resulted in unjustified civilian deaths. International humanitarian law mandates that attacks be directed solely at military targets (Abrahams and Kwiram 2012, 4). Human Rights Watch investigated several NATO bombing sites in Libya—where over 7,700 precision-guided bombs were dropped during the seven-month campaign—and found no evidence of legitimate military

targets at some locations (Abrahams and Kwiram 2012, 6, 15). NATO itself later admitted having "really had no idea" about the situations on the ground (Dyke 2021). This lack of intelligence and NATO's inability or unwillingness to provide evidence for military necessity at questionable target sites raises concerns about potential violations of international humanitarian law (Abrahams and Kwiram 2012, 12). The refusal of NATO and participating states to take responsibility for civilian causalities led to political opposition and global criticism of the R2P's implementation (Dyke 2021; Abrahams and Kwiram 2012, 6).

Critics also point to the intervention as an example of international inconsistency. Charron had previously observed that the UN and its member states tend to invoke collective security inconsistently —a concern that proved valid with the expansion of collective security under R2P (Charron 2007, 35). China, Russia, Brazil, Germany, and India all abstained from Resolution 1973 (2011) that enabled the operation due to concerns that military intervention might escalate the conflict, lead to greater civilian harm, or evolve into a prolonged engagement (UNSC 2011a, 4-6, 8, 10). These concerns were ultimately borne out by the events that followed.

The abstentions indicated a broader shift in the global power dynamics. Emerging powers, such as Russia, India, China, and Brazil expressed increasing scepticism towards Western-led military interventions. These non-Western powers feared that invoking R2P would set a precedent for foreign interference in a nation's internal affairs —potentially directed at themselves or their allies or their allies (Chen and Yin 2020, 788). Germany, adhering to its traditionally cautious stance on military intervention, warned against entering "a military confrontation on the optimistic assumption that quick results with few casualties will be achieved" (UNSC 2011c, 4). Anti-imperialist critics also expressed concerns that the deposition of Gaddafi's regime was motivated less by humanitarian aims and more by Western interests in controlling Libya's oil pricing and securing energy access for US and European companies (North 2016, 404-5). These critiques underscore the perception that the R2P was applied selectively and incompletely—especially due to the failure to implement the responsibility to rebuild—highlighting the inconsistency of its operational use.

While NATO's intervention in Libya in 2011 may be viewed as a tactical victory for deposing Gaddafi and averting his threatened atrocities, the violent aftermath of this operation and the enduring political instability render the mission a strategic failure. The humanitarian toll on civilians and the failure to secure meaningful post-conflict improvement have undermined the R2P's credibility. This disappointing outcome marked the collapse of hopes for R2P as a reliable tool of international policy. Consequently, the prevention of

humanitarian crises—and the R2P itself—has shifted from an operational doctrine to a thematic concern (UNSC 2024b).

Libya and the Limits of R2P: A Test Case for the Seven Ideals of Collective Security

The only operational application of the R2P doctrine occurred in Libya in 2011, making it a practical case through which to assess the validity of Charron's assertions in "Expanding the UN's Collective Security System." At the time of Charron's writing, the R2P could only be evaluated theoretically against the seven ideal elements of collective security, as no real-world implementation existed. However, the Libyan intervention provides an opportunity to test Charron's analysis in practice.

The first ideal element is the prohibition of the use of force. When diplomacy and sanctions "failed" to deter Gaddafi's violence against civilians, the UNSC authorized the use of military force with Resolution 1973 (UNSC 2011a, 3). The adoption of the R2P in 2005 signalled international acceptance of the prevention of humanitarian violations as a valid exception to the prohibition on the use of force (Global Centre for the Responsibility to Protect 2019). Therefore, though this case does not live up to the ideal, this use of force was aligned with accepted norms. However, Charron's warning that this justification may be used as a guise for other means did become a concern in the case of Libya, with many questioning whether ousting Gaddafi was required or justified under the doctrine (Rothwell and Nasu 2011; Charron 2007, 42). There was no identified leader of the rebels and, given the lack of action against Gaddafi's decades of state-sponsored terrorism, more than a few national agendas served by authorizing force against Libyan forces to protect civilians at this specific time (Bachman 2015). Additionally, the rapid escalation to military action raised concerns about whether all peaceful alternatives had been fully pursued (Bhaduri 2021). The resolution demanding sanctions was adopted on 26 February 2011 and the authority to use force was made roughly three weeks later the 17th of March (UNSC 2011a; UNSC 2011b). Therefore, there was hardly time for sanctions to take effect or negotiations to take place.

The second ideal element is the collective guarantee of security. Though the intervention was authorized by the UNSC, five UNSC members abstained from voting on the resolution (UNSC 2011c, 4-6, 8, 10). This indicates a lack of global consensus, although it was not strong enough for any member to vote against the resolution. Since the operation of the R2P in Libya, states like China and Russia have expressed intense opposition to allowing international military intervention as a response to domestic humanitarian violations

(Chen and Yin 2020, 790). Therefore, though the specific case of the R2P in Libya was not blocked by a veto in 2011, its aftermath ensured that any subsequent interventions — particularly those led by NATO—under the R2P framework would not be permitted. This outcome alignes with Charron's concern that members of the UNSC would use their veto to protect human rights abusers (Charron 2007, 42-3).

The third ideal element is the use of collective force as a deterrence. While the intervention in Libya did prevent future human rights abuses by the Gaddafi regime, this outcome was achieved through forced regime change and the killing of Gaddafi, rather than through deterrence (Pessin 2011). Therefore, this exercise of the R2P did not involve the use of collective force as a deterrent to prevent humanitarian atrocities. Instead, it relied on direct regime change as the preventative measure. Additionally, Charron's concern that inconsistent application would undermine the effectiveness of the R2P also holds true after the use of this doctrine in Libya (Charron 2007, 43). The rushed authorization of force—combined with restrictions on the deployment of ground troops—meant that R2P has never been operationalized through direct military intervention *within* a state. This inconsistency in application reinforces Charron's warning about the risks associated with expanding the use of force under the R2P framework.

The fourth ideal element is that collective guarantees of action must be absolute and automatic. The operation in Libya quickly proceeded the UNSC's decision to intervene, with military sorties beginning two days after the resolution was adopted (Rothwell and Nasu 2011). Despite some members abstaining from the decision, the intervention had enough political will to move forward relatively quickly and a ready-made military alliance to conduct the operations. However, the inability to operationalize any similar responses to humanitarian atrocities that would warrant a R2P response interrupts this automaticity and confirms Charron's concern that there would be a lack of consistent application.

The fifth ideal element is the anonymity of the aggressor and victim. Charron was concerned that the UN would be reluctant to "denounce the actions of individuals" (Charron 2007, 43). The UNSC avoided this complication by keeping the issue at the state level and identifying the "Libyan authorities" as the aggressor, rather than naming Gaddafi individually (UNSC 2011a, 1). Instead, the UNSC referred Gaddafi to the International Criminal Court's prosecutor for crimes against humanity and he was specified on the travel ban and asset freeze list in the annex of Resolution 1970, which was adopted unanimously (UNSC 2011b, 2, 9). Though the UNSC does not typically target state leaders, the UNSC had no issue with

naming Gaddafi directly for the crimes. Therefore, the potential issue of comparing individual and state actions was applicable to the case of Libya in 2011.

The sixth ideal element is the definition and instant recognition of acts of "aggression." The UNSC agreed that this was a humanitarian atrocity, but Russia, China, India, Brazil, and Germany did not agree with the decision for military intervention (UNSC 2011c, 4-6, 8, 10). However, the international community did have consensus that there were violations of human rights in Libya that were a threat to international peace and security and assigned guilt to Gaddafi's regime (UNSC 2011a, 1; UNSC 2011b, 2, 9). Therefore, this case of the use of R2P aligns with this collective security ideal. This case was not complicated by the involvement of a P5 state's national interests, which makes Charron's concerns over the potential inconsistent application of the R2P when P5 states are involved inapplicable.

The last ideal element is the that the system must be permanent, universal, and general. The invocation of R2P in the case of Libya in 2011 was intended to be a precedent for responding to mass human rights abuses in the future. However, the controversial aftermath of this intervention undermined the credibility of R2P as a permanent, universal framework. The failure to ensure stability in Libya and criticisms of the incomplete and selective use of R2P in this case weakened the doctrine's general applicability, reducing it to a collective security theme rather than an operational doctrine (Lopez 2015).

Overall, the use of R2P in Libya was implemented similar to how Charron theorized the application of the doctrine would unfold. The situation in Libya did not involve the national interests of any P5 states and therefore was not subject to a veto. However, the limited collective participation and the failure to ensure post-conflict stability undermined the legitimacy and prospective future of the operationalization of the R2P framework. This case demonstrates the challenges of expanding the UN's collective security framework that Charron had highlighted. The case of Libya further serves as a warning that the UNSC still struggles to organize a coherent strategy when it requires interventions to protect lives. Overall, the Libyan example illustrates the difficulty of applying R2P and its ideal principles to complex real world situations.

The UN at 80 and the Legacy of R2P

When Charron wrote for the UN's 60th anniversary in 2005, the organization was already confronting a range of emerging challenges that had not been anticipated by the original Charter. At that time, however, the idea of a rules-based international order still held firm. Now, as the UN marks its 80th anniversary, those challenges have only multiplied in

scope and complexity—while the rules-based order lies in disarray. Since the failure of R2P in Libya in 2011, the UN no longer possesses sufficient tools to address these crises and has lost much of the hope it held at the turn of the century that a practical and comprehensive solution would be found. Additionally, the UN collective security system is facing some of the worst humanitarian crises in places like Sudan and Gaza, millions of conflict and climate refugees, unprecedented geopolitical contestation between the five permanent members of the UNSC, and the aftermath of the failure of R2P.

If the need to rethink the UN's collective security framework was urgent in 2005, the need to reorganize and reinvigorate the UN's efforts towards sustainable peace is now critical, without even considering the existential threat that is climate change. The geopolitical realm has become increasingly populist, divisive, and isolationist. In 2023, the UN reported that the world is facing "the highest number of violent conflicts since the Second World War" (UNSC 2023). Therefore, Charron's (2007) assessment that "war is no longer the main preoccupation of states" was not correct (49). While her assertation that "rather, poverty, infectious diseases, bloody civil war, weapons of mass destruction and terrorist cells are the gravest threats to the world's survival and the well-being of individuals" proved to be accurate, violent conflict and war continued to increase alongside the rise of these other threats (Charron 2007, 49; Bucholz 2023). Additionally, Charron did not account for climate change, a key factor that exacerbates poverty, disease, and conflict.

This violent shift can be seen in the large number of major global conflicts that the international community is struggling to address. Sudan is currently facing one of the worst humanitarian disasters on record with widespread violence, ethnic cleansing, mass displacement, attacks on critical infrastructure, and a suffering healthcare system (Crisis in Sudan 2023). Despite human rights investigations and humanitarian aid appeals from the UN and other humanitarian organizations, this conflict is only worsening with no end in sight (UN General Assembly 2023; Humanitarian Crises That Demand Your Attention Now 2025). A similar scenario can be seen in Gaza, where unprecedented devastation from the Israeli military occupation has resulted in overwhelming death tolls, the displacement of 90% of the population, and the destruction of 92% of homes (OCHA 2025; Humanitarian Crises That Demand Your Attention Now 2025). Haiti is also experiencing a violent political crisis that is exacerbated by natural disasters that have ravaged the country and its infrastructure resulting in an acute humanitarian crisis and mishandled UN assistance that led to cholera outbreaks (UN 2024a). Major conflicts and humanitarian catastrophes like these are happening all around the world, with each of them facing unique and complex challenges

but sharing common themes of violence, displacement, shortages of essential services, and growing apathy from the international community.

As a result of this increased conflict and humanitarian crises, the world is facing a refugee crisis. The displacement of persons pushes these conflicts onto the international arena no matter how hard more stable nations try to avoid it. In 2024, The UN High Commissioner for Refugees (UNHCR) reported that over "114 million people were displaced by war, violence and persecution." This high figure is due to climate change, the legacy of colonialism, and the rampant disregard of the basic rules of war, resulting in mass amounts of international humanitarian law violations every day. Humanitarian programs are substantially underfunded and unable to provide the support that this crisis requires. Although most of these refugees flee to neighbouring countries in the developing world, Western countries are affected by mass displacement too. The resulting economic implications on already struggling economies has resulted in political and social polarization on the topic of refugees and a reluctance to provide funding to the UNHCR or other humanitarian initiatives (UNSC 2024a).

The general rise in geopolitical aggression is exacerbated by the increasing opposition between factions of the permanent members of the UNSC. China, France, the United Kingdom, the United States of America, and Russia make up the five permanent members of the UNSC. After the fall of the Soviet Union, there was hope that the world would enjoy the benefits of a more cooperative UNSC. Instead, the "P2" of China and Russia have been increasingly at odds with the remaining P3. Although China and Russia abstained from the 2011 decision to act on R2P and intervene in Libya, they have since hardened their opposition to humanitarian intervention based on the fear of interference due to human rights abuses in their own territory (Chen and Yin 2020, 790-2; Gordon 2020). Most of the vetoes since 2006 have been cast by Russia and China, demonstrating the establishment of a veto partnership within the UNSC (UN 2025). Not only is this because of the brazen and illegal annexation of parts of Ukraine by Russia, but because Russia has direct military interest in Syria as a base for Russian influence in the Middle East and therefore vetoes many UNSC resolutions related to the region, even if the resolutions have a humanitarian focus (Barber 2019). Though China does not have direct interests in either conflict, China has justified its veto by appealing to the principles of sovereignty and non-interference (Brar 2023). In addition to this frustration, the United States has similarly vetoed UNSC resolutions calling for ceasefires or humanitarian access in Gaza to protect American military interests in Israel (UN 2023; Middle East Eye Staff 2024).

This veto-wielding standoff in the UNSC has interrupted the process of humanitarian aid initiatives and delayed the efforts of the international community to find solutions to these issues. Charron identified political will as a potential impediment to R2P and its humanitarian strategy. She warned that "political realities are still factors that could 'overrule' the Responsibility to Protect despite the legal green light" (Charron 2007, 43). This is exactly the case in many instances of humanitarian atrocities that are blocked from being addressed by the international community because of a P5's use of their veto to protect national interests and allies (Charron 2007, 43). The failure of R2P in Libya and the international community's apprehension against operationalizing it again has emboldened Russia and China and opened the door for humanitarian violations without fear of repercussion (Roth 2022). Despite continued humanitarian crises, there is a deep reluctance to risk a repeat of the failure in Libya and China and Russia will never again abstain on a resolution that has a more liberal interpretation of sovereignty and international intervention. R2P is still an important thematic issue that brings attention to humanitarian crises and has been invoked in more than 90 UNSC resolutions and Presidential Statements since 2005, but there is no future for the operationalization of this doctrine (UN 2024b).

Among all these developments, the most significant change in the modern era is the increased complexity of threats to states and conflict between states. Technological advancements, increased interdependence through globalization, and changing environmental factors have combined to create new ways to states and non-state actors to destabilize countries and regions outside of the traditional definitions of violence. The UN Charter was created to address conflicts between states, and R2P was created to address humanitarian crises *within* a state, but there are other emerging transnational threats that the international community currently cannot easily define and therefore cannot definitively assign responsibility or effectively address.

Cyberattacks that disrupt critical infrastructure, economic coercion through trade wars or currency manipulation, dis- and mal-information campaigns that influence public opinion, and environmental disasters that create resource scarcity are being weaponized to sow division and disruption. These new, not easily attributed tactics short of force are used between P5 members, such as the United States and Russia, complicating the UNSC's ability to address them without facing a veto (Stradinger 2024). The inability to identify and define these adverse interventions in a state's domestic affairs means that the UN cannot assign responsibility and coordinate a collective response like it does with traditional and attributable threats. Additionally, the contemporary international landscape is further

challenged by non-traditional security threats like the COVID-19 pandemic, the growing strength of criminal gangs, cartels and terrorist groups, shadow or black maritime fleets, and the climate crisis (UNSC 2022; Samoškaitė 2025).

Finally, the UN is still struggling to address traditional issues like wars between states and the difficulty of supporting stabilization efforts in areas of past military intervention. Russia's illegal invasion of Ukraine serves as a blatant violation of the UN's monopoly on the use of force and a violation of state sovereignty protected in the UN Charter. Despite this, the UNSC has not been able to make any resolutions on the situation due to Russia's ability to veto as a permanent member (UN 2022). Additionally, the aftermath of failed Western-led military operations in places like Libya in 2011 and Afghanistan between 2001 and 2021 are still casting a dark shadow on international intervention and violent foreign-imposed regime change (Gordon 2020). These failures have confronted the international community with the idea that staying out of these internal conflicts may be less damaging to local populations (Luttwak 1999, 38). The world is facing new threats but is also still grappling with traditional conflicts, blatant infringements of the UN Charter, and the aftermath of the UN's legacy of intervention. Most damning is that the rules-based order, upon which operations and interventions are possible via the authority vested in the UN Charter, is disappearing.

The Future of Collective Security

The future of the UN and collective security depends on its ability to adapt to contemporary challenges while maintaining its core principles of peace and cooperation. Despite the hope that the 21st Century would see less conflict and contestation between states, the international stage is instead facing similar conditions to the tense and hostile environment of the post-war period the UN Charter was created to address. While there has been a rise in new international challenges, there are many factors that have remained constant since the development of the UN Charter. Despite globalization, sovereign states are still the primary actors and decision makers on the world stage. The legitimate use of force is still codified in the UN Charter as limited to cases of self-defence and UNSC authorization. Decisions to use collective force are still constrained by the veto power of the P5 members of the UNSC. The geopolitical realm is still shaped by the interests of powerful states that often prioritize national interests over collective security. Therefore, the UN's collective security framework is still applicable in many aspects of the international arena.

However, as Charron noted in 2007, the exponential evolution of new threats to the collective security landscape demands an update to the UN's collective security framework. The most coercive tools in the UN Charter are still sanctions and the use of force but the use of R2P in Libya demonstrates that these traditional instruments are not sufficiently able to address more modern and complex threats in today's world, especially if applied in a crisis and with uneven support among key states. Therefore, while new approaches must be explored, they should be pursued with great caution to avoid undermining the existing collective security framework. The international community must strike a careful balance between addressing emerging, interconnected threats and fulfilling its longstanding role of managing conflicts between states—an increasingly frequent challenge.

With the failure of R2P to comprehensively address the humanitarian crises the world hoped it would and other attempts to adapt the UN to this changing landscape moving slowly or proving unsuccessful, Charron's (2007) key question of whether "the UN's security system, as opposed to some other alliance system, is best placed to preserve the peace" has become increasingly relevant (50). Despite the need to develop more comprehensive approaches to emerging issues, the current context is a lot less hopeful than the geopolitical climate was twenty years ago. There are some viable proposed reforms to the UN that have recently been put forward like the "pact for the future" aimed at addressing global challenges such as climate change, artificial intelligence, inequality, and poverty, or renewed discussions of changes to the distribution of seats and the expansion of the UNSC (Lederer 2024). However, these potential developments do not directly or comprehensively address the most pressing emerging threats to international peace and security.

The *raison d'être* of the UN is the maintenance of international peace and security among sovereign states. While the institution has thus far succeeded in preventing a third world war, its future is threatened not only by emerging and non-traditional challenges—such as the rise of non-state actors, climate change, and pandemics—but also by an unprecedented resurgence of traditional geopolitical aggression (Koplow 2016, 135). Though the UN is still a valuable institution, the future of the world's approach to security may involve a new strategy for the expansion of the UN's collective security framework or could possibly be developed through an institution outside of the UN. While coalitions of the willing remain an option, future iterations may no longer be limited to Western alliances.. These efforts should be informed by past failures to expand the collective security framework with R2P or the Duty to Prevent. Additionally, efforts to update the world's approach to

these emerging issues should be guided by the normative direction of the seven ideal elements of collective security.

Despite the world's pledge in 2007 to focus on preventative action of mass atrocities via R2P, the consequences of the institution's military intervention in conflicts have been discouraging. The lesson to be drawn from R2P is that even the best intended attempts to solve the world's most pressing problems will face challenges mapping onto the existing geopolitical order and applying to complex real world scenarios. Instead, maybe the UN's role is better suited to post-conflict involvement and geopolitical restoration after the dust has settled in regional and internal conflicts. Though R2P will likely never be operationalized again, the international community should revisit one of its key pillars, the responsibility to rebuild, and focus on facilitating the mending of the previous wounds foreign intervention has caused and the injustices inflicted on civilian populations as a result of all wars. In a world of ever-evolving threats that are impossible to predict and difficult to address through existing collective security frameworks, we need to work towards new and innovative solutions. However, it is important to take the warning from Charron that the UN should revisit the basic principles of the Charter, and the international community must remain cautious when trying to adapt to a changing world, lest the scourge of world wars be revisited.

Conclusion

This updated paper demonstrates the importance of assessing proposed reforms against theoretical frameworks. Many of Charron's predictions about the potential outcomes of applying R2P came true, and if the international community heeded those cautions, some of the criticisms of the failed use of R2P in Libya may have been avoided. It is important to show that academic cautions have validity and should be considered when applying novel ideas or reforms of long-standing systems to complicated real-world contexts. Further research may inquire into how other authors similarly assessed the potential application of the R2P doctrine compared to its outcomes in Libya, thereby possibly providing additional theoretical frameworks that can be used to assess future reforms.

In an increasingly complex and interconnected world, the relevance of Charron's 2007 analysis of UN reform and collective security endures. Her caution against overly ambitious reforms remains pertinent, especially as the international community faces both a resurgence of inter-state conflict and the emergence of non-traditional threats such as climate change, cyber warfare, global pandemics, and the rise of non-state actors. Through the framework of Claude and Naidu's seven ideal elements of collective security, this paper has

shown that while R2P remains the most significant attempt to operationalize new norms within the existing UN framework, its limited application in Libya reveals the persistent challenges in achieving consistent, legitimate, and effective collective action. Therefore, the real-life application of R2P and its evident weakness were consistent with Charron's analysis and predictions from 2007. Lessons learned from this experience, specifically the importance of following through with supporting doctrines like the responsibility to rebuild after the use of force or other reactions to conflict or humanitarian crises, should be remembered when considering future reforms or alternative methods to address non-traditional threats.

Due to the number of emerging non-traditional threats, there is growing recognition that the UN alone may not be equipped to manage the evolving crises of the 21st century. Though the UN's traditional collective security framework remains an important pillar in the prevention of large inter-state conflict amid a resurgence of international hostility, the development of complimentary institutions or alliances may be necessary to fill critical gaps. New bodies of the UN may be developed to address transnational issues like climate change, global pandemics, or cyber warfare. New proposals for UN reform to better address humanitarian crises or non-state actors may arise that take the lessons from the failure of R2P into consideration. Alternative alliances may form to focus on regional-specific conflicts and issues. However, any new proposals must reinforce, rather than replace, the UN's central role in maintaining international peace and security.

Even though real-world application of ideal doctrines, like R2P, often fall short when confronted with complex political realities, the normative pursuit of a more just and effective system of collective security remains both valid and necessary. Charron's analysis underscores the importance of considering political realities when trying to pursue normative ideals. R2P failed because of a political unwillingness to follow through with the support of Libya after the military intervention despite agreeing to the responsibility to rebuild alongside the responsibility to react in 2005. The good intentions of R2P and its normative direction fell apart when applied to a complicated situation with mixed levels of commitment from participating states. Striving for reform grounded in ideal principles like R2P and Claude and Naidu's seven ideal elements of collective security can help shape international norms and expectations, even if perfect implementation is unattainable. However, as Charron highlights, such efforts must be approached with caution and an understanding of the geopolitical context in which they unfold. New principles should be supported by clear mandates and sustained political will to ensure that honourable intentions are not lost in practice. Ultimately, reform must be approached with the same caution Charron advocated for two

decades ago: enhancing the UN's capacity to respond to today's challenges without compromising the legitimacy, coherence, and collective foundation of existing security frameworks.

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Who Gets to Resist? The Politics of Counterterrorism in the United States and India

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Mohammad Amaan SIDDIQUI
University of California, Irvine
b00086844@alumni.aus.edu

Abstract

This paper examines contested definitions of terrorism and resistance, analyzing how the US and India instrumentalize such labels to suppress dissent and monopolize violence. Notably, it is worrisome that state narratives regarding who gets to resist remain dominant, despite national wars on terror being widely criticized. Moreover, it is puzzling that the US and India, states with historically diverging foreign policies, are today converging on security issues. To address these dynamics, this paper employs case studies of the US and India to demonstrate how they use anti-terror laws and framing inconsistently, privileging elite interests over democratic processes. While the US focuses on opposing resistance against allies abroad, India directs aggression domestically, reflecting differences in federal structures and foreign policy ideologies. These findings provide theoretical insights regarding how states with divergent foreign policies can act similarly on matters of national security, offering timely insights into the US and India's management of resistance, revealing systemic mechanisms that reinforce state authority under the guise of counterterrorism.

Keywords: Resistance Movements; Terrorism; Counterterrorism; Foreign Policy; National Security; United States; India

"There is no such thing as political murder, political bombing, or political violence. There is only criminal murder, criminal bombing, and criminal violence."

Margaret Thatcher, Speech in Belfast, 5 March 1981

Introduction

Defining terrorism is a hotly contested issue in the scholarly and policy area (Norris, Kern, and Just 2003). While some find subjectivity in the 'terrorist' label inescapable, others find objectivity possible. This discussion has popularized the debate around the cliché, "one man's terrorist is another man's freedom fighter." While the literature around resistance movements has a broader consensus (Benford and Snow 2000; Hollander and Einwohner 2004), the ramifications of defining "terrorism" are greater. Defining terrorism has legal and practical implications beyond academic debate and discourse. Although terrorism studies exist separately from social movements, the two fields have several overlaps. Groups not deemed as "terrorists" would fall under resistance movements. The important difference is

that the groups falling under the ambit of terrorism studies get treated through more of a "problem-solving" approach than a theory-building one (Stump and Dixit 2011, 200). In recent years, there has been a greater consensus among academics, but practical usage of anti-terrorism law and rhetoric remains problematic (Ramsay 2015).

A growing strand of critical terrorism studies has emerged in direct opposition to orthodox approaches within the field (Jarvis 2024). These interventions—theoretical, methodological, and practical—respond to longstanding dissatisfaction with conventional terrorism research, which has been criticized for its methodological weaknesses, uncritical alignment with state agendas, and tendency to function as "counterinsurgency masquerading as political science" (Jackson, Smyth, and Gunning 2009, 2, 7). Yet despite these critiques, mainstream terrorism studies—both within and beyond academia—continue to dominate discourse, perpetuating normative distortions in how resistance movements are theorized and addressed. Even the Global War on Terror, widely discredited, is experiencing a resurgence, recycling Orientalist narratives with little scholarly pushback (Schotten 2024). Problematically, much contemporary research still serves as an epistemic arm of state power, legitimizing government and mainstream framings rather than critically interrogating them (Silke 2018). Similarly, the fields of International Relations and state behavior have long faced criticism for their underdeveloped theories and concepts (Richard, Smyth, and Gunning 2009, 4). Stronger theoretical frameworks can emerge through interdisciplinary engagement. Richard, Smyth, and Gunning highlight a key gap: the failure to bridge conventional theories with critical terrorism studies. Apart from the academic gap itself, the absence of such bridges polices critical scholars and dehumanizes even suspects of terrorism (Leon-Reyes 2019). In response, this paper focuses on synthesizing existing research and news reports to address this disconnect. While liberal and legal perspectives often attribute policy failures in managing resistance movements to miscalculations or institutional flaws, realist scholars contend that states prioritize survival and security above all else (Morgenthau and Kenneth 1985; Tilly 1992; Jessop 2015). This paper, however, adopts a constructivist lens, challenging rigid categorizations and examining how meanings of terrorism and state behavior are socially and politically constructed.

A constructivist approach to terrorism does not assume the existence of an objectively definable manifestation of terrorism. Instead, it interrogates legal categories, labels, and the processes through which they are applied. Additionally, constructivism emphasizes the situatedness of researchers within the social world, demanding reflexivity in analysis (Stump and Dixit 2011). This paper's constructivist framework also engages with

international relations theory. Rather than treating the absence of a global governing authority—the condition of anarchy—as an inevitable driver of realist power struggles, constructivism focuses on how states interpret and respond to anarchy (Wendt 1992). Indeed, "the creation of scientific truths is never neutral" and using "truths" uncritically can reify power relations (Martini 2016, 92). That said, this perspective does not dismiss the need for problem-solving approaches in terrorism studies or deny the reality of unlawful violence. Instead, it calls for scholars to remain critically aware of constructivist insights to avoid reinforcing oppressive political narratives.

Hegemonic states systematically employ terroristic modalities—violence, legal exceptionalism, and extrajudicial repression—to preserve their geopolitical interests, routinely transgressing ethical boundaries in the process (Stohl 1984; Jarvis 2024). This manifests most consequentially in the strategic weaponization of counterterrorism legislation, where states deliberately construct malleable definitions of terrorism to serve political goals. Such definitional plasticity inherently undermines legal consistency and human rights protections. To interrogate this phenomenon, I analyze India and the United States (US) as paradigmatic cases: a global power and a rising regional one, respectively. Despite divergent foreign policy traditions—US interventionism versus India's rhetorical commitment to non-alignment (Mehta 2009; Katju 2020; Siddiqui 2023a)—their counterterrorism strategies have grown conspicuously aligned through strategic convergence via India's "Westward tilt" and deepening U.S. security cooperation, shared authoritarian tendencies, evidenced by expansive anti-terror laws targeting dissent, and transnational repression of diasporic resistance movements (Ceplair 2011; Malreddy 2014; Sinnar 2019; Suresh 2019; Article19 2024). These convergences present a theoretical puzzle: how can the United States—a globally assertive hegemon with an interventionist foreign policy—align with India, a traditionally defensive power that champions non-interference and non-alignment? Given their divergent strategic traditions, what explains their shared framing of terrorism?

Reviewing the specific cases with relevant theoretical insights reveals that anti-terrorist legislation in the United States and India is often misused or leveraged for rhetorical reasons to suppress political opponents and resistance groups, maintain the state's monopoly over legitimate violence, absolve themselves and ally states from state terrorism, and practice discriminatory ideologies while protecting the interests of the elite classes. The U.S. and India use anti-terrorist rhetoric to win framing contests against their opponents and maintain a monopoly over legitimate violence, serving various domestic and foreign policy objectives.

As liberal nation-states in the current world order, both policy scopes are underlined by the state's desire to maintain its continuity and monopoly over violence. Meanwhile, foreign policy is also influenced by normative ideologies and relations with the state(s) within which particular resistance group(s) operate. This paper highlights these dynamics by pointing to the US differential treatment of similarly acting Kurdish groups in Turkey, an ally state, and Iran, an adversary state. Foreign policy importance in the Indian context is highlighted through an emphasis on anti-secessionism and power balancing acts based on its relationship with its neighbors, Sri Lanka and Pakistan. Comparing India and the U.S. also shows that domestic and foreign policy responses differ based on the organization of the federal structure and who the government focuses on as its key opponents. Primarily, both states emerge as actors who commit acts of terrorism themselves, one—the US—largely against foreign actors, and the other—India—largely against domestic populations.

Overall, this paper outlines various cases that reinforce the need for critical studies of terrorism. In this process, this paper highlights the US' and Indian political entities' management of dissent and resistance by emphasizing the normative and strategic, not principled, role of anti-terrorist legislation and rhetoric. While this does not constitute original data, it consolidates important interpretations of the chosen cases. Firstly, work that reaffirms the need for critical terrorism studies continues to be important as neither scholarship nor grassroots, legal, or legislative activism have resolved the problems discussed (Saul 2005; Berger 2024; Feyyaz and Bari 2024), with academic and civil liberties in the US deteriorating (Smith 2025). Secondly, exploring the puzzle outlined in the research question through a constructivist lens helps to contextualize the role of institutional structures and the role of states' interpretations of opponents based on their policy style. Finally, studying the US and India with their chosen cases responds to a research call to focus on non-Western contexts in their own right, highlights the role of non-Western populations as more than just mere threats of terrorism, and shows that such non-Western worlds are not waiting for a savior Western world to civilize them but are in their disparate conditions because of them (Barnard-Wills and Moore 2010).

Between Freedom Fighters and Terrorists: The Politics of Labeling Violent Movements

Resistance movements are commonly understood through the conceptualization of contentious politics, where organized parties engage in action against authorities to achieve collective goals (McAdam, Tarrow, and Tilly 2001). This conceptual definition includes many

groups as resistance movements as it also does not discriminate between them based on the means across the spectrum of non-violence to violence (Hollander and Einwohner 2004). Yet, even among resistance movements that employ violence to achieve their goals, not all violence is illegitimate, and only some are considered terrorist in nature. So, what is terrorism? There are two core answers to this question—one based on theory and principles (how it should be classified) and another that merely reflects contemporary political reality (how it is classified). Before exploring these strands, I first outline a simple framework that helps understand violence.

Three core elements help differentiate forms of violence: methods, targets, and motives (Norris, Kern, and Just 2003). Methods usually comprise threat or use of violence against certain targets. Scholars define targets as non-combatants, but states usually prohibit violence against all persons (Chenoweth 2013; Ganor 2010). Kennedy's (2007) understanding of motives renders terrorism as such if they are personal but classifies political motives as freedom struggles, an opinion less common in terrorism discourse. There is broader agreement around the relative irrelevance of motives in defining terrorist acts; terrorism and freedom struggles are not mutually exclusive (Ganor 2010). However, this assertion is less useful in legal contexts where stringent categorization is important. Policzer (2005, 13) describes this nuanced approach as "good sociology but bad law." This reinforces the need to define terrorism through objective and just principles, from the perspective of modern legal practice. Thus, the idea that "one man's terrorist is another man's freedom fighter" is problematic from a legal standpoint.

In practice, most stakeholders use the terrorism classification as a tool of condemnation. Essentially, what terrorism is depends on who is asked. While some may use various conceptual tools and thresholds, for many practitioners the matter may be as simple as knowing it when they "see it" (Bolton 2001, 167). Indeed, in political practice, much of this process of classification is influenced by political alignments and varying sympathies, leading to an "unavoidably subjective" process of labelling an organization as "terrorist" or not (Perry 2004, 254). Consequently, terrorism remains a concept that is "value-laden," "located within broader cultural frames," and partly lies "in the eye of the beholder" (Norris, Kern, and Just 2003, 6). These circumstances further justify and call for constructivist approaches to critical terrorism studies. This section has provided a brief understanding of how the line between condemnable resistance movements—terrorism—and appreciable resistance movements—freedom struggles—is not just blurred but also moved by various stakeholders according to their objectives. In the next section, I specifically explore the legal

structure around terrorism laws, implementation, and the scholarship of critical studies on terrorism.

Terrorism and the State: Selective Definitions, Critical Responses, and the Foreign Policy Nexus

This paper discusses core problems with state definitions of terrorism by identifying its selective (non)use for national interests domestically and abroad. While this approach factors out scholarly debate on what terrorism is, it remains complicated to assess. Thus, it is helpful to identify some core tenets of how states craft and use anti-terrorism legislation. The "methods," "targets," and "motives" framework of understanding terrorism best creates the state definition framework (Norris, Kern, and Just 2003). Firstly, there is agreement that some form of violence must be involved that harms or threatens to harm life or property. The controversy in defining terrorism is around identifying the targets. Secondly, most agree that violence must be caused with the intent to advance an ideological, political, or religious cause. Thirdly, some states require that the act be committed systematically or repeatedly to be classified as terrorism. Yet, many definitional issues persist. Terms used within defining terrorism are also further open to interpretation, such as "political, religious, or ideological causes," "intimidation," "endangering," and "exempting dissent."

Ultimately, states seem to have a more detailed version of the following definition of terrorism: terrorism refers to the (systematic and repeated) deliberate threat or use of unlawful harm/violence against people or property, motivated by political, religious, or ideological goals (Perry 2004; Golder and Williams 2004; Chenoweth 2013). Definitions not explicitly regarding physical violence risk the deterioration of democratic rights of dissent, protest, and industrial action. Generally, state responses to terrorism, especially in liberal democracies, have been understood to substantially reduce public freedoms (Turk 2004; Jackson, Smyth, and Gunning 2009). The emergent critical studies on terrorism oppose these practical outcomes, normative aims, and the orthodox scholarship that has supported it.

There are many temporal and thematic aspects to critical terrorism studies. The most obvious is methodological, which early studies often discussed as conventional terrorism studies lacked primary research (Jackson, Smyth, and Gunning 2009). However, there is also a normative and theoretical aspect—the strand that is of essence to this paper. Critical terrorism studies often illustrate how orthodox studies and governments do not treat resistance movements and terrorism consistently (Ramsay 2015). These studies emphasize critical theory, being independent and exclusive from government agendas or funding (Jarvis

2024). These wider normative purviews also created the belief that trying to define terrorism is rather unnecessary, compared to identifying what makes terrorism as we see it, terrorism (Ramsay 2015). However, in a few brief sentences, Ramsay acknowledges that the international political problem of disagreeing on defining terrorism is a political not academic problem. In the paper's conclusion, Ramsay then notes that despite having exemplars for what terrorism is, the state's monopoly over violence and rhetoric fogs objective understandings of whether terrorism is feared for what it is or whether other things are made to be feared through terrorist labelling. Yet, these claims need to be better connected and asserted throughout studies.

While foreign policy has not gone unnoticed in understanding how states respond to resistance movements, some quirks in modern politics have been understudied. For example, much literature argues that the approach of the US to resistance movements throughout the Cold War had been anti-socialist. This filter even led the US to have a period where it considered Mandela and the African National Congress as terrorists (Stohl 1984; Prevost 2006; Elliott 2019; Morgan 2021). There is also a Western bias in the literature that understudies the politics of Eastern states. Much is known about India's positions on territorial integrity and non-interference (Kasturisinghe 2013) but this knowledge has not been adequately connected to its interactions with resistance movements and anti-terrorism laws. Huddleston (2020, 790) argues that states only recognize foreign secessionist movements "when it benefits them materially or diplomatically" but what are these moments for specific countries and how do they translate into policy and rhetoric?

Finally, critical terrorism studies also aspire to create a distinct interdisciplinary field. Youngman (2018) notes that valuable contributions often come from those who are at the boundaries of fields that overlap with them. However, despite these practical needs and observations, the actual scholarship largely remains within an echo chamber, partly due to the politics of engaging with it bearing higher risks of upsetting institutions and governments (Youngman 2018). These dynamics require extending the political notions briefly noted by Ramsay (2015). This paper synthesizes insights from social movement theory, framing analysis, and international relations. It argues that analyses of state responses to terrorism must incorporate both domestic and foreign policy contexts, alongside the specific characteristics of each governance system.

Research Design

This paper uses case studies to better understand state responses to resistance movements and form connections between these practical insights and scholarship. Information regarding the cases is primarily drawn from existing research and news reports. This approach is fitting for two reasons. Firstly, domestic and foreign policy studies are well-defined, especially regarding India and the US, enabling a clear presentation of material (Lowi 1964). Secondly, the main contributions of this paper are to connect extant information and theories critically, meaningfully, and assertively. Such an objective can be accomplished effectively through case studies (Siggelkow 2007).

India and the US have been selected as cases because of their similarities in treating resistance, especially those which they label as terrorism (Oza 2007; Malreddy 2014; Ide 2017). Malreddy (2014) found the two countries aligned in their reaction to "new terrorisms" of the post-9/11 environment (590). Particularly, Malreddy identified that the similarities in policy and rhetoric between the US treatment of its adversaries and India can be found in how India treats the Maoists and tribal resistance communities. Despite the similarities in the management of domestic affairs, greater divergences exist in terms of foreign policy—the US has been an offensive state while India is a defensive one (Mehta 2009; Katju 2020).

Nevertheless, India has been shifting its foreign policy away from purely defensive tactics that just sought to protect its borders and internal affairs. The Bharatiya Janata Party (BJP) government that has been elected in 2014, 2019, and through a coalition in 2024, undertakes a proactive foreign role on many fronts (Katju 2020). Specifically, they are moving India away from its former non-alignment in favor of what it officially terms as multi-alignment. Although, what is rhetorically explained as multi-alignment practically appears to be a pro-Western tilt (Crabtree 2024; Siddiqui 2023a). Nonetheless, their public rhetoric remains to espouse mixtures of non-alignment and multi-alignment, indicating that the country must tread carefully in its rhetoric. Moreover, India has usually supported self-determination movements, except the ones that affect its own territorial integrity. Conversely, the US is known for opposing resistance movements and propping up coups across decades (Perry 2004). Thus, choosing these countries as case studies provides a reliable pathway to understanding the influence of policy objectives on the use of anti-terrorism law and rhetoric.

In terms of domestic policy, this paper looks at the legal structures in both countries with regard to organized resistance and reviews literature and the event information outlined in media coverage about the chosen cases. For both countries, a revolutionary case is

chosen—so-called communism—and student activism. The aspect of anti-communism in the US is taken for granted in this paper as much work highlighting its role as propaganda and state terrorism has been done (see Stohl 1984; Jackson, Smyth, and Gunning 2009; Schinkel 2013). In the Indian case, the state's dealings with those whom they call Maoists are explored. Salient differences between the US and Indian cases of anti-communism that are relevant to the scope of this article are highlighted in the discussion of the Indian context. Meanwhile, student activist cases are selected through the identification of "contained contention" phenomena—cases where the involved actors are already established and employ means of claims-making that are also "well established" (McAdam, Tarrow, and Tilly 2001, 7). I rely on a more flexible understanding of the actors' institutionalization, finding sufficient histories of student activism as establishment and the formation of negotiating parties as institutionalization.

Here, I review the cases of contentious politics at Columbia University in the US and Jawaharlal Nehru University (JNU) in India. Both universities have an extensive history of student activism and are often under fire by (pro-)government entities as they threaten the status quo (Karat 1975; Denning 1985; Teltumbde 2018; Singh and Dasgupta 2019). If Columbia University may be understood as the "epicenter of protests against Israel" on university campuses in the US, JNU would be accorded a similar status in terms of students dissenting against the incumbent's ultranationalism (Offenhartz 2024). Student activism operates as a contained arena of contention, where activist students, university administrations, law enforcement, media, and government actors occupy distinct—yet often conflicting—roles (McAdam, Tarrow, and Tilly 2001). The US case focus is on anti-Zionism student activism, whereas India's case focus is on dissent against Hindutva nationalism. While anti-Zionism could serve as a comparative case in India —especially given expanding Indo-Israeli collaboration (Essa, 2023)—significant historical and policy differences complicate direct comparison. Although, such differences facing converging outcomes can also leverage non-similar comparative case designs; however, the dynamics of India's approach to the question of Palestine and activism critical of Zionism are still developing at the time of writing. Thus, the selected cases were chosen because their underlying logics demonstrates similar challenges to state authority.

In terms of foreign policy, for the US, its treatment of the Kurdish resistance in Turkey and Iran were selected. This case provides a clear opportunity to study differential treatment based on policy as the Kurdish resistance in both countries operated with similar objectives and strategies; Turkey is a NATO member and US ally while Iran is a long-time

US adversary. For India, finding such neat ally and adversary pairs was difficult. Moreover, India generally espouses non-interference that curtails its activity in other states' affairs. However, it remains more active when the problems are at its borders. For India, the cases of the Sri Lanka-based Liberation Tigers of Tamil Eelam (LTTE) and the independence of Bangladesh are reviewed. The foreign resistance movements chosen for both states are self-determination movements.

Governance, Resistance, and the Terrorism Label: A Comparative Analysis of the US and India's Domestic Policies

This section examines the domestic policy frameworks governing resistance movements and terrorism in the US and India. The analysis shows that the US operates a fragmented, decentralized response system, while India maintains a centralized approach. When combined with broad legal provisions and an inconsistently applied law enforcement framework, India's system facilitates both active and discursive suppression of domestic resistance movements.

Fragmented Federalism and the Rhetoric of Terror in the US

The US system is a complex one where the right hand may not know what the left hand does. In dealing with terrorism, there is more than a right and left hand; several agencies define terrorism themselves and often have their own way of dealing with it. The oldest US definition of terrorism comes from the Foreign Intelligence Surveillance Act (FISA), broadly identifying it as acts that involve or threaten violence to "human life," violate the laws of any state, and involve any form of coercion and intimidation (Perry 2004, 256-257). Later criminal codes and the Patriot Act maintain the political intentions of the definition but specify that the conduct is targeted against a government. Meanwhile, the Federal Bureau of Investigation's (FBI) definition of terrorism also includes the use of force against property. Other specific events are covered by other acts and departments, such as the Terrorism Risk Insurance Act and the Aviation and Transport Security Act (Perry 2004).

Two other important definitions are laid out by the Department of State (DoS) and the Homeland Security Act. The former necessitates that the terrorist actor is a "subnational group" or "clandestine agent" acting "against noncombatant targets" (Perry 2004, 264) while the latter broadly criminalizes harm against "person, property or entity in the US or a US asset abroad" (Perry 2004, 266). These definitions also often require that the actor have ties with a foreign entity, especially when considering international terrorism. These definitions

along with the Patriot Act serve as the beacons of mainstream anti-terrorism legislation in the US today (Malakhov 2022).

These legal regimes create discriminatory state behavior in handling domestic versus international terrorism. The differentiation between domestic and international changes the rights that the government has secured for itself. If it doubts that certain people are prone to committing international terrorism, it reserves a substantially greater right and measures in surveillance against them (Sinnar 2019). Such surveillance has often been done with the fragile premise that those people may have foreign ties that the US may not like, regardless of robust evidence or threat. Such legal regimes have been used by the government to curb civil freedoms, especially of Muslims, even as US citizens, because of supposed traces of so-called foreign ties (Sinnar 2019).

Anti-terrorism legislation is then also applied in dealing with other forms of collective action. For example, applications of anti-terrorism law that consider aggressive leafleting and strategic sabotage of machinery are often used against protestors (Terwindt 2014). The recent wave of student activism targeting universities that fund Israel's occupation of Palestine—as well as government entities complicit in enabling it—exemplifies the contemporary misuse of law and rhetoric. This movement gained momentum in Spring 2023, with escalating protests at Columbia University and other institutions condemning U.S. support for Israel's occupation and genocide. Offenhartz (2024) describes these demonstrations as sparking "a wave of college protests nationwide." In early 2024, Columbia student activists established an encampment to disrupt university operations and create an educational space, demanding divestment from entities supporting Israel's human rights violations. Instead of engaging with their concerns, the university responded by summoning police to violently dismantle the encampment and arrest hundreds of students (Associated Press, 2024).

What is notable here is that much of the crackdown against student activists comes from the universities themselves—until the escalated political response by the second Trump administration, the most common consequence for student activists was suspension from the university. Indeed, police action and arrests also occur with the entanglement of the university administration (Article19 2024; Attanasio, Offenhartz, and Mattise 2024). These patterns are not new for Columbia, which also faced large student protests in 1968 against the Vietnam War and Columbia's Harlem expansion. But by calling on militarized police forces in 2024, Columbia University broke its own rules by ignoring its senate's unanimous vote against police involvement which was drawing lessons from the historic arrests of the 1968 student protests on campus (Nagpaul 2024).

The US government entities itself had not been directly leveraging its legal system in case of activism on domestic soil. This can be attributed to the lack of effective jurisdiction, the existing cooperation between the state and universities, but also to the lack of need for direct state involvement: Nisrin Elamin (2024) argues that North American tertiary institutions are "mirroring the states they operate in" by refusing divestment demands and prioritizing "profit over student demands and well-being." Along with this, there is a media apparatus that further protects these institutions and the state's rhetoric by engaging in propaganda dissemination in line with their collective goals. A wide array of headlines, articles, and talk shows that pretend to have sampled all the well-intentioned experts in discussing student activism collectively interpret student activists as terrorist sympathizers, if not terrorists themselves (Khouri 2024).

Most mainstream media talking points do not diverge from the positions of elite politicians and their contributors. When encampment protests were at a high in the first half of 2024, then President Biden also referred to the divestment demands as "antisemitic protests" (Associated Press 2024). It has largely been difficult for the US government to try domestic entities for terrorism as determining direct foreign connection is difficult—as it often does not exist (Gangitano 2024). However, over time, the state is increasingly involved in cracking down on student activists: in its first moments, the Trump administration codified intent to deport non-citizen student activists through an executive order opposing "pro-Palestinian" student protestors (Shalal and Heavey 2025). This is also a perpetuation of the rhetoric that maintains public antagonism against student activists. Specifically, the pro-Palestine label is rendered as a condemning frame as it gets reduced to antisemitism or support for Hamas, where its status as a US-designed terrorist actor is invoked (Quilantan and Stratford 2024; Beauchamp 2024).

Thus, we see that "anti-terrorism" plays an important rhetorical role for those who wish to oppose student activism to gather support for their opposition. In practical terms, domestic "anti-terrorism" action from the state directly is limited while university campuses and their affiliated militarized police forces carry on that mantle instead. The ecosystem in this phenomenon of contained contention collectively engages in anti-terrorism rhetoric, however, to continue justifying the university's actions, and increasingly, the state's direct involvement. As will be demonstrated ahead, the crux of US actions through the anti-terror legal and military regime can be found in its foreign policy. I now turn first to reviewing the domestic political response to resistance movements in India.

Centralized Control and the Repression of Resistance in India

In India, domestic management of so-called terrorism is more actively handled by the Central government and other political actors. While it still plays important roles in mere rhetoric, the legal and political processes against it are more aggressive and proactive than in US domestic politics. India's anti-terrorist legislation is misused to protect majoritarian agendas and persecute minorities and political opponents. The Unlawful Activities Prevention Act (UAPA) is India's most notorious anti-terrorist legislation (Singh 2012). The UAPA criminalizes "unlawful activities," defined as actions (spoken, written, acted) creating or supporting separatism, disrupting the "sovereignty and territorial integrity of India" or "causes or intended to cause disaffection against India"—and "terrorist acts," defined as actions that "intend to" or "are likely to threaten the unity, integrity, security, or sovereignty of India or […] strike terror in people in India or in any foreign country" (Singh 2012, 15). The broad nature of these definitions set it apart as a notorious domestic policy among better-functioning democracies. Governments throughout time in India have used this legal framework to persecute political opponents and stifle democratic rights of association and dissent (Mate and Naseemullah 2010; Singh 2012; Suresh 2019). Since 2014, the misuse increased substantially and formed double standards where Hindu nationalists were protected for unlawful and even terrorist acts while Muslims were punished even over unproved allegations (Singh 2019).

Similar to the US, anti-terrorism law and rhetoric also play an important role in India in quashing socialist or socialist-seeming forces and anti-establishment student activism. Unlike the US where anti-terrorism is often anti-communism abroad, the Indian government more staunchly opposes communism nationally (Ceplair 2011). While communist-leaning parties and organizations can legally exist, rhetorical attacks oppose political opponents. Scholars find that India's response to 'Maoists' has been influenced by the "new terrorism" discourse that originated in the West post-9/11 period. While the US's war on terror appeared to be against Islamism, India antagonized communism. India interpreted Maoism as "the single biggest threat to the internal security of the nation" and stigmatized the "red corridor" (Malreddy 2014, 590). The state convinced the common public that the Maoists were evil and sub-human through labels like "archaic," "naïve," and "jungle-bound" (602). The state is so opposed to Maoists that even sympathizing with their cause is risky. The Indian government has and does not shy away from using even extrajudicial and inhumane measures to combat those they antagonize to such extremes (Das 2017; Ghoshal 2020). Just like the 'terrorist' label, the 'Maoist' and 'anti-national' labels are also used interchangeably to

have socially condemning effects. It is often left-leaning activists who are arrested, convicted, and suppressed under these laws, even though they may not be Maoists or communists (Ghoshal 2020).

Similarly, India's BJP government does not shy away from using similar tactics against students. India's Jawaharlal Nehru University (JNU) plays an important role in creating socio-politically critical and active students (Karat 1975; Teltumbde, 2018). Particularly, JNU's students oppose right-wing ultranationalism and its divisive effects on Indian society (Singh and Dasgupta 2019). Consequently, matters of fact and material realities are ignored as political actors act against student activists by labelling them with hostile language. Over the years, the BJP government used draconian laws against JNU's student activists that labelled peaceful protests and speeches as sedition, anti-national, or terrorism (Singh and Dasgupta 2019). These labels and legal processes have been defended by the pro-BJP media ecology, reinforcing so-called anti-terror rhetoric as political actors seek to enforce public opinion against JNU's student activism (Chattarji 2019).

The domestic use of anti-terror law and rhetoric by the government in India seems more proactive than in the US. Due to the strength and form of nationalism in India, most people also happily relegate the task of identifying and imposing harsh punishments on so-called terrorists to the central government (Lambert, Unnithan, and Pasupuleti 2020). The Indian context also has a looser hand on the terrorism label; its weight and meaning forming an interchangeable set of words with "anti-nationalism," "sedition," and "treachery," referring to the same or similar things. The differences in these domestic political approaches can be traced to greater access to oppressive draconian laws and governance systems. In India, national security issues like terrorism are managed centrally (Pandey 2015). Meanwhile, in the US, the federal system works better as different agencies take on different roles. Student activism specifically is even more federal as university campuses use their own administration and security forces or cooperate with local police departments. The political, judicial, and police forces in India also act in somewhat inconsistent and politically biased ways because of persisting and strong forms of corruption that prevent adequate and robust checks and balances, enabling and requiring a more robust front in winning framing contests (Sen 2017; Lee 2018). Moreover, the mistreatment and misrepresentation of student activism in the US is far more dispersed than in India where JNU is overrepresented in political discourse, warranting the differing forms of exploration (Yasir 2024).

National Sovereignty and Territorial Integrity: The State, its Friends, and its Adversaries

The degree of proactivity is inverted for the two states in the context of foreign policy, compared to the conclusion made about domestic policy. While both cases illustrate that policy motivations influence responses to foreign resistance movements, India's actions are more consistently tied to domestic and principled considerations. In contrast, the United States frequently pursues unilateral or aggressive policies abroad, with the notable addition of the accelerated erosion of domestic civil liberties during the second Trump administration (Smith 2025).

The United States and the Kurdistan Workers' Party (PKK)

The PKK was founded in 1974 with the initial aim of establishing a Kurdish state. Their goals eventually turned to political reform (Ozcan 2005), and as of May 2025, they are set to disband (Butler and Toksabay 2025). From 1984, they began to use anti-state violence, described as Marxist-Leninist by many (Ozcan 2005; Turk 2020). It was considered a terrorist organization since the PKK leadership fled to Syria in 1980. In these early stages, PKK's progress was underestimated. Eventually, in 1997, the US declared PKK a terrorist organization (Council on Foreign Relations 2022). It is not my intention to be the judge of whether the PKK is indeed a terrorist organization, but as this section will show, despite its similarities with its Iranian offshoot, the two organizations are treated differently as a function of foreign policy.

The US classification of the PKK as a terrorist organization reflects the strategic imperatives of the US-Turkey alliance. State recognition of resistance movements carries significant political costs, as it signals opposition to the targeted state's position (Huddleston 2020). Given the extensive bilateral and institutional ties between the US and Turkey—including NATO membership and potential EU accession—acknowledging the PKK's legitimacy would entail substantial diplomatic consequences for Washington. Initially, US opposition appeared rooted in the PKK's historical secessionist aims. However, following the group's abandonment of these demands and repeated ceasefire declarations, Turkey's continued hostility suggests the terrorist designation serves primarily as a function of international relations (Ozcan 2005). As Kiel (2011, 46) demonstrates, US classification is driven principally by "the close nature of the U.S.-Turkey bilateral relationship."

While there have been cases where the US actions upset Turkey, they, too, represent an influence on international relations, albeit differently. For example: Turkey expects the

US to deal with PKK in and beyond Turkey indiscriminately. However, the US has been reluctant to do so in Iraq and Syria. Grigoriadis (2010, 62) shows how US presence in Iraq displayed dynamics that seemed as if the US was "unwilling or unable" to combat the PKK in Iraq, even though there were threats of increasing hostilities. This unwillingness stemmed from an aversion to upsetting Iraqi Kurds. This also highlights the role international relations play in dealing with "terrorists." Several other cases also highlight the subjectivity of dealing with the PKK. For example, Germany hosts the largest Kurdish population currently. Many ascribe the state's relaxed dealing and dialogues with the PKK to Kurdish nationalism within Germany (Ozcan 2005). Thus, despite the comparative intention of the cases, international differences of the PKK itself highlight the role of foreign policy in the US's dealings rather than objectivity and coherence.

The United States and the Kurdistan Free Life Party (PJAK)

The PJAK was founded in 2004 by PKK affiliates to operate in Iran. Their aims and methods resembled the PKK's. The US declared it a terrorist organization in 2009 (Council on Foreign Relations 2022; Bennis 2009). The period between 2004-09 will prove crucial in understanding the US foreign policy motivations. Apart from that, the contrasts stem from the long history of conflict between the US and Iran. The US has interfered and meddled with Iranian affairs for vested interests over eight decades (Erlich 2007). The US treatment of PJAK is part of that trend.

While the Iranian government attributes resistance movements to US operations, their words, like other state actors, are fronts in framing contests. Nevertheless, while their claims were ill-intentioned and unsubstantiated, they are true in the context of PJAK. In an interview in 2009, the former Chair of the President's Intelligence Advisory Board (2001-05) admitted that the US supported PJAK's fight against Iran during the Bush presidency. Robert Baer, another former CIA operative tied closely with Northern Iraq's Kurds, also claimed that the US provided PJAK with intelligence support to protect themselves from Iran (Renard 2008). In 2006, the US Secretary of State sought US$75 million in extra funds to bolster "anti-government propaganda and opposition groups inside Iran" (Elik 2013, 91-92), highlighting the US's invasive foreign policy.

The Bush administration's war on terror plummeted their approval ratings abroad. In Turkey, support for the US counterterrorist measures fell from 34% in 2004 to 14% in 2006. In 2007, Turkish people's approval of Bush and the US fell to 3% and 9%, respectively. In 2008, Bush's approval fell to 2% while Obama's was 33% (Grigoriadis 2010). These

dynamic and contrasting inter-temporal and presidential differences reflect foreign policy's role in (counter) terrorism activities. Alternatively, a proposition claims that PJAK's classification signaled distaste for Iran in a backdrop of issues such as the nuclear program (Zambelis 2011). However, that does not discredit the claim that foreign policy influenced movement classification.

Even when the US declared PJAK as a terrorist organization, official statements did not legitimize Iran's struggles; rather, they focused on Turkey. The US Treasury Undersecretary for Terrorism and Financial Intelligence announced, "we are exposing PJAK's terrorist ties to the PKK and supporting Turkey's efforts to protect its citizens from attack" (Reuters 2009, 3). Considering such differences in international relations, analysts believed that the US will also prevent Iran from conducting anti-PJAK operations while giving a green light to Turkey for anti-PKK ones (Renard 2008). Thus, it becomes clear that international relations are indispensable in how states treat resistance movements.

Foreign policies are often defined by a "ruling elite" (Erlich 2007, 4). Ideally, they should be subject to democratic standards and represent national interests. However, this is not the case; they "confuse national security with corporate/military interests" (4). Such issues manifest in other forms, too. For example, the US often places unmeetable, unreasonable demands on Iran (and other states), and when they are met, different demands surface. Ultimately, they keep shifting the "goalposts" to come up with newer ways to keep winning the "game" (4). This is not to say that the US victims are innocent, nor that the groups discussed in this paper are good or bad; rather, the issues are often abused and exaggerated to serve vested interests. Given the current resistance of Iranians against the government, activists need to ensure that the movement remains Iranian-led and is not hijacked by opportunist states. Ultimately, international relations are not only indispensable in understanding so-called anti-terrorism and terrorism but so are political biases, power dynamics, and influential political actors and stakeholders.

India and the Liberation Tigers of Tamil Eelam (LTTE)

The LTTE is a Sri Lanka-based self-determination movement that resorted to violent tactics to achieve their goals. Their activities were declared terrorist-like and any form of engagement with them was criminalized before even accidental killings at the hands of the LTTE (Nadarajah and Sriskandarajah 2005). This was simultaneous with other parties also threatening the Sri Lankan government, such as the Marxist Party which was only banned once it won an election in 1983 despite having orchestrated an insurrection in 1971

(Nadarajah and Sriskandarajah 2005). Essentially, the political climate among South Asian countries was largely such that secessionism that affected a country itself would lead it to frame the existence of such movements as "terrorism" regardless of (non)violence (Nadarajah and Sriskandarajah 2005, 91). Apart from some minor incidents, news updates, and debates, the LTTE today is largely suppressed and inactive (Sidhu 2023). Yet, the important facets of the geopolitics surrounding their dynamic can be found in earlier years.

While the question of LTTE primarily troubled Sri Lanka, its connections with India's southern state of Tamil Nadu were not negligible as they shared the Tamil ethnicity. Moreover, during the LTTE's early years, India also stood by the ethnic Tamils against Sri Lankan oppression by supporting the LTTE (Groh 2019). While diplomatic and rhetorical actions were overt and more public, the military and strategic aspects of their cooperation were carried out covertly (Murthy 2000). However, the tide turned in 1991, when the LTTE assassinated the Indian Prime Minister, Rajiv Gandhi. Rajiv Gandhi's rule marked a period of Indian politics that opposed the LTTE; during an escalating conflict situation, Rajiv Gandhi authorized an Indian Peacekeeping Force to Sri Lanka that intended to disarm the LTTE, an objective that Gandhi publicly announced (Association for Diplomatic Studies and Training 2015). India's sociopolitical climate had already been such that Indians value nationalism and patriotism strongly (Singh and Dasgupta 2019). Thus, the LTTE assassinating the country's key politician further increased the public's concern regarding secessionism and terrorism, making any such framing more effective.

Consequently, India continued to oppose the LTTE on grounds of terrorism and secessionism, citing a range of reasons, including the need to stabilize Sri Lanka, the assassination of the prime minister, and a fear of separatism affecting the state of Tamil Nadu, too (Kasturisinghe 2013). The LTTE was declared an "unlawful association" under the UAPA in 2019 (The Hindu 2024, par. 2). Under the BJP government, the rhetoric against it was far more nationalistic, referring to LTTE's and those who sympathize with it as developing "a sense of hate […] towards the Central government and the Indian Constitution," engaging in "anti-India propaganda" within and beyond India's borders (par. 3). The Central government's position today is no longer primarily about stability in Sri Lanka. While that may be an objective, its most important priority is to protect "the sovereignty and territorial integrity of India" and oppose the LTTE's "anti-India posture" (par. 8).

India and the Independence of Bangladesh

Likening the Sri Lankan case of separatism on India's borders, the independence from Bangladesh from Pakistan is another such case. Bangladesh sought independence from Pakistan because it underwent oppression tantamount to "internal colonization … against the backdrop of genocide" (Khan 2012, 254). The Bangladesh Liberation War was triggered by a Pakistani army attack on Dhaka in March 1971, resulting in the leader of the Awami League, the organization that was politically active and respected in East Pakistan, declaring independence as Bangladesh. The war caused a humanitarian catastrophe, leading India to house many of Bangladesh's refugees. India almost immediately declared full support for the Bangladesh liberation movement and provided refuge to refugees and military support against Pakistan (Drong 2016). India chose to look at the Bangladeshi resistance as a fight for freedom, while those who opposed the resistance asserted that they were terrorists or Indian proxies against which the Pakistani government was waging a war against terror (Mahfuz 2009; Quamruzzaman 2015; Rashid 2022).

At the time, Pakistan received much support from the US, despite it recognizing Pakistan's "reign of terror" (Mahfuz 2009, par. 8). Yet, the US continued to view the Bangladeshi liberation guerrillas—the Mukti Bahini—as threats to the US and Pakistani interests rather than forces resisting genocide and exercising their rights to self-determination (Mahfuz 2009, par. 8). This overt and covert diplomatic and military support also meant that Pakistan had a veto-wielding backer in the Security Council. Consequently, this period and case are also important because of the lengths to which then-Indian Prime Minister Indira Gandhi went in foreign diplomacy to aid Bangladesh (Drong 2016). India was even labelled as an "aggressor" by then US president (Drong 2016, 738). Yet, Indira Gandhi continued her foreign visits, even succeeding in compelling the United Kingdom and France to block US-sponsored pro-Pakistan Security Council resolutions (Drong 2016).

While the humanitarian catastrophe and the base for self-determination played an important role in the international community's recognition of an independent Bangladeshi state, there were more national security concerns at play for India. Unlike the case of Sri Lanka, there was no significant threat of loss of Indian territory through an independent Bangladeshi state. There was also no equivalent of an anti-India LTTE. However, a key difference between the two cases is that Indo-Pakistani relations have been turbulent since independence. The two states were practically enemies, having undergone the partition and wars in 1947 and 1965 with various skirmishes in between (Center for Arms Control and Non-Proliferation 2019). With humanitarian reasons as a front, India played an active role in

Bangladesh to oppose Pakistan and secure various objectives that could aid India's position as a regional power with cooperative border states (Haider 2009). Indeed, Indira Gandhi also often appealed in the country's houses of parliament that supporting Bangladesh is important as "they are, like us, fighting against a common enemy" (Drong 2016, 740).

Discussions and Conclusion

The selected case studies offer critical insights into how domestic and foreign policy shape the treatment of resistance or terrorist movements in the US and India, revealing both striking parallels and key divergences. This paper refrains from moral judgments on the movements themselves; instead, it interrogates the ambiguity surrounding their classification and examines the political factors that dictate their portrayal. While scholars have long warned against the subjective maxim that "one man's terrorist is another man's freedom fighter," state behavior often reinforces this very dichotomy—whether to advance the US's foreign policy aims or India's domestic agendas. Ultimately, both nations act to preserve their monopoly on legitimate violence, deploying legal, rhetorical, and coercive tools to align dissent with their strategic interests.

The case study approach in this paper provides important insights in the context of India and the US. However, US domestic politics and international relations are quickly transforming under the second Trump presidency, including a more overt and aggressive national onslaught of domestic civil liberties (Associated Press 2025). This shift includes the misuse of anti-terrorism rhetoric and is likened to the Cold War era suppression of domestic populations (Bacon 2025) or an end to even a vocal commitment to an international rules-based order (Cordall 2025). The arguments of this paper are less applicable to the fast-paced dynamics of this new administration regarding which further critical research is encouraged. Moreover, further research utilizing other methodologies to utilize larger sample sizes can also better understand how various types of foreign policy influence state responses to resistance or terrorist movements (Gerring 2004). The selected cases have some structural similarities that render other collective action contexts out of the discussions. For example, collective action that is less connected to or has not been as common as a so-called anti-terror campaign like feminism and environmental activism may yield other important insights about interdisciplinary connections. The plausibility of differences despite objective information about resistance movements using justified violence versus terrorism further bolsters the argument of this paper. Nevertheless, the specifics of how these dynamics unfold

and the contexts in which other states may act outside realist interpretations of international relations also require further study.

The case of communists and student activism in both countries show remarkable divergences and similarities. Despite the supposed difference in the liberal Democratic party line of the US and the conservative Hindutva party line of India, the rhetoric and actions against student activists and those framed as communists are similar. The domestic political scenarios of India and the US have many similarities. Particularly, attention must be paid to the role of the will of elite classes and economic prospects rather than just the political leanings of the party lines (Singh 2019; Siddiqui 2023b). The monopoly over legitimate violence helps states maintain their core interests—these usually tend to be the maintenance of liberal, bourgeois, or capitalist orders, often guarding the "global superrich" (Stohl 1984; Jackson, Smyth, and Gunning 2009; Schinkel 2013: 13). These theoretical connections and the cases bolster Ceplair's (2011) argument that the US contemporary anti-terrorism rhetoric is also largely the continued policy of anti-communism.

This discussion shows the importance of interdisciplinary work in not just understanding a seemingly distant, abstract, or macro field, but also one that can provide significant implications for domestic social conditions. In this case, the convergences between Indian and the US politics show that both countries are experiencing a made-up "culture war" that draws attention and movement away from elite-led politics, especially regarding their security policy (Taiwo 2022; Siddiqui 2023b). Essentially, rhetoric is weaponized through framing processes to apply seals of disapproval against so-called terrorists and act in tandem with the country's law enforcement system to render all violence that is not of the state as "illegitimate violence" (Golder and Williams 2004; Schinkel 2013, 9). The groups they target may or may not actually be committing terrorist acts, that is largely irrelevant; the important question is, are those acts benefitting the state or hurting it? The state acts irrespective of moral standards in ensuring that only its violence is legitimate (Stohl 1984; Policzer 2005).

Thus, it can be understood that states leverage the ambiguity in their legal and behavioral frameworks on resistance movements to manipulate them whenever required (Stohl 1984; Perry 2004; Sanchez-Cuenca and Calle 2009; Ganor 2010; Chenoweth 2013). Within that ambiguity, when groups need to be stamped with the seal of disapproval, the state's legal and rhetorical machinery acts as a mainstream force in convincing the common public of the government's agenda (Ozcan 2005; Entman 2010; Reese and Lewis 2009). Thus, applying the 'terrorist' label is a political act that carries "strong normative overtones"

that allows states to win framing contests against their opponents (McAdam, McCarthy, and Zald 1996; Norris, Kern, and Just 2003, 6). The differences in the use of mere framing processes versus material violence in domestic versus foreign contexts also reinforces the findings that US foreign policy is disconnected from the democratic process (Erlich 2007) while India's policies are undergoing a drift (Basrur 2023). Both states' domestic and foreign policies are inconsistent, seek to appeal to different audiences, and achieve their own ends that ultimately favor the state and its elites. In this process, their opposition to actual terrorist groups becomes a matter of luck of the draw rather than abidance to consistent values.

Within these political processes, counterterrorism laws, and rhetoric systematically alienate, dehumanize, and radicalize disenfranchised social groups (Onursal and Kirkpatrick 2019). Mainstream research, policies, and discourses on terrorism in the US and India have been dominated by Orientalist and Islamophobic perspectives, resulting in neglecting other forms of political violence, particularly right-wing extremism (Ahmed and Lynch 2021). Notably, states themselves engage in acts that satisfy scholarly definitions of terrorism—as determined by methods, targets, and motives. Following Weber, the modern state is "a relation of men dominating men, a relation supported by means of (considered to be legitimate) violence" (Stohl 1984, 39). This domination manifests in multiple forms.

Firstly, states use conventional and overt strategies of violence and coercion. Secondly, framing processes are used to present state ordinances as "civilizing processes" (Elias 1980, as cited in Schinkel 2013, 9). Drone programs in the Middle East are often legitimized through arguments of lawfare even though they are textbook examples of political economies maintained through terror via physical violence and surveillance, serving as contemporary examples of framing processes (Blakeley 2018). Many counter-terrorism and anti-communism operations are themselves terrorism, too (Stohl 1984; Jackson 2008). Thirdly, international actors may resort to surrogate terrorism. Coined by Stohl, this concept refers to indirect terrorism, where a state supports in any form another state in committing terrorist acts.

States systematically fund terrorist groups in adversary states while opposing similar actors in allied nations (Blakeley 2007; Renard 2008; Lasslett 2012). This dynamic mirrors the concept of cumulative extremism, whereby the creation or magnification of one form of extremism sparks others (Busher and Macklin 2015). In these scenarios, states employ or threaten violence (method), target diverse populations—civilians, combatants, and noncombatants alike (targets)—while pursuing political objectives (motives). Claridge (2007, 52-53) defines state terrorism as "systematic, actually or potentially violent, political,

committed by agents of the state" or their proxies using state resources, "intended to generate fear and communicate a message to a wider group than the immediate victims who are most likely unarmed and unorganized for aggression at the time." Applied to this framework, both the US and India qualify as state perpetrators of terrorism: the former conducts offensive operations globally through direct action and surrogates, while the latter primarily oppresses populations within its borders.

Foucault's critical framework helps illuminate how states naturalize these practices. The uncritical acceptance of categories like "terrorism" and "resistance" demands particular scrutiny precisely because of their normalized status (Reese and Lewis 2009, 777; Baert and da Silva 2010). As Foucault reminds us, the present order represents just one historical possibility among many (Baert and da Silva 2010, 202). His analysis proves especially relevant in showing how states instrumentalize social science to justify surveillance and control, constructing modern disciplinary regimes (Baert and da Silva 2010). The historical record demonstrates that states constitute the most prolific perpetrators of terrorism over time (Laquer 1977, as cited in Jackson 2008; Wilkinson 1981; Stohl 1984; Norris, Kern, and Just 2003; Jackson, Smyth, and Gunning 2009; Schinkel 2013).

Addressing this reality requires: developing actor-neutral definitions of terrorism to prevent state exemption from accountability, expanding scholarly focus on state terrorism, and establishing ethical constraints on states' monopoly of violence. These measures would promote judicial impartiality while imposing morally justifiable limits on state power. Overall, this paper mounts further evidence in the case questioning states' creation and deployment of anti-terror rhetoric and policy; the specific disciplinary interconnections are theoretically insightful but even more practically pertinent in today's political climate.

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Exploring the Impact of Access to Information Laws on Corruption in Malawi: A Vector Error Correction Approach

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Lloyd George BANDA
Department of Political Science, Stellenbosch University
Institute for Economics, Freiburg University
lloydgeorge585@gmail.com

Kelvin Ryna CHILALA
School of Law, Economics and Governance, University of Malawi
Department of Public Education, Anti-Corruption Bureau, Malawi

Innocent Kazembe CHIRWA
Attorney General Chambers, Ministry of Justice and Constitutional Affairs, Malawi

Emmanuel George YUSUFU
School of Law, Economics and Governance, University of Malawi

Abstract

Malawi's access to information (ATI) law culminated in an advocacy of over two decades, with political leaders opposing and tactically delaying its implementation. While politicians construed the law as a media law, the core policy belief of the advocacy coalition was to eliminate the culture of secrecy in public offices and ensure government openness and accountability, with the control of corruption as a means to an end. This study employs a time-series positivistic approach to analyse data from 1996 to 2022. Additionally, the study employs the autoregressive distributed lag (ARDL) approach, bounds cointegration, and the overall error correction model (VECM) to establish the long-run relationship between public access to information and corruption indices. Parameter estimates reveal that any initiative to boost public access to information will reduce corruption by 0.374%, with the impact manifesting after two years. In the long run, however, improving Access to Information laws reduces corruption by 0.264%, ceteris paribus. The results of this study imply that the Advocacy Coalition Framework (ACF) holds true in its hypothesis that the altruism of advocacy groups should not be precluded. Indeed, without at least one shared policy core belief, it would have been hard or otherwise impossible for professionally varied actors to be glued together for a frustrating period of 22 years in pursuit of access to information law.

Keywords: Access to Information; Corruption; Advocacy Coalition; Policy Core Belief; ARDL; VECM

Introduction

This study examines the policy core belief of Malawi's pro-transparency coalition that public access to information will eliminate the culture of secrecy in public offices and ensure government openness and accountability with a means to an end of reducing the scourge of cancerous corruption. On September 11, 2020, the government of Malawi officially released the access to information (ATI) legislation (Masina 2022; Kasoka 2022). The ATI bill was passed in the Parliament on December 14, 2016. On the 10th of February 2017, the President (Peter Mutharika) assented to the ATI bill. It was published in a gazette on the 17th of February 2017 and became operational on the 30th of September 2020 during President Chakwera's led Tonse Alliance government. The regulations for implementing ATI legislation were published on the 14th of January 2021 (Malawi Human Rights Commission 2022). However, the implementation of the law encountered severe political oppositions in Malawi. The advocacy for the bill began as early as 1999, and the first draft of the bill came into being in 2004 (UNHCR 2004; CHRI 2005).

The pro-transparency coalition led by the Malawi chapter of the Media Institute of Southern Africa (MISA) encountered several years of frustration with political elites who appeared to ignore or thwart the law's implementation. For example, the second president in Malawi's democratic era, Professor Bingu wa Mutharika, implemented an antithetical legislation that gave the information minister more power over information (Gondwe 2011), bringing back Kamuzu Banda's unpopular media censorship.

However, the advocacy group did not give up on the quest of implementing the ATI law. The policy core belief held by the pro-transparency coalition for the ATI law was that it would reduce secretive dealings on the part of the government and public institutions (Mambulasa, 2016; Open Government Partnership, 2016). More so, government openness and accountability would help reduce endemic corruption in the country. In contrast, political elites and public officials often misquoted the ATI law as a media law driven by the self-interest of media houses other than for the general public (Mambulasa 2016; Masina 2020; Kasoka 2022).

This study matters because corruption is an evil canker that has corroded the fabric of society and undermined the trust and confidence of social and political institutions and public officials therein (Adu 2008). Corruption continues to flourish in Malawi's public sector (Mtuwa and Chiweza 2023; Msoma et al. 2020). The government's acknowledgement of corruption in Malawi dates to the inception of the Anti-Corruption Bureau in 1995, a year after independence. This move was followed by the National Anti-Corruption Strategy in 2008. The government of Malawi also subscribes to several internationally adjudicated mechanisms to reduce corruption and

its endemic effects on development. For example, Malawi signed the 1948 Universal Declaration of Human Rights (UDHR) for public access to information (Hansen 2002). Malawi is also a member of the United Nations and the African Union (Banda 2023), whose respective 2030 and 2063 goals strive for undisputed public access to information, as stated in SGG 16.10.2.

Still, Malawi has continued to face a monotonic increase in corruption. Notable cases include the 2013 "Cashgate"—the largest financial scandal in the history of Malawi that witnessed the disappearance of over US$100 million from government coffers at Capital Hill (Riley and Chilanga 2018; Chinsinga 2014; Dulani et al. 2021). Other major scandals include the misappropriation of US$34.5 million in Maize procurement at the Ministry of Agriculture, Irrigation, and Water Development (Oxford 2017), as well as the 2019 re-election of the Democratic Progressive Party. Both instances represented a clear sign of corruption that saw masses of people joining demonstrations to protest those malpractices. Although it is difficult to monetise the actual cost of corruption, it is estimated that Malawi lost approximately US$723 million to corruption between 2009 and 2014 in the name of dubious contracts between state agencies and private sector companies (Nyasa Times 2021; Kateta 2021).

We note that a single study cannot easily capture the complex story of corrupt practices in Malawi. The 2019 Integrity Assessment Survey, for example, revealed that 44.4% and 75.7% of public service users confirmed that they paid bribes to the Directorate of Road Traffic and Safety Services (DRTSS) and the Department of Immigration and Citizenship Services (ICS) (Anti-Corruption Bureau, ACB 2019). Other public service entities perceived as fertile grounds for corruption in Malawi include the Malawi Police Service, Malawi Revenue Authority, Office of the President, and the Judiciary (Chinga and Chiweza 2023; Chinga and Ned 2022). Despite the unceasing corruption cases in Malawi, there are few empirical studies on the drivers of corruption and anti-corruption, such as access to information; hence, the current study.

Literature Review

We adopt Sabatier and Jenkins-Smith's (1999) Advocacy Coalition Framework (ACF) as it deals with the goal conflicts, technical disputes, and the multiplicity of actors in public policy processes (Nwalie, 2019; Sabatier, 1988; Sabatier & Jenkins-Smith, 1999; Sabatier & Weible, 2007). The framework constitutes three primary premises: (1) policymaking occurs among specialists within a topical area, geography, or actors; (2) individuals who participate in the policymaking process have their beliefs turn into policy; and (3) aggregating a diversity of policy lobbying actors into coalitions is the best way to simplify the policymaking process. That is, actors with common

beliefs form alliances and strive to prove their beliefs are better for policy conversion than those held by adversarial coalitions (Sabatier and Weible 2007; Heinmiller et al. 2021). While there has been a monotonic increase in ACF research, the two distinct utilisations of the framework include those that seek to validate the applicability of the ACF in a specific political context (see Heinmiller et al. 2021; Nwalie 2019) and those that use the ACF's pathways and hypotheses to understand policymaking processes, such as coalition formation, emergence, or development of policies, policy change, and policy learning (see Sengchaleun et al. 2022; Osei-Kojo, Ingold, and Weible 2022). In this paper, we do not focus on unpacking the complexity of the ACF. Rather, we use this framework to explain the altruistic or purposive goals of the pro-transparency coalition. Meaning, we keep our use of the ACF simple to avoid terminologies requiring further elaboration.

The ACF embeds the possibility of altruistic or purposive coalitions as opposed to the rational choice framework, which assumes that all advocacy coalitions are self-interested or materialistic. Although the pro-transparency coalition in Malawi was assumed to be material rather than purposive by politicians and public entities (Masina, 2020), we note that the coalition was purposive or otherwise altruistic enough as it included lawyers, academics, researchers, journalists, politicians (though only those in opposition parties), and Civil Society Organisations (Gondwe 2011). All these actors shared a common belief that the ATI law would reduce secretive government dealings and corruption in general (Masina, 2020), making it an undisputable policy core belief that glued different actors together for over two decades of advocacy for the law.

The ACF is like a spaghetti bowl, consisting of overlapping theoretical foci. For this reason, proponents of the framework urge students and researchers to refrain from testing the totality of the framework and instead focus on theories in the framework that are narrower in scope and answer specific questions, variables, and interactions (Jenkins-Smith et al. 2017). Therefore, we adopted this framework because of its theoretical foci on the purposive or altruistic aspects of coalitions, which, in the case of Malawi's pro-transparency coalition, constitute eliminating the culture of government secrecy with a means to an end of reducing the scourge of corruption. The argument disputes rational choice theory, which argues that all coalitions are material or self-interested.

Corruption is a worldwide development issue that persists in surviving the tests of time and place. This phenomenon remains aboriginal in both developed and developing countries, notwithstanding the multiplicity of governance and social models (Laureti et al. 2018; Laureti et al. 2022). While governments and policymakers strive to reduce corruption, research investigations exist to guide the policymaking process. Implementing access to information laws is among the

various corruption control measures, and it is seen as a powerful tool for reducing corruption in Africa (Kasoka 2022). However, less than 60% of countries have implemented an ATI legislation in Africa (Salau 2017; UNESCO 2023). As of 2024, only 29 out of 54 African countries have implemented access to information laws, representing 53.7% of country coverage in Africa (Africa Freedom of Information Centre, AFIC,2024).

Noteworthy, many countries have experienced struggles in getting political actors to implement access to information laws, not only in Africa but globally. The law was first adopted in Sweden (including Finland) in 1766 and passed in the United States (US) in 1966. Evidence shows that US President Lyndon Johnson and all federal agencies rigorously opposed the move (Berczewski 2024). Similarly, the law was miserably rejected in the United Kingdom's House of Commons in 1975 (Birkinshaw 2002) until its adoption in 2000. Nevertheless, the UK's political leaders delayed implementation until 2005 (Birkinshaw 2002). In Asia, government control circumvents any initiative to implement access to information laws (Bhatta 2016). In Africa, Malawi, Kenya, Ghana, and Mozambique among other African countries, pro-transparency advocacy coalitions endured a series of advocacy extending over a decade to convince and sometimes collaborate with political actors to implement ATI laws (Shyllon 2018; Mambulasa,2016; Heinmiller et al. 2021; Ukaigwe 2018)

Various international and regional organisations with some technical or financial support or both have supported the pro-transparency advocacy coalition. Regionally, the African Union's Commission on Human and People's Rights (The African Commission) developed a Model Law that integrates international and regional standards for best access to information practices. The African Commission, through the Center for Law and Human Rights at the University of Pretoria, facilitated a series of debates, research seminars, and webinars to assist member states with evidence-based formulation of ATI laws.

Empirical evidence confirms the effectiveness of ATI laws in reducing corruption. Studies from sub-Saharan Africa and other regions consistently show that public access to government-held information serves as a significant deterrent to corrupt practices (Forson et al. 2016; Cariolle 2018; Gok 2021; Elbahnasawy and Revier 2012; Triesman 2007; Gokcekus and Knoric 2006; Brunetti and Weder 2003; Abu and Staniewski 2019). These studies also highlight a wide array of corruption determinants, which can be classified into four major categories:

- Governance indicators: government effectiveness, regulatory quality, voice and accountability, rule of law, political stability, and bureaucratic cost;

- Institutional and legal factors: property and civil rights, freedom of information or press, education, democracy, tax revenue, and the durability of the political system);
- Economic factors: economic prosperity measured by GDP, public spending, natural resource rents, size of government, trade openness, economic freedom, aid inflows, bureaucratic wages, and income distribution;
- Sociocultural factors: ethnic fractionalisation, dominant religions such as Islam, Catholicism, or Protestantism, colonial history such as British colonisation, military expenditure, and the ratio of working women.

Table 1 summarises recent empirical studies, showing how these variables influence corruption dynamics in diverse regional contexts.

Table 1: Summary of Recent Empirical Studies on the Determinants of Corruption

Study	*Coverage, Sample and Methods*	*Corruption Index*	*Governance Indicators*	*Institutional/Legal*	*Economic Factors*	*Sociocultural*
Forson et al. (2016)	22 SSA, 1996–2013, OLS	CPI	−*	−*	+	
Ghanity and Hastiadi (2017)	92 countries, 2014, OLS	CPI	+, −*		+, −, +	+, +, +
Cariolle (2018)	71 developing & transition economies, HLM	WBES	−*		+, −	
Abu and Staniewski (2019)	Nigeria, 1984–2016, ARDL	ICRG		+, −	+, −	
Blaise and Massil (2019)	SSA, 2006–2013, BMA	WGI			+*	
Tyburski et al. (2019)	50 USA states, 1976–2012, HLM & GMM	PCL	−*	+*	−, +	
Sunčana et al. (2020)	14 EU countries, 2018, OLS	WGI	+	+		
Gok (2021)	42 SSA countries, 1996–2016, GMM	WGI	+, −	+*		
Lucio et al. (2022)	193 countries, 2011–2020, OLS, FE, RE, WLS	WGI			+, −, +*	
Zouaoui et al. (2022)	Tunisia, 1998–2018, BMA	CPI			−, +	
Ahmad & Issa (2022)	MENA, 2008–2018, OLS				−, +	

Legend:
"+" indicates a positive influence (i.e., increases corruption).
"−" indicates a negative influence (i.e., reduces corruption).
"*" denotes statistical significance.

Data and Methods

This country-specific study uses yearly data for Malawi from 1996 to 2022. The independent variable was the corruption index, and the primary independent variable of interest was the right to the information index. Legal capacity and government effectiveness indices were used as control variables and are also important determinants of corruption. Table 2 summarises these variables.

Table 2: Variable Description and Expectations

Variable	*Code*	*Parameter*	*Source*	*Expectation*
Public Access to Information	ATI	Right to Information	Center for Law & Democracy	+
Control of Corruption	COC	Control of Corruption Index	WGI	+
Government Effectiveness	GVE	Government Effectiveness Index	WGI	+
Legal capacity	ROL	Rule of Law Index	WGI	+

Source: Authors' analysis

The Control of Corruption variable reflects perceptions of the extent to which public power is exercised for private gain, including petty and grand forms of corruption and "capture" of the state by elites and private interests. Control of corruption is the most widely used comparative indicator of the degree of corruption worldwide, and its research usage has continued to accelerate (Lustrilanang et al. 2023; Satrovic et al. 2018; Serra 2006).

This study employs the Right to Information (RTI) index as the primary independent variable of interest, as it reflects the degree to which the public can access information held by government authorities. The RTI index evaluates the robustness of national legal frameworks governing the right to access public information. It is widely utilized by intergovernmental organizations, RTI advocates, policymakers, legislators, legal professionals, academics, and other stakeholders (Center for Law & Democracy 2023).

This study incorporated the Rule of Law and Government Effectiveness indicators as control variables. The former reflects perceptions of the extent to which agents have confidence in and abide by the rules of society, particularly the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. Many previous studies use the index as a proxy for the function of the

institutions of the rule of law or the strength of a nation's legal framework (Banda 2023; Banda 2024; Ozpolat et al. 2016; Ogbuabor et al. 2020; Ata et al. 2012). On the other hand, the World Bank (2023) defines government effectiveness as the perception of the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies (Kaufmann and Kraay 2023).

Empirical specification

Our baseline specification model is derived from Forson et al. (2016), who examined the institutional causes of corruption in Sub-Saharan Africa. His study included information freedom, government effectiveness, regulatory quality, and the rule of law.

$$COC = f(ATI + ROL + GVE) \tag{1}$$

Two reasons entail that the Autoregressive Distributed Lag (ARDL) model is deemed appropriate for analysing our data. First, the estimation technique is valid for small sample sizes and produces authentic t-statistics even in the presence of endogenous regressors (Pesaran et al. 2001; Harris and Sollis 2003). For example, Pemba (2022), Udoh et al. (2015), Naseem (2021), Anderson et al. (2022), Chirwa (2023), Banda (2021), Banda & Kassam (2023), Jeke and Wanju (2021) employed 22, 32, 17, 28, 24, 31, 31, and 25 annual observations in their usage of the time series ARDL model. Secondly, the model can be applied even when the study variables are integrated in order one, zero, or both. This scenario is unlike the Johansen cointegration approach, which requires series integrated in the same order (Johansen and Juselius 1990).

The generalised ARDL model, therefore, is presented as follows:

$$Y_t = \sum_{j=1}^{p} \lambda_j Y_{t-j} + \sum_{j=1}^{q} \delta_j X_{t-j} + \varepsilon_t \tag{2}$$

Where X_{t-j} are the Kx1 vector of explanatory variables, and the Y_{t-j} is the lagged dependent variable. Specified as an unrestricted ECM, the ARDL model can be represented as:

$$\Delta lnCOC_t = \alpha_0 + \sum_{i=1}^{p} \alpha_{1i} \Delta lnCOC_{t-i} + \sum_{i=1}^{q1} \alpha_{2i} \Delta lnATI_{t-i} + \sum_{i=1}^{q2} \alpha_{3i} \Delta lnROL_{t-i} + \sum_{i=1}^{q3} \alpha_{4i} \Delta lnGVE_{t-i} + \beta_1 COC_{t-i} + \beta_2 ATI_{t-i} + \beta_3 ROL_{t-i} + \beta_4 GVE_{t-i} + V_{1t} \quad (3)$$

Where the mathematical triangle notation (Δ) denotes the first difference operator, and the V_{1t} is the white noise disturbance term. Upon the establishment of cointegration relationships, the above ARDL approach of order (p, q1, q2, q3) can be presented using vector equilibrium or error correction model (VECM) as follows:

$$\Delta lnCPM_t = \alpha_0 + \sum_{i=1}^{p} \alpha_{1i} \Delta lnCPM_{t-i} + \sum_{i=1}^{q1} \alpha_{2i} \Delta lnINF_{t-i} + \sum_{i=1}^{q2} \alpha_{3i} \Delta lnCTY_{t-i} + \sum_{i=1}^{q3} \alpha_{4i} \Delta lnCON_{t-i} + \sum_{i=1}^{q4} \alpha_{5i} \Delta lnBDEP_{t-i} + \theta ECT_{t-1} + \varepsilon_t \quad (4)$$

In this specification, θ represents the model's speed of adjustment parameter, while the ECT denotes the error correction term. The coefficient's sign is expected to be negative and statistically significant to confirm the existence of a cointegration relationship. The ARDL model uses a generalised likelihood estimation method whose lag length is obtained from various information criteria, such as the Akaike Information Criteria (AIC).

Results and Discussions

Table 3a below presents the characteristics of the raw data used in the study. To begin with, the average perception that public power was used for personal gain by public and private sector officials is 35.58% for the study period. The public held the highest perception of corruption at 51.92% and the minimum of 14.81%. Government effectiveness and the institution of the rule of law depict a weak performance, with an average of 44.53% and 31.13% between 1996 and 2021. On the other hand, the right to information has

averaged 50.18%, and a standard deviation of 22.05 suggests that data points in the index are heavily dispersed from point to point.

In addition, the pairwise correlation matrix in Table 3b indicates that improving the right to information reduces corruption in Malawi. However, correlation does not entail causation. Therefore, the study engages in further statistical analyses to find the impact of the right to information on corruption in Malawi.

Table 3a. Descriptive Statistics

	COC	ROL	GVE	ATI
Obs.	27	27	27	27
Mean	35.58	44.53	31.13	50.18
Std. dev.	10.21	5.09	9.35	22.05
Min	14.81	37.02	20.67	15
Max	51.92	52.40	45.90	73.59

Source: Authors' calculations

Table 3b. Pairwise Correlation Analysis

	COC	ROL	GVE	ATI
COC	1.0000			
ROL	0.1477	1.0000		
GVE	0.7018*	0.0860	1.0000	
ATI	-0.0634	-0.5159*	-0.2034	1.0000

Note: Pairwise correlation computed at 5% significance level

Source: Authors' calculations

Ensuring data stationarity is a crucial prerequisite for time-series modeling, as non-stationary data—particularly those with a unit root—can lead to persistent shocks and spurious regression results (Banda and Kassam, 2023; Granger and Newbold, 1974). Table 4 reports the outcomes of the Augmented Dickey-Fuller (ADF) and Phillips-Perron (PP) unit root tests. Both tests confirm that the raw data are non-stationary but become stationary after first differencing. These findings indicate that all variables used in this study are integrated of order one, denoted as I(1).

Table 4. Unit Root Test Results

Variable	ADF		PP		
	Level	1st Difference	Level	1st Difference	Decision
Control of corruption	-0.111	-3.554***	-1.921	-4.913***	*I*(1)
Access to information	-0.212	-3.148***	-2.090	-4.317***	*I*(1)
Rule of law	0.550	-2.326**	-1.484	-5.002***	*I*(1)
Govt effectiveness	-0.982	-2.181**	-1.810	-4.659***	*I*(1)

Note: ***= 1%, ** =5%, * =10% levels, ADF = Augmented Dickey-Fuller, PP = Phillips-Peron.

Source: Authors' computations

The study employs the Bounds cointegration test to check the existence of a long-run relationship among the study variables. The test is applicable for series that are either purely in levels, integrated of order 1, or both. As Table 5 shows, the decision criteria for the bounds test is to reject the null hypothesis when *t* is less than the upper bound or *I*(1). In our case, t = -10.481 is less than I(1) = -3.78. Guided by the Akaike Information Criteria (AIC) maximum lag length of 4, we conclude that there is a cointegration or long-run relationship among the variables in our specified equation. The results imply that we run an ARDL vector error correction model (VECM) over a vector autoregressive (VAR) model.

Table 5. Bounds Cointegration Test Results

Dependent Variable	Lag	Matrix List	t-Stat.	I(0) (5%)	I(1) (5%)	Final Decision
ΔlnCOC	4	(4 4 4 4)	-10.481	-2.86	-3.78	Cointegration
H_0:	no levels relationship					
Criteria	accept if t > critical value for I(0) regressors					
	reject if t < critical value for I(1) regressors					

Source: Authors' calculation

Note: The asymptotic bounds are obtained from Table C2 of case III unrestricted intercept, with no trend for k=3 (Pesaran et al., 2001). Lower bound I (0) = 2.86 and upper bound I (1) =3.78 at 5% significance level. Δ = first differenced operator.

Normalised on corruption as a dependent variable, we employ an ARDL-VEC model based on equation 4. The long-run and short-run estimated coefficient of public Access to

information is negative and statistically different from zero. It implies that a one-unit improvement in national legal frameworks for accessing information held by public authorities minimises chances of utilising public authority for personal gain by o.264% and o.37% points in the short-and long-run. The results are consistent with our a priori expectation and other studies from different regions that also empirically observed a negative influence of public Access to information on corruption (Forson et al. 2016; Cariolle 2018; Blaise and Massil 2019; Gok 2019).

Table 6. VECM ARDL Results for COC

Regressor	Coefficient	Standard Error	t-statistic	Prob
		Long-run results		
Dependent Variable: ΔlnCOC				
Constant	0.135	0.024	5.68	0.030
ΔlnATI	-0.264	0.078	-3.40	0.017
ΔlnROL	-0.286	0.211	-1.35	0.309
ΔlnGVE	1.957	0.156	12.54	0.006
		Short-run results		
Dependent variable: ΔlnCOC				
ΔlnATI				
D1	-0.110	0.121	-0.91	0.457
LD	0.008	0.092	0.09	0.939
L2D	-0.373	0.077	-4.84	0.040
L3D	-0.108	0.053	-2.03	0.179
ΔlnROL				
D1	2.186	0.575	3.80	0.063
LD	3.218	0.538	5.98	0.027
L2D	1.022	0.507	2.02	0.181
L3D	1.981	0.383	5.17	0.035
ΔlnGVE				
D1	-3.015	0.543	-5.55	0.031
LD	-3.760	0.714	-5.27	0.034
L2D	-3.683	0.642	-5.73	0.029
L3D	-2.398	0.367	-6.54	0.023
ECT_{t-1}	-2.845	0.271	-10.48	0.009

Source: Authors' calculations

However, it is important to note that the autoregressive lags are significant only at the second lag. The implication is that Malawi's Access to information laws will only be effective after some few years, a minimum of two years. The finding justifies the reason why the pro-transparency coalition advocated for an independent commission body to oversee the implementation of the Access to Information law. According to the Access to Information Act (2017), the Malawi Human Rights Commission (MHRC) is mandated to carry out awareness campaigns and conduct capacity-building training for information officers and public officers to ensure an effective rolling out of the legislation. That is, the means to an end for the law will be realized only when these strategies are effectively implemented and the public is fully informed about the Act and the procedures for requesting information. However, this is challenging in Malawi, with the oversight commission frequently underfunded during each subsequent fiscal year.

We conducted diagnostic tests to check the authenticity of our findings. First, the Durbin Watson (D-W) checks serial correlation. Second, the Skewness-Kurtosis test is used to check for normality of the specified model. Third, we use the Breusch-Pagan test to test heteroscedasticity, and lastly, model specification test is done by the Ramsey Regression Equation Specification Error Test (RESET). Since all p-values in Table 7 are higher than 0.05, it entails the absence of serial correlation, no model misspecification, and data is desirably homoscedastic and normally distributed. Normality of our variables is further ascertained by distribution plots in Figure 3 (Appendix). The recursive Cusum square test is used to test for model stability. Figure 1 (Appendix) validates that our model is stable since the series lies inside the 5% boundary throughout the time covered in the study. In addition, the residuals-fitted values plot in Figure 2 (Appendix) ascertains the absence of heteroskedasticity since there is no systematic change in the spread of residuals over the range of measured values.

Table 7. Model Authentication Tests

Model Authentication Tests (p-values)

R-squared	Adj. R-squared	Serial Correlation Test (Durbin-W)	Specification Test (Ramsey RESET)	Akaike Infor Criteria	Normality Test (Skew-Kurt)	Heteroscedasticity Test (BP)
0.997	0.973	2.425	0.233	-6.119*	0.2188	0.532

Source: Authors' calculations

Conclusions and Policy Implications

Policymakers and researchers prescribe Access to information as a legal framework to combat corruption in Africa. Most African countries still need to implement the ATI legislation. The current study, therefore, explored the role of the right to public Access to information in the fight against corruption in Malawi. The study employed data from the Worldwide Governance Indicators (WGI) and the Center for Law & Democracy from 1996 to 2022. We used the bounds cointegration approach, autoregressive distributed lag (ARDL) and error correction model (VECM) to analyse data. Results showed that improving the Access to information legal framework in Malawi will reduce corruption from the second year, and the impact will persist in the long run. The results are in tandem with the assertion of the advocacy coalition framework (ACF) that we should not assume that all groups are materialistic or self-interested like the rational choice theory does. The current study confirms that the pro-transparency coalition in Malawi was driven by the policy core belief that a guarantee of Access to public information will reduce the propensity for corruption in the country. Furthermore, we deny the materialistic aspect of the group as we have shown that the coalition comprised actors from all sectors, public and private sectors, lawyers, academicians, international organisation representatives, and not just actors from the media fraternity.

These results suggest that the government of Malawi should be committed to ensuring the full operationalisation of the Access to Information legislation by supporting the oversight of the Access to Information legislation – the Malawi Human Rights Commission. We also suggest that the Malawi Human Rights Commission should use various means to conduct awareness campaigns among the public on all existent Access to public information-related laws. Since government effectiveness depicted a negative association with corruption, we also urge the government of Malawi to improve the quality of public services and the civil service and ensure that public service agencies are independent of political influence. Improvement in government effectiveness will also be realised if there can be an improvement in the quality of policy formulation and implementation, as well as government commitment to achieve those policies.

Furthermore, the pro-transparency coalition of Malawi need to fervently continue pressing the government for increased support for greater transparency in the public sector. After the implementation of the law, one research commissioned by the Youth and Society (YAS) organization with Oxford Committee for Famine Relief (OXFAM) revealed several gaps and other laws that speak against maximum disclosure of information. After four years

since implementation, it is high time that the government and all relevant stakeholders consider reviewing the Act to assess where it has worked well and not and make amendments accordingly. Doing so will help to strengthen the legislation and foster a more open government that is accountable to its people.

Nonetheless, this study is not without limitations. The utilisation of secondary data and quantitative methodology denied us an opportunity to explore lived experiences of various actors from the pro-transparency coalition, the public and political elites. This case study can help researchers understand Malawi's policy process, including the types of actors, policy venues, policy entrepreneurs, and brokers. This case study may also help researchers probe the pressures that the Malawi government confront before and after policy implementation. Further, the ATI legislation is still in its nascent stages of operationalisation. For this reason, we encourage future researchers to take a qualitative approach to address these concerns.

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Appendix

Appendix contains three diagnostic figures used to evaluate model robustness and statistical assumptions. All figures are based on the authors' analysis and computations.

Figure 1. CUSUM and CUSUM of Squares (CUSUMSQ) Plots

Figure 2. Residuals vs. Fitted Values Plot

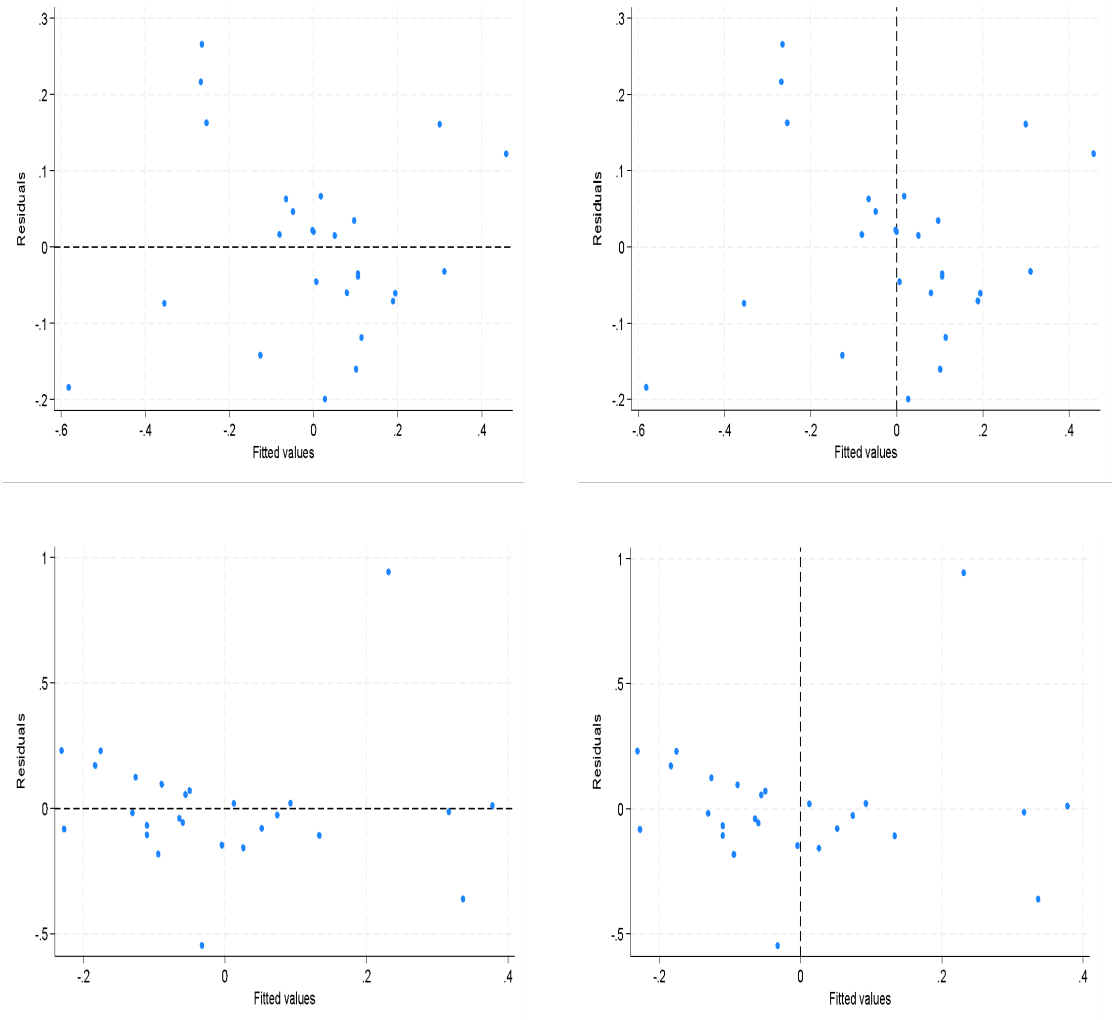
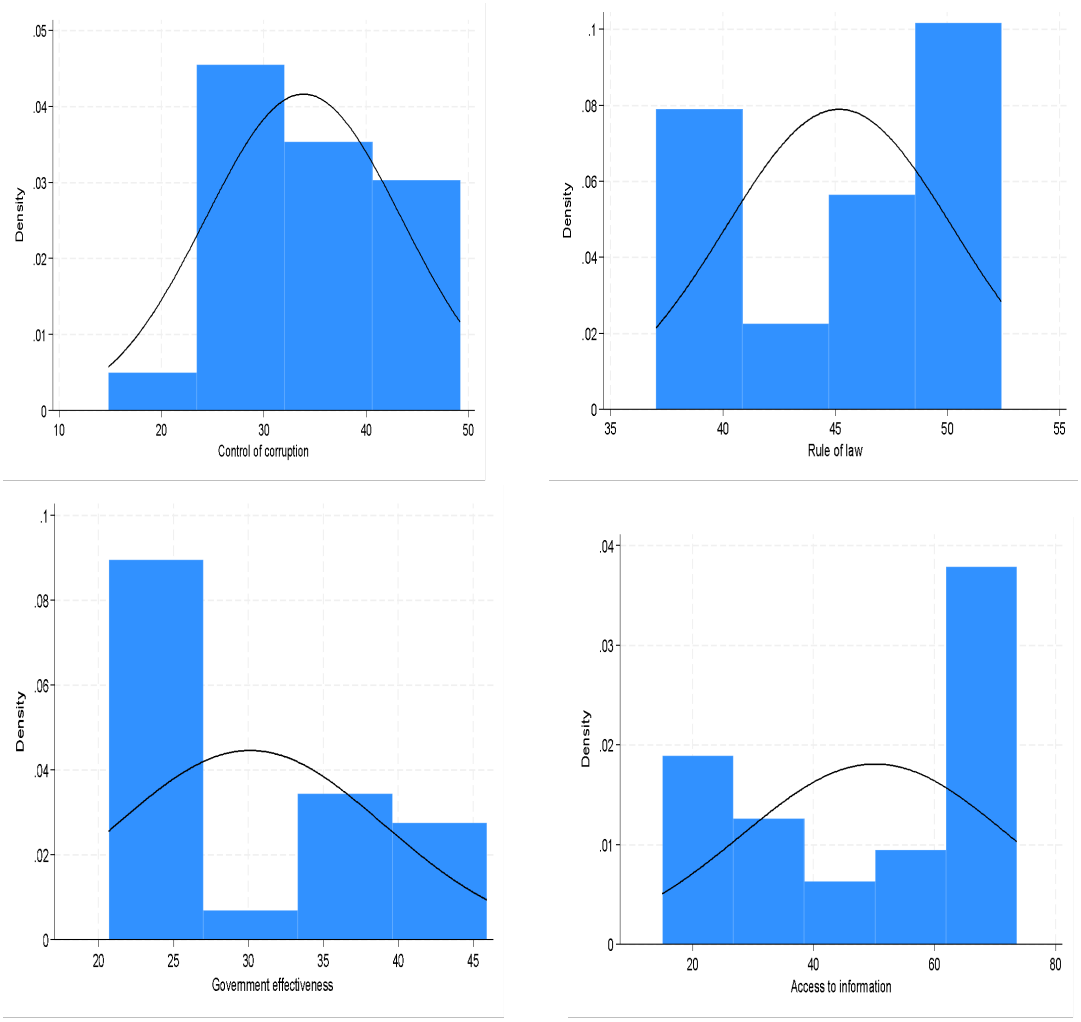


Figure 3. Distribution of Residuals



From Crisis to Technocracy: Economic Pressure, Institutional Factors, and the Rise of Non-Partisan Governance in the Eurozone (2006-2015)

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Greta COMEDINI
University of Siena
greta.comedini2@unisi.it

Abstract

This paper examines the relationship between economic crises, institutional factors, and technocratic appointments in European governments during the 2006-2015 period, with a specific focus on the European sovereign debt crisis (2010-2015). Using data from twelve Eurozone member states, the study demonstrates that countries most severely affected by the crisis—Greece, Italy, and Portugal—were the only ones to resort to technocratic appointments between 2011 and 2015. The analysis operationalises technocratic appointments as fully technocratic governments, technocrat-led governments, or technocratic ministers of finance. Through regression analysis, the study reveals that both general government gross debt and legislative fractionalisation serve as predictors for technocratic appointments, with gross debt showing a stronger impact. The findings confirm existing literature suggesting governments tend to appoint non-partisan, expert ministers during severe economic crises, potentially as a strategy to dilute political responsibility while maintaining governmental effectiveness. This research contributes to understanding how economic pressures reshape political institutions and decision-making during crisis periods.

Keywords: Technocracy; European Sovereign Debt Crisis; Eurozone; Government Formation; Legislative Fractionalisation; Economic Crisis; Technocratic Ministers; Political Responsibility; Government Debt; Economic Governance

Introduction

Crises over the past two decades—ranging from financial collapses to sovereign debt emergencies—have emerged from diverse causes, yet they often produce similar economic repercussions for both directly and indirectly affected countries. One of the most prominent examples of a recent economic crisis is the European sovereign debt crisis, which began in 2010 and continued until 2015. The crisis had a particularly detrimental impact on countries within the Eurozone, despite its initial roots being traceable to the 2008 global financial crisis in the United States. In such a situation, the entire economic system entered turmoil, creating a sort of domino effect and falling into a vicious cycle that was difficult to escape. Private enterprises were unable to access loans necessary for the purchase of raw materials and machinery and for the payment of the labour force. As a result, unemployment increased,

and wages decreased. Consequently, consumer spending declined, and firms were forced to further restrict their production, which in turn reduced their profits.

Economic crises of this nature can also be understood as political crises due to their profound impact on institutional stability (Kahler and Lake 2013). Governments play a central role in responding to such crises, often required to adopt and implement urgent measures to contain and resolve them. These high-pressure circumstances can trigger internal political instability, potentially leading to the dissolution of governments or significant changes in their composition through cabinet reshuffles. As a result, periods of crisis are frequently marked by high government turnover, with successive administrations serving only briefly. This volatility can undermine both government efficiency—defined as the optimal use of available resources—and effectiveness, understood as the capacity to achieve stated policy objectives.

Technocratic governments—or, at minimum, the inclusion of technocrats in executive roles—are widely regarded as a response to periods of crisis, whether economic (Wratil and Pastorella 2018) or electoral (Emanuele et al. 2023). This paper investigates the conditions under which such appointments occur, with particular attention to economic distress and institutional fragmentation. For this study, technocratic appointments refer to three specific outcomes: fully technocratic governments, technocrat-led governments, and cabinets in which the Ministry of Finance is held by a technocrat. The analysis focuses on the twelve Eurozone countries that were members in 2006, covering the period from 2006 to 2015—a timeframe that includes both the European sovereign debt crisis (2010–2015) and the preceding years, allowing for comparison between times of crisis and periods of relative economic stability.

The following sections begin with an overview of the European sovereign debt crisis, outlining its origins and assessing its broader implications—particularly its effects on political systems. This is followed by a discussion of the key concepts underpinning the study: technocracy, technocrats, and technocratic governments. Drawing on relevant literature, the conditions that foster technocratic involvement will also be explored.

The empirical section details the methodology and data sources employed. It opens with a descriptive analysis of the economic conditions in the twelve Eurozone countries under study, focusing on two key indicators: Gross Domestic Product (GDP) growth and total unemployment rates. The core of the analysis, however, concentrates on two independent variables—general government gross debt and legislative fractionalisation—examined in relation to the dependent variable: technocratic appointment.

The European Sovereign Debt Crisis (2010-2015)

Originating in late 2009, the European sovereign debt crisis—commonly referred to as the Euro crisis—reached its peak between 2010 and 2012 (Cross 2017). The crisis affected several European Union (EU) member states, particularly those within the Eurozone. Among them, the GIIPS countries—Greece, Ireland, Italy, Portugal, and Spain—were hit hardest. Greece suffered particularly severe consequences due to its failure to accurately report public debt and budget deficit figures upon joining the Eurozone (Trabelsi 2012).

The crisis posed a significant threat to the EU, prompting decisive action from the European Central Bank (ECB), then under the leadership of Mario Draghi. His implementation of quantitative easing (QE) averted a potential mass exit from the Eurozone and prevented the destabilizing return to national currencies, which could have led to competitive devaluations to manage debt burdens (Bofinger 2020). Announced in January 2015, this monetary policy involved the ECB purchasing €60 billion per month in government bonds from European banks, aiming to inject liquidity into the economy, stimulate lending, and raise inflation toward the 2% target. At the same time, the crisis catalyzed a transformation within the European Monetary Union (EMU). What was once conceived as a "community of benefits" evolved to incorporate mechanisms for risk-sharing, reflecting deeper integration in response to systemic vulnerabilities (Chiti and Texeira 2013).

The Eurozone crisis also destabilized national political institutions, undermining their legitimacy and decision-making ability. Armingeon and Guthmann (2013) demonstrate that the economic crisis led to a sharp decline in public trust in democracy, marked by significant decrease in satisfaction with democratic institutions and eroding confidence in parliaments. Their analysis draws on 78 national surveys across 26 EU countries from 2007 to 2011. Faced with unsustainable debt levels, many governments adopted strict austerity measures (Armingeon and Baccaro 2012). In Greece, Ireland, Portugal, and Cyprus, these policies were often externally imposed by the so called *Troika*—the European Commission, ECB, and the International Monetary Fund (IMF)—which provided bailout loans conditional on fiscal consolidation.

Defining Technocracy and Technocratic Governments

The concept of technocracy refers to two main characteristics: expertise and non-partisanship. In governance, it translates to ministers selected for their specialized professional and/or educational backgrounds, ensuring competence in their respective domains (Centeno 1993). Crucially, technocratic ministers remain unaffiliated with political

parties and hold no prior legislative office (Cotta and Verzichelli 2002). Critics of technocracy warn of "epistemic democracy" (Urbinati 2014), arguing that overreliance on expertise risks depoliticizing governance and marginalizing democratic representation. Nevertheless, empirical studies challenge the assumption that technocratic governments are inherently undemocratic (Pastorella 2016). In parliamentary systems, technocratic cabinets retain democratic legitimacy through institutional mechanisms like legislative confidence votes (Valbruzzi 2020).

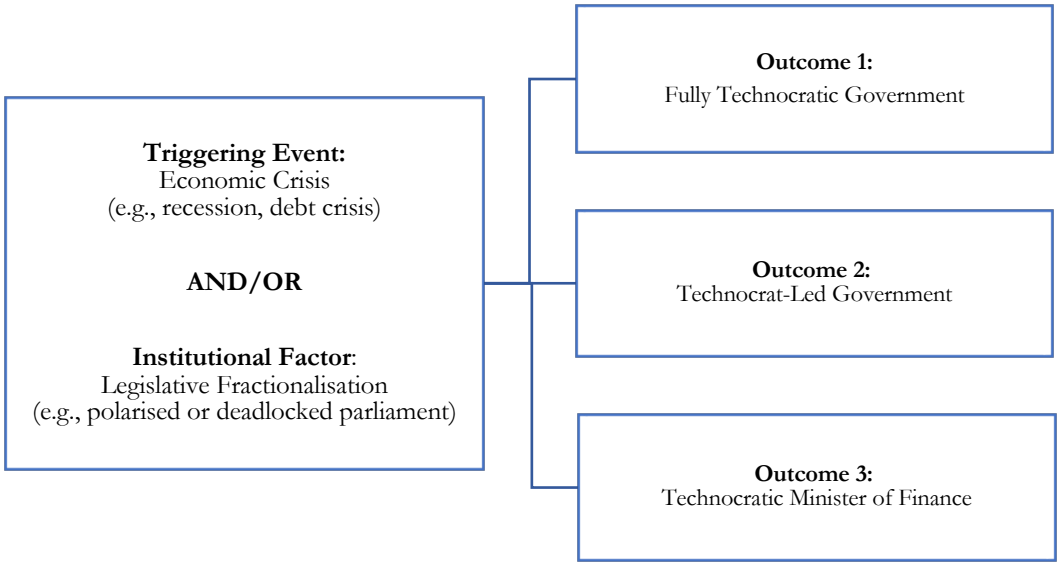
The appeal to technocracy should not be viewed as deliberate weakening of political parties and parliaments, but rather as a response to the erosion of traditional representative linkages (Andeweg 1996). This shift reflects broader societal trends, including declining partisanship among voters (Mair 2008), as evidenced by falling electoral turnout and increasing electoral volatility (Mair 2013; Pedersen 1979). Moreover, technocracy also serves as a strategic tool for political parties. By delegating decision-making to technocrats—particularly during crises—parties can distance themselves from unpopular policies, thereby avoiding electoral backlash (Emanuele et al. 2023). This aligns with Paldam's (1986) notion of avoiding the costs of governing, as parties balance their dual goals of vote-seeking and office-seeking. Governing during turbulent times risks alienating voters, who may punish incumbents in subsequent elections (Cotta 2018).

Technocratic appointments have been widely analysed as a response to economic and political crises, including financial instability, scandals, and electoral upheaval (Wratil and Pastorella 2018; Alexiadou and Gunaydin 2019; Emanuele et al. 2023). Scholars argue that technocrats are often favoured for their perceived policymaking expertise (Blondel 1991), particularly in high-stakes ministries such as Finance—a portfolio consistently ranked as the most salient in government structures (Batista 2017). Empirical studies further suggest that technocratic ministers in finance roles tend to achieve greater policy impact (Alexiadou 2020).

Institutional dynamics also play a role: fragmented party systems, for instance, may incentivize technocratic appointments (Merzoni and Trombetta 2024). However, recent research indicates that institutional variables alone lack significant explanatory power (Pilet et al. 2024). Given these findings, this study focuses on economic crises and legislative fractionalisation as key drivers of technocratic appointments, with particular emphasis on the European sovereign debt crisis. Political crises, while relevant, fall outside the scope of this analysis.

In order for a government to be considered fully technocratic, it is necessary for the prime minister and more than 50% of the ministers to be technocrats (McDonnell and Valbruzzi 2014). When technocrats do not comprise a majority of ministers, the government is classified as merely technocrat-led. Figure 1 presents the explanatory framework for technocratic appointments examined in this study, which may produce three possible outcomes: (1) fully technocratic governments, (2) technocrat-led governments, or (3) governments with technocratic finance ministers. For analytical purposes, any of these outcomes qualifies as a technocratic appointment. Importantly, these categories may overlap—for example, a government could have both a technocratic prime minister and technocratic finance minister without meeting the threshold for a fully technocratic government.

Figure 1. Pathways to Technocratic Appointments



Source: Author

Methodology and Data

The empirical analysis focuses on Eurozone member states as of 2006 (N=12). Government duration and initial composition are drawn from the Casal Bértoa (2024) dataset, while technocratic appointments occurring during each cabinet's term are identified through an original dataset on cabinet reshuffles compiled by the author. The period of analysis spans from 2006 to 2015, extending beyond the conventional 2010–2015 crisis period to assess whether technocratic appointments increased during the crisis.

The dependent variable measures the incidence of technocratic appointments, operationalised as the presence of at least one of the three outcomes previously illustrated in Figure 1. Following McDonnell and Valbruzzi (2014), a fully technocratic government requires a technocratic prime minister and more than 50% technocratic ministers. Technocrats are identified by their non-partisanship and domain-specific expertise, consistent with established criteria (Centeno 1993; Cotta and Verzichelli 2002), with particular attention to their professional/educational qualifications for their portfolio.

Two independent variables are tested:

1. Economic crisis, measured via general government gross debt (% of GDP) from Eurostat, given its documented negative impact on growth (Ewaida 2017);
2. Legislative fractionalization, calculated using the Rae-index-based measure (Armingeon et al. 2023).

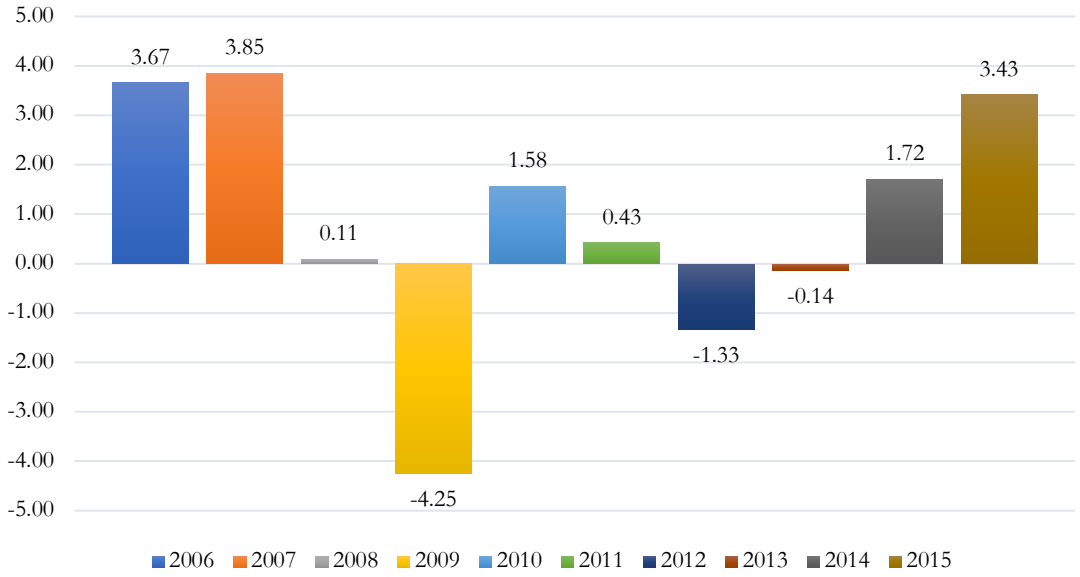
The primary hypothesis—that elevated economic distress and legislative fractionalisation predict technocratic appointments—is tested through descriptive statistics and linear regression. Subsequent analysis contextualizes these variables using key economic indicators (GDP growth, unemployment, debt levels) derived from IMF, World Bank, and Eurostat data, supplemented by the author's cabinet reshuffle dataset where applicable.

Analysis and Results

In 2006, the Eurozone consisted of twelve members: Austria, Belgium, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal and Spain. Figures 2 and Figure 3 show aggregate data on real GDP growth rates and unemployment rates (% of total labour force) from 2006 to 2015, serving as key indicators of the Eurozone economy's health. By including pre-crisis years (2006-2009), these figures provide essential context for assessing the crisis's full impact following its onset in 2010.

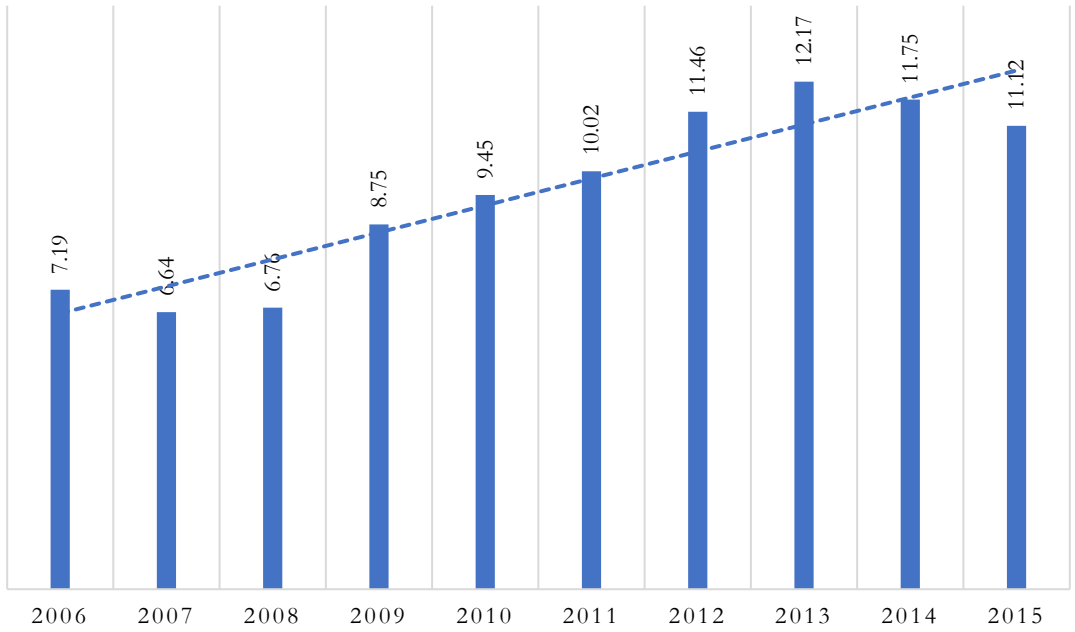
The Eurozone first felt the impact of the 2008 global financial crisis—which originated in the United States—in 2009. That year, member states saw GDP growth plummet by 4.14 percentage points (year-on-year), while unemployment began its upward trajectory, peaking at 12.17% in 2013. The crisis hit Greece, Italy, and Portugal particularly hard, with these countries experiencing both severe GDP contractions and rising unemployment throughout 2010–2015. This economic deterioration is further evidenced by soaring government debt levels across the Eurozone, as depicted in Figure 4.

Figure 2. Real GDP Growth Rates in Eurozone Member States, 2006–2015



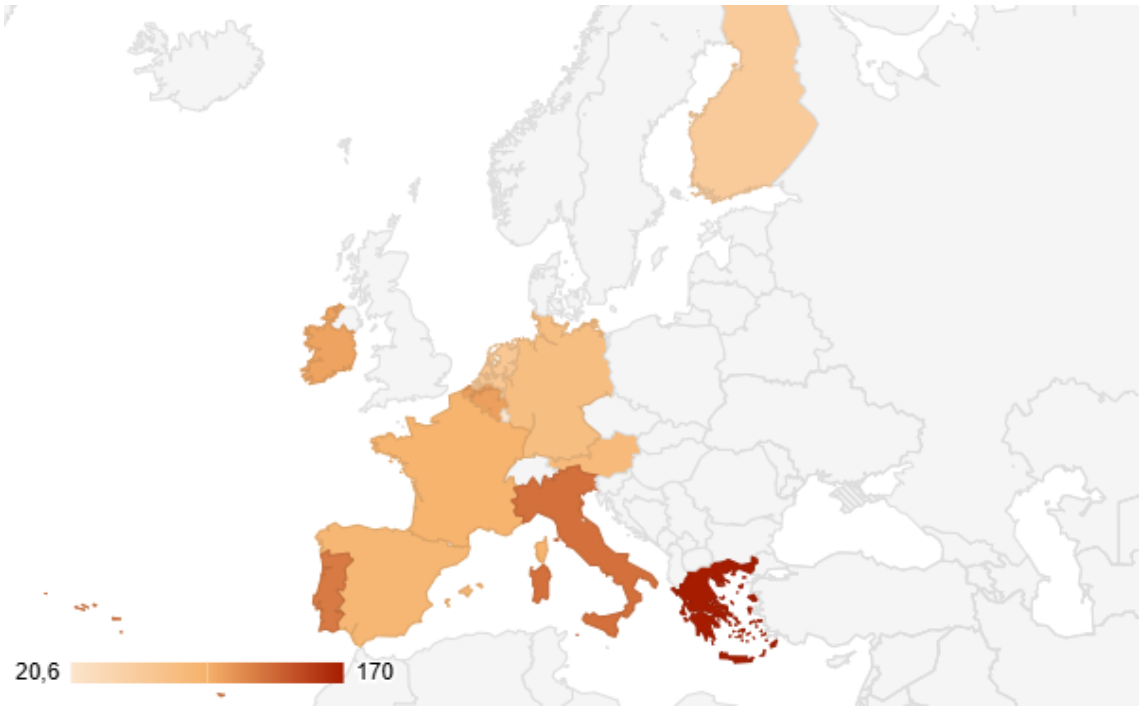
Source: Author's calculations using IMF data on real GDP growth (annual % change).

Figure 3. Unemployment Rates (% of Labour Force) in Eurozone Member States, 2006–2015



Source: Author's calculations using World Bank data on unemployment (% of total labour force) and IMF data on real GDP growth (annual % change).

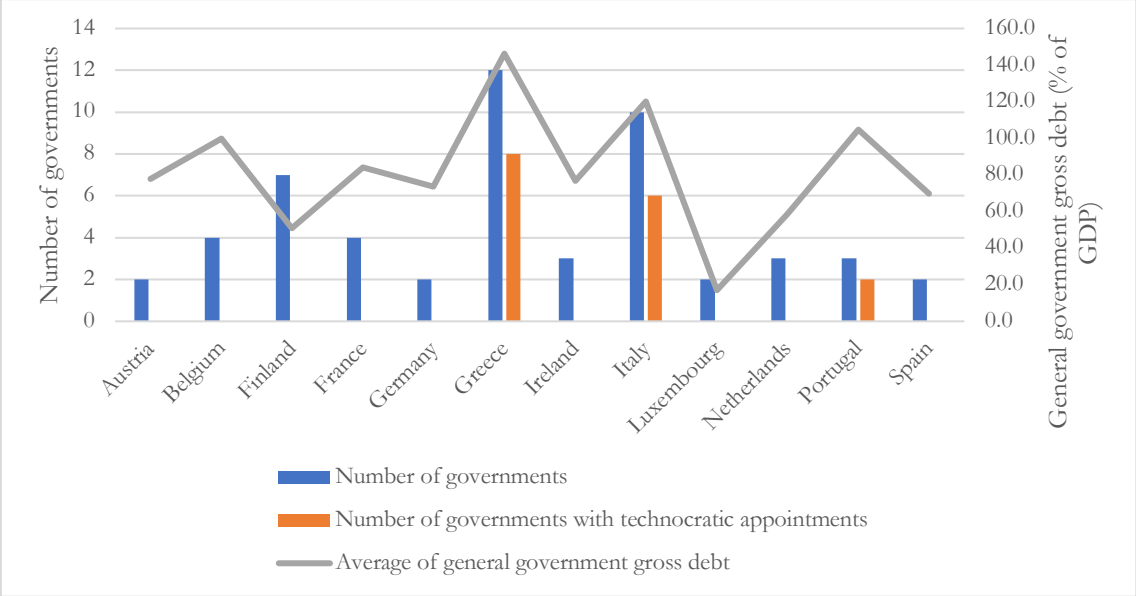
Figure 4. General Government Gross Debt in Eurozone Member States, 2010-2015



Source: Author's analysis of Eurostat data on general government gross debt (% of GDP).

The relationship between sovereign debt and technocratic appointments becomes particularly evident when examining longitudinal trends. As Figure 5 demonstrates, Greece, Italy, and Portugal - the three Eurozone members with the most severe and sustained debt burdens - were exclusively the ones to appoint technocratic governments during the 2006-2015 period. This striking correlation suggests that critical debt thresholds may serve as key triggers for technocratic intervention.

Figure 5. General Government Gross Debt Compared to Technocratic Appointments (2006-2015)



Source: Author's analysis using Eurostat general government gross debt data (% of GDP), Casal Bértoa (2024) government composition records, and original data on cabinet reshuffles.

Table 1 details all technocratic appointments from 2006-2015, including finance ministers appointed through cabinet reshuffles. Notably, no technocratic governments emerged before 2011, suggesting that both (1) critical debt thresholds, and (2) the peak phase of the European sovereign debt crisis (2011-2015) served as key catalysts for technocratic intervention.

However, when examining the second independent variable, the pattern reverses. As noted earlier, the Armingeon et al. (2023) index of legislative fractionalisation, which ranges from 0 (minimal fractionalisation) to 1 (maximal fractionalisation), has been employed in this analysis. During the 2006–2015 period, the countries with the highest legislative fractionalisation were Belgium (0.88), Finland (0.82) and the Netherlands (0.83). By contrast, Greece, Italy, and Portugal recorded the lowest levels of fractionalisation, ranging from 0.65 to 0.71. Notably, Greece and Italy exhibited the highest standard deviation (0.06 and 0.05, respectively) in fractionalisation over time, compared with the average standard deviation of 0.03 across all twelve states.

Table 1. Technocratic Appointments in Eurozone Governments, 2006-2015

Country	Day of appointment	Government	Fully Technocratic (%)	Technocrat -led	Technocrat Finance Minister	Technocrat Finance Minister Added in Reshuffle
Greece	11/11/2011	Papademos I	0	1	0	0
Greece	10/02/2012	Papademos II	0	1	0	0
Greece	17/05/2012	Pikrammenos	1 (100%)	1	1	0
Greece	21/06/2012	Samaras I	0	0	0	1
Greece	25/06/2013	Samaras II	0	0	1	0
Greece	10/06/2014	Samaras III	0	0	1	0
Greece	22/08/2014	Samaras IV	0	0	1	0
Greece	28/08/2015	Thanou-Christophilou	1 (82%)	1	1	0
Italy	18/11/2011	Monti	1 (100%)	1	1	1
Italy	28/04/2013	Letta I	0	0	1	0
Italy	15/11/2013	Letta II	0	0	1	0
Italy	23/11/2013	Letta III	0	0	1	0
Italy	25/02/2014	Renzi I	0	0	1	0
Italy	06/02/2015	Renzi II	0	0	1	0
Portugal	19/06/2011	Passos Coelho I	0	0	1	1
Portugal	26/11/2015	Costa I	0	0	1	0

Note: "Fully Technocratic %" indicates the proportion of technocratic ministers in each cabinet.

Source: Author's analysis of Casal Bértoa (2024) and original data on cabinet reshuffles.

The linear regression analysis focuses exclusively on the three states with technocratic appointments—Greece, Italy, and Portugal. As an initial analytical step, the Pearson correlation coefficient was calculated between the two independent variables (government gross debt and legislative fractionalisation). This metric, which ranges from -1 to 1, measures the strength and direction of their relationship, where 0 indicates no correlation. The analysis reveals a strong positive correlation ($r = 0.67$) between debt and fractionalisation in these countries.

For the first regression model (government debt vs. technocratic appointments), the equation is:

$$y = 0.0673x – 6.7298$$

The model demonstrates strong explanatory power, with $R^2 = 0.83$ (adjusted $R^2 = 0.81$), highly significant $p < 0.001$ (0.000219), and minimal residuals (0.54).

For the second model (legislative fractionalisation vs. technocratic appointments), the equation is:

$$y = 50.425x - 32.193$$

Here, the R^2 and the adjusted R^2 are substantially lower (0.48 and 0.41, respectively), though the p-value remains statistically significant (0.026) and residuals are higher (1.71).

While both variables predict technocratic appointments, the descriptive and regression analyses collectively demonstrate that government gross debt exerts a stronger influence than legislative fractionalisation.

Conclusion

This study investigates the conditions that lead to technocratic appointments, with a particular focus on economic crises and institutional factors. The analysis covers the twelve Eurozone member states as of 2006 over the 2006–2015 period, thereby encompassing the European sovereign debt crisis. The working hypothesis posits that both the degree of economic crisis severity and elevated legislative fractionalisation would increase the likelihood of technocratic appointments. In line with broader conceptual approaches, this study examines not only fully technocratic governments (as defined by McDonnell and Valbruzzi 2014) but extends to two additional categories: technocrat-led governments and governments with technocratic finance ministers—the latter inclusion being justified by the ministry's established portfolio salience (Batista 2017).

The theoretical framework examines both the origins of the Euro crisis and the supranational solutions implemented to address it (Bofinger 2020). Scholarship demonstrates the crisis's profound political consequences, such as the decline in citizens' support for democracy as a result of austerity-driven fiscal policies (Armingeon and Baccaro 2012). This context proves critical for understanding the rise of technocratic governments during crises (Wratil and Pastorella 2018; Emanuele et al. 2023)—despite normative debates about their democratic credentials. Technocratic appointments emerge through two complementary mechanisms: (1) as a structural response to weakening voter-representative linkages in contemporary democracies, and (2) as strategic tools for political parties to distance themselves from unpopular crisis measures while maintaining governing capacity (Paldam

1986). This dual function positions technocrats as both pragmatic crisis managers (Pedrosa et al. 2020) and temporary shields for partisan actors navigating electoral constraints.

The countries most severely impacted by the crisis—Greece, Italy, and Portugal—exhibited sharp declines in GDP growth, rising unemployment, and increasing public debt in both the short and long term. These were also the only countries to resort to technocratic appointments between 2011 and 2015, with no such instances recorded prior to this period. Interestingly, an inverse pattern emerges when considering legislative fractionalisation: countries that turned to technocracy—such as Greece and Italy—now show more stable or improved performance in this regard compared to those that did not, such as Belgium, Finland, and the Netherlands.

The regression analysis establishes both economic and institutional factors as statistically significant predictors of technocratic appointments. A key finding emerges—general government gross debt demonstrates markedly greater explanatory power than legislative fractionalization in predicting technocratic appointments.

The findings reinforce existing research on the role of economic crises in prompting technocratic appointments, suggesting that governments tend to bring in non-partisan experts when faced with severe economic distress. At the same time, the study highlights the need for further exploration of institutional factors, which is in line with recent work by Pilet et al. (2024). Expanding the dataset could help identify additional conditions that either facilitate or prevent the adoption of technocracy. Future research might also consider crises of different origins, such as the Covid-19 pandemic or Russia's full-scale invasion of Ukraine in 2022, both of which triggered economic disruptions across Eurozone member states.

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Book Review: "Natural Law and Modern Society" by Sean Coyle

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Gavin FAULKNER
University of Glasgow
gavin.faulkner@glasgow.ac.uk

Natural Law and Modern Society
By SEAN COYLE
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If the aim of Sean Coyle in *Natural Law and Modern Society* was to "think through a set of problems, in a way that broadly conforms to the natural law philosophy of St. Thomas Aquinas" (Coyle 2023, vii), he has certainly fulfilled his aim. There is much here that displays the acquaintance of the author with the canons of Thomism. There is much here too that recovers the long "obscured" and "derided" (viii) framework of moral and political thought which characterises medieval philosophy. Yet Coyle is not content simply to navigate the intersection between medieval and modern thought. His intention is rather more ambitious. He sees the present age as "ripe" for a "third scholastic period," with his work "a very modest contribution to that end" (ix). Whether this is the time for that third period is a question which awaits a formal response. As far as this review is concerned, it suggests that, whilst a great deal has been done to clear the land for a new period of scholasticism, with not a little planting by Coyle, much of the watering is left to be done if there is to be a significant increase in this field of jurisprudence (1 Corinthians 3.7, KJV.)

This would begin with a closer study of the "new version of an ancient tradition of natural law thinking" (34) which Coyle so ably brings to our attention. That new version rightly places "God's rational governance of the world" (34) at the heart of a true theory of the natural law. It is a refreshing return to a scholastic view which sees the eternal law as the only source of explanation for the reasonable demands of the natural law. Yet of the chapters devoted to the relationship between eternal and natural law, promisingly entitled *The Culmination of Natural Law* (205-232), Coyle offers too much by way of summary. The chapter opens with a candid statement on the limitation of practical reason (206). Any such statement is to be welcomed if scholastic thought is to move away from the trend among legal

philosophers to imbue practical reason with an autonomy it does not and cannot enjoy (for example, Finnis 2011). Practical reasoning is instead wedded to its speculative counterpart. And yet it is precisely the latter that does not receive as thoroughgoing a treatment as it could have done. Several arguments are raised to establish the existence of God (208-224). A sense of indebtedness is acknowledged to Thomas Aquinas and Francisco Suárez, and their contemporaries (208). But in truth, the discussion does not go much beyond these theorists. Each argument both begins and ends with a supposition that invariably favours "God in the Judeo-Christian tradition," whose attributes are to be derived from bare philosophical reasoning (208–224; see especially 211). Yet, there appears to be a shortfall in reason here. The shortfall is felt most keenly when it would be expected to be made up most generously, in a sub-chapter entitled *Natural Law, Eternal Law, and Divine Law* (231). Rather than clearly outlining the precise relationship between eternal, divine, and natural law—and explicitly grounding natural law ethics in God's rational governance of the world—Coyle only hints at the value of theological virtues before turning to a tangential debate between Jonathan Crowe and John Finnis (231–232). While this is necessary, it is not sufficient for theorists aiming to engage with that third scholastic period alongside Coyle. More effort is needed to integrate practical and speculative reasoning than is suggested here (232, 63–67).

That said, when the analysis focuses on the purely practical rather than the speculative, Coyle effectively articulates the practical standpoint underlying a true theory of law (17). This, indeed, is the central proposition of the book: that "law is (necessarily) a system of practical rationality aimed at the common good" (23). He substantiates this claim by examining methodological inconsistencies among leading jurists (3–34). Whether it is H. L. A. Hart, for failing to articulate the practical viewpoint behind his primary and secondary rules (15); Mark Murphy, for unduly narrowing natural law theory to the question of obedience (24); Jonathan Crowe, for misrepresenting natural law as socially embodied, historically extended, and mutable (26); or Jean Porter and Alasdair MacIntyre, for their unnecessary antagonism toward universal values (28–33), Coyle redirects natural law theory away from modern distractions and toward a eudaemonist philosophy grounded in universal human goods (18, 75–102). What follows is a thorough development of that philosophy as it relates to basic goods (75–102), justice (103–136), common goods (137–170), rights (171–204), authority (235–264), obligation (265–304), legality (305–352), unjust law(s) (351–384), and international law (385–418). Of particular note is Coyle's decision to refocus natural law theorising by refusing to catalogue human goods (54, 78–79), his reinstatement of the *beatitudo* to unify moral thought (83), his identification of a core and general morality to

counter modern relativism (89–99), and his return to teleology in ethics, challenging the freewheeling "self-evidence" approach of Germain Grisez and Finnis (100).

But that is not all. Equally significant is his taxonomy of justice and articulation of the common good to distinguish a state acting intra and ultra vires (109–126, 141, 152–155, 157–158), his reemphasis on charity as foundational for a truly common good (158–162), his distinction between human and natural rights in opposition to Finnis (186, 188), and his nuanced approach to authority and personal autonomy (242–245). All of these contributions represent meaningful steps forward in natural law theorising.

Some will not wish to take every step with Coyle, however. Disagreement is inevitable, particularly regarding his decision to temper the role of social coordination as the defining criterion of true authority (240, 313). This is likely to receive a cold response from Finnis, for whom authority's focal meaning is precisely its ability to coordinate affairs for the common good. Conversely, it may find a warmer reception from Murphy, who never regarded coordination as the sole criterion of authority. Likewise, Coyle's nuanced theory of obligation (265–304) is likely to provoke debate. Here, he introduces the idea of "commitment" as the organizing principle behind human obligations (265–288). Whether this constitutes a necessary contribution remains uncertain, but Coyle is at least to be commended for opening the discussion. What can be said with certainty is that the book offers plenty to whet the jurisprudential appetite—a hallmark of the work as a whole. Yet, it does far more than that. *Natural Law and Modern Society* is a tour de force in natural law theorising and establishes Coyle as one of the leading figures in its ongoing development. It "clears the land" and "plants the seeds." With further study, it may well usher in a new period of scholasticism within this field of jurisprudence.

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