Mission Statement

*The Orator* at the University of Washington provides a forum for insightful undergraduate discourse and research. This publication’s primary objective is to empower students to make creative and meaningful contributions to existing scholarship. In doing so, students affirm their understanding of the scientific method, fortify their ability to make compelling arguments, and, in the best tradition of the Socratic method, demonstrate their ability to question. By encouraging the further evolution of these skills, *The Orator* is the soap box upon which tomorrow’s scholars and leaders find their voice.
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Letter from the Editors

The Nu Chapter of Pi Sigma Alpha, the National Political Science Honor Society, is pleased to present the fifth volume of The Orator, our annual undergraduate research journal. With this issue, we believe the The Orator continues to set the standard for undergraduate peer-reviewed political science journals.

This year we fulfilled our longstanding desire to include submissions from students outside of the University of Washington. We received submissions from schools across the country and are proud to publish articles written by undergraduates from the University of Dallas, George Washington University, and the University of Washington.

The work presented herein strives to capture the diversity of work being pursued within the field of political science. Papers were selected on the basis of their relevance; the strength and originality of the argument presented; and on the quality of research. The work selected for publication represents some of the best undergraduate work in the social sciences at many universities across the country; we hope their contributions raise the bar of expectation for undergraduates everywhere.

We are deeply appreciative of the national chapter in their continuing support of this publication. We must also thank our departmental advisor Tamara Sollinger for her tireless efforts on our behalf; our faculty advisor Naomi Murakawa for her enthusiasm and guidance; and our peers from universities around the country for their interest, encouragement, and participation throughout the publishing process.

David McCoy
Editor-in-Chief
Table of Contents

The Role of History in the Construction of Identity: National Socialism’s Appropriation of German Romantic Ideals 1 
Ryan Torpie

Private Military Contractors: Shifting International Norms Regarding Mercenaries in 21st Century Warfare 28 
Justin Dugyon

Arms Control in Dynamic Situations: A Study of the Washington Treaty System 51 
Justin Rohrer

Legitimacy in Contemporary China: Maintaining the Legitimacy of an Authoritarian State 77 
Anne McGinnis
The Role of History in the Construction of Identity: National Socialism’s Appropriation of German Romantic Ideals

Ryan Torpie *

Through discourse and social memory, history is continually imported to the present to fulfill certain socio-political demands or perceived inadequacies that the present cannot address. In Germany following the First World War, National Socialism’s virulent appropriation of German Romantic principles provides an example of the past’s resurrection to serve the needs of the present. The significance of these two movements exhibits not only the role of history in constructing identities but also the power of national sentiments in collective mobilization.

The relationship between history and the present serves as a tool for understanding contemporary times and constructing visions for the future. By examining the past, people can create an “image of who we desire to be, rooted in our sense of what we seem to have been,” and these constructed, retrospective identities hold a high importance.1 Because of perceived threats to the German identity and cultural crises, both German Romanticism and National Socialism manufactured a re-conceptualized German identity, emphasizing the collective past of the German people. In the Romantic era, thinkers expounded the glory of Middle Age Germany, and urged the Volk to celebrate their shared past and traditions in order to kindle and identify the German spirit. Similarly, National Socialism claimed that the success of the German Reich depended on a return to the

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values of the Volk, values and spirit that would dominate for one thousand years. Despite the clear perversion of German Romanticism by National Socialism, these two movements exhibit not only the role of history in constructing identities but also power of national sentiment in collective mobilization.

The Romantic Movement in German history represented an “aesthetic revolution, a resort to the imagination [...] It was an interpretation of life, nature and history—and this philosophic character distinguished it from Romanticism in other lands.”2 The term “romantic” originated in the 17th century, although it was more commonly used in the following centuries. At its conception, the term referred to perceptions of nature, especially those which “evoked distance from everyday reality.”3 The German Romantic movement passed through three phases from the mid-1790s until 1830, during which the territory now called Germany underwent several political and territorial changes.4 This period witnessed a construction of a “virtual nation,” through which art, language, traditions, and historical references defined a collective German identity.5 Moreover, this period was defined by interest in the search for knowledge and experience, stressing imagination and revelation instead of relying on facts. According to Freidrich Schlegel, to be romantic meant to live in the state of “eternally becoming [...] It can be exhausted by no theory [...] it alone is infinite, just as it alone is free.”6 Romanticism represented a total movement; it demanded surrender to its infinite nature, and vague, spiritual evocations.

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4 Dennis F. Mahoney, ed., “Literature of German Romanticism,” The Camden House History of German Literature, Volume 8, (Camden House, 2004), 149.
5 Morton.
6 Ibid.
Opposed to the rationalism of the Enlightenment and the French Revolution, Romanticism derived its strength from an interpretation of history specific to Germany. For the Romantics, the Middle Ages epitomized the pinnacle of German society and, “disappointed by the course of history, they no longer searched for positive alternatives to the present in the future, but rather in the past.” The glorious landscapes, timeless castles, and noble peasants provided a sense of beauty specific to Germany. In essence, the Romantics “succumbed to the lure of history and wished to enrich the present by reviving the past.” This was in part because Germany remained fragmented and nation-less while other European states—such as France—were solidifying into nations. National ambiguity was compounded further during the Napoleonic Wars (1803-1815), and the Romantics responded by turning to the past to rouse a unique German identity that they perceived to be buried, yet alive, in the Volk. Through the arts, the Romantics depicted images of nature and history and set out to create a “sense of hope for the future through references to an invented German identity, which they authenticated by incorporating past traditions.” The influence of such references passed through the ages, relevant once more in a war-torn Germany a century later.

Following the First World War and the failings of the Weimar Republic (1919-1933), a German cultural crisis led to a search for “redemption in the Romantic cannon.” The national identity embraced during the German Romantic era provided a sense of national pride to a defeated and demoralized post-World War I Germany. The political embodiment of this movement, the Nationalsozialistische Deutsche Arbeiterpartei (NSDAP) considered the

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7 Mahoney, 196.
8 Kohn, 446.
9 Ibid., 453.
10 Morton.
Romantics to be “the most important precursors of their own movement, as the first breakthrough of German national spirit.”

Gaining momentum, the National Socialist Weltanschauung professed a timeless and traditional German nation by “calling up the German spirit from the depths” and promoting an ideology focused on the Romantic conception of German identity. Ideology, as a “system of ideas, values, and beliefs,” represents a specific framework for examining and understanding the world. It helps to explain events and conditions, and also provides a component of an identity. National Socialists desired to create a new man, a man who was culturally centered and who lived completely in an active state of German-ness. Xenophobic propaganda reflected an idyllic Germany, centered on one race and one blood. Discussing propaganda a decade before World War II, Aldous Huxley wrote that:

“Propaganda gives force and direction to the successive movements of popular feeling and desire; but it does not do much to create these movements. The propagandist is a man who canalizes an already existing stream. In a land where there is no water, he digs in vain.”

National Socialist propaganda constructed itself around past ideals of Germany’s ‘greatness,’ namely those professed in the sentiments of the Romantic era. Of course, several other important factors augmented the appeal of the National Socialists.

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including Adolf Hitler’s personality, social conditions, and the unfolding politico-economic events in Germany. Thus, it was not only historical ties that made the propaganda so effective. Nevertheless, attraction to historical significance and the perceptible congruencies connecting historical ‘fact’ to the proposed National Socialist regimen won the devotion of the majority of the German people.¹⁷

Though opposed in action and application, both National Socialism and Romanticism shared a fundamental reverence for historical justification to both construct and validate their conceptions of German identity. In Romanticism, examination of German history was able to conjure a virtual nation, with foundations based on blood, language, nature, and philosophy. Similarly, in National Socialist ideology, history provided the resources needed to build a version of German identity equivalent to its perceived ‘greatness.’ Politically, socially, and culturally, twentieth century National Socialism not only reflected certain German Romantic thoughts and principles, but also mobilized them to construct a virulent form of German nationalism connected to a specific identity. Fundamentally, both movements highlight the power of the retrospective eye in constructing justifications for validating contemporary actions.

**Political Influences**

The political congruencies between the Romantic and the National Socialist periods illustrate the importance both movements placed on the conception of the Volk, or national community. Politics offers a paradigm to examine the relationship and the defining aspects of the interactions between people and their governing body.¹⁸ For both the Romantics and the NSDAP, the political views delineated a specific relationship not

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¹⁷ D’O. Butler, 284.

¹⁸ Politics as I have defined it for the context of this paper.
only between the people themselves, but also between past and present.

Historically, the rise of German Romanticism coincided with the perceived threats posed by the extreme rationalism of the French Revolution and the physical threat of war. As such, Romanticism helped inspire a desire for “political unification and cultural self-definition” in response to the Napoleonic invasions and the subsequent Wars of Liberation, stretching from the mid-1790’s to 1814.¹⁹ The German Romantics eschewed liberal, Western politics, such as the reliance on written constitutions, believing them to be inorganic imposters to the spirit of the people.²⁰ In the period of wars and occupation, the future of a united Germany appeared tenuous; thus, the Romantics “nurtured a sense of self based on shared history, language, and customs.”²¹ Although not considered a political movement in itself, its general dogma had political applications, and many Romantic thinkers proffered political opinions. In 1806, Johann Gottlieb Fichte, in his Reden an die deutsche Nation, * affirms that:

“The first, original, and truly natural boundaries of states are beyond doubt their internal boundaries. Those who speak the same language are joined to each other by a multitude of invisible bonds by nature herself…they belong together and are by nature one and an inseparable whole.”²²

For Fichte, a political body is composed of similar, organic peoples, surrounded by the natural boundaries that their inherent

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* An ‘extreme rationalism’ characterized by the acceptance of reason as the supreme authority and the appeal to reason as an element existing separately from experience.

¹⁹ Kohn, 471.


²¹ Kohn, 466.

* *Addresses to the German Nation*

uniqueness creates. Since these boundaries are formed by the collective and special disposition of the group, the relationship between man and state was considered “intimate and highly personal; the state, an object of deep love and admiring devotion.”

Fichte reached the conclusion that the German nation had a great cultural destiny and believed that the nature of the German people would create a Germany equipped for a significant international position. Similarly, Friedrich von Hardenberg wished to make the state more visible, a more prevalent presence in Germans’ lives. For him, the nation was a divine work of art and “should be visible everywhere and every man should be characterized as a citizen.” Thus, emphasis on the German people as a political unit highlighted the unique characteristics of the “nation.”

This construction of the German nation did not rely upon a modern constitution, but rather the traditional customs they considered divine, customs which should remain as pure as possible. The Romantics approached politics in a way similar to other aspects of life: through feeling and emotion rather than facts and rationalism. Adam Müller elaborates on this approach when he argues, “the uniqueness of human situations forbids the application of principles derived by the analysis of some other situation,” thus advocating the view that politics is a specific, cultural experience rather than a universal, transferable institution. From this perspective the state must not be founded on the adaptable will of the majority, but on the specific “temper of the people.”

23 Kohn, 447.
25 Hereon referred to as Novalis
26 Ibid., 449.
27 Lougee, 639.
28 Ibid., 638.
Structurally, the Romantics, like Friedrich Karl von Savigny, believed that true laws and structures emanated from the *Volksgeist*, and that courts of law acted as its representatives, not as exponents of common reason. The laws of a people, like their language, were held to have a natural connection with the particular being and character of the nation. Laws that correlated directly with the moral character of the people were regarded as sacred, and as Müller believes, “the state is the intimate union of all physical and spiritual needs.” Both Fichte and Müller call on the Fatherland to awaken German hearts and minds to the highest good of the state: promoting the *Volksgeist*. Fichte, through his series *Reden an die deutsche Nation*, promoted the idea of nationality as a means for the German people to achieve their destiny and fulfill the idea of humanity. Additionally, in his work *Der geschlossene Handelsstaat* in 1800, Fichte maintains that “it is the state alone that united an indeterminate multitude of human beings into an enclosed whole, into a totality.”

Economically, the state must guarantee that every individual lives “in medieval phraseology, *convenienter*, as befits him.” These ideas presented by Fichte resemble an egalitarian political structure, ensuring that the German people continue to be ruled by the general wellbeing of the nation. Thus, according to the Romantics, the political union of people living in a state demands a total submission to the customs and traditions of the people.

Like the Romantics’ political conceptions, the National Socialist political program relied heavily on the understanding of the German people as a timeless race, with organic connections to the laws and traditions believed to have begun before the dawn of time. According to the NSDAP, the *Volksgeist*, emanating from

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29 E. P. Walton, Esq., “The Historical School of Jurisprudence and Transplantations of Law,” *Address delivered at the meeting of the International Academy of Comparative Law at The Hague, 1 August 1927*.
30 Kohn., 451.
* The Closed Commercial State
31 D’O. Butler, 37.
32 Ibid., 36.
the people, composed “the keystone of our entire government and völkisch life.”33 Similarly the NSDAP’s totalitarian state rejected conventional boundaries of status quo political policies and relied heavily on irrational ideals and emotions. 34 This newly built state reflected the Romantic tendency “toward a megalomaniac universalism, a Grenzenlosigkeit⁴ which manifested itself in taking things beyond their conventional limits.”35 As one NSDAP speaker, Joseph Grohe stated, “We fully open our arms and the gates of our movement … for the necessity to re-establish the German Volk community.”36 To reach the ends determined by the NSDAP ideology required a massive, total movement that mobilized the German people to idealize a common identity.

According to National Socialism, the role of the government was to unify the German people behind the purpose of serving a higher ideal: the National Socialist Weltanschauung.37 For the minister of propaganda, Josef Goebbels, careful coordination of the nation’s political will with aims of the state represented the essential role of the Gleichschaltung⁴ process. He stated, “this government is, in the truest sense of the word, a People’s Government. It derives from the people and it will always execute the people’s will.”38 Through propaganda, the NSDAP aimed to actively weld the nation together into a single identity with the individual being indistinguishable from the community of the nation. Like Fichte’s proposed egalitarian structure, the National

* Boundlessness
35 Ibid.
36 Stuckart, 377.
* Enforced community; synchronization
38 Ibid., 36.
Socialists affirmed the role of the people in order to maintain the general wellbeing of the nation and thus, similarly demanded a total submission to the customs and traditions of the people.

The *Volksgemeinschaft* held an essential role in National Socialist ideology. The community the National Socialist program envisioned consisted of a people who speak one language, possess the same culture, and “whose destinies were worked out in the course of a common history.” Legislation during the National Socialist regime embodied these Romantic principles pertaining to the purity of blood, the sacred German *Volk*, and language. According to The Program of the NSDAP (1928), Article VII, “the state shall make its first duty to promote the industry and the livelihood of the citizens of the state. If it is not possible to maintain the entire population of the state then the members of foreign nations must be expelled from the Reich.” Furthermore, the Nuremberg Laws on Citizenship and Race, signed September 15, 1935, affirm “the knowledge that the purity of the German blood is the necessary condition for the continued existence of the German people, and animated by the inflexible will to ensure the existence of the German nation for all future times.” Like the Romantics, the National Socialists constructed the German blood and race to embody the ‘true’ German identity, an identity inherent in the *Volk* and representing the legitimacy and raison d’être of the German nation.

Romanticism and National Socialism believed that national ideals should dictate the nature of governance. Hitler presented the critical role of the government as an arbitrator to allow the people’s state to evolve organically and to conform around the general situation of the present needs. In essence, National

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48 People’s Community
39 D’O. Butler, 73.
41 Ibid., 115.
42 Lichtenberger, 87.
Socialism took to heart the sentiments construed by Fichte more than a century before:

“[I]t is clear that very soon a higher level of national honor and a distinctly more decided national character would arise among a nation so enclosed, whose members only live among each other and extremely little with foreigners, who by those measures maintain their peculiar way of living, arrangements and customs, who love with attachment their Fatherland and everything pertaining to the Fatherland. It becomes a different, entirely new nation.”

The political unity founded on the identity that the NSDAP constructed through its legislation and propaganda corresponded to similar political perspectives in the Romantic era. In both epochs, the “community of the people, sustained by a community of will and a community consciousness of honor of the racially homogenous German people, constitutes political unity.”

Similar to the political affinities between both movements, the social understandings present in Romanticism resonate in the National Socialist Weltanschauung and definition of social relationships.

**Social Influences**

The nationalism expounded by the Romantics of the late 18\(^{th}\) and early 19\(^{th}\) centuries relied heavily on the idea of race to explain and justify their opinions regarding the German identity and nation. Their contemporary society, bombarded by anxieties derived from Napoleon’s Europe, absorbed racial concepts and ‘blood ties’ to construct a social paradigm delineating the Germans from other peoples. Society, representing a collective group of individuals brought together by interest and sharing an understood set of values among themselves, occupied an important place in Romantic thought and National Socialist

43 D’O. Butler, 45.

44 Stuckart, 328.
principles.\textsuperscript{45} Both movements placed a high value on the collective good, but National Socialism in the 20\textsuperscript{th} century exceeded the Romantics in the abolition of individuality by making the German nation, and its implicit identity, the totality of life.

In the Romantic era, thinkers conceived of society as necessitating a certain membership defined by race. The German Romantics highlighted race as a tool to build an identity constituted and derived from physically similar individuals. For the Romantics, the individual developed “in accordance with the common quality, as well as in accordance with his own peculiar quality,” and thereby lived inherently attached to the community.\textsuperscript{46} Race represented an intrinsic and undeniable connection to German ancestors which bound contemporary German society together. For Johann Gottfried Herder, “each ethnic group recognized its humanity through its consciousness of itself as a people,” and its unique qualities founded the fundamental relationship that connected the group.\textsuperscript{47} This social element was to be celebrated, for as Novalis believed, “only the capacity of the race is immeasurable. All plans must fail if they do not take into consideration the talents of the race in their entirety.”\textsuperscript{48} The ‘eternal race’ not only connected society to the past, but also reflected a vision for the future. For Friedrich Schlegel, “the concept of the nation requires that all its members should form as it were only one individual” and demands that ties of blood or common ancestry bond its members.\textsuperscript{49} Essentially, race represented an “indisputable testimony to common descent,” and the Romantics believed that the permanence of

\textsuperscript{45} Society as I have defined it in the context of this paper.
\textsuperscript{46} Fichte.
\textsuperscript{47} Birken, 37-44.
\textsuperscript{48} H. S. Reiss, \textit{The Political Thought of the German Romantics, 1793-1815} (Blackwell, 1955), 132.
\textsuperscript{49} Kohn, 457.
blood relations within the society would hold the nation together forever.  

This idealized, historical community evoked a certain social stability and harmony that the Romantics wished to import into their present. Historical interpretation of the ‘true’ German Volk formed the basis for this national community, composed of similar individuals. Such historical ties attracted the Romantic thinkers because those affinities seemed to guarantee the persistence of loyalty to the customs and habits of the people, and therefore to the community. The concept of individuality as understood by the Romantics required the individual to merge and identify with similar individuals and live a “full life according to their innermost emotions.” Generally, Romantic thinkers placed a high value on the individual and his potential. In his writings, Fichte asserted that individuality necessitated the absolute freedom for man and placed the Absolutheit des Ich at the center of his philosophy.

The Romantics recognized that individuals composed the entire national community and therefore stressed the ability of improvement at the individual level in order to pursue progress at the national level. Through their writings, the Romantics “ultimately subordinated the development of the individual person to that of a higher unity” to preserve the perceived peaceful spirit of the past. The individuals who composed the nation lived, “conditioned by the peculiar traditions of the national community,” traditions which were rooted in the past and valid only for the one identity or people. The emphasis placed on the group in Romantic literature illustrated it as a living embodiment of laws and traditions. For the Romantics, absolute

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50 Ibid., 460.  
51 Ibid., 454.  
52 Lougee, 631-65.  
53 Walzel, 54.  
54 Reiss, 7.  
55 Kohn, 456.
reason derived from the *Volksgeist*, thus the German spirit held ultimate authority.\(^5^6\)

Similar to the Romantics, the National Socialist program advocated a “national community which transcends social and class divisiveness through an ethnic unity based on ‘true German values’ rooted in the past.”\(^5^7\) Like the Romantics, the National Socialists insisted on the preservation of the “peasantry as the core of the German race” and idealized the past for the purposes of the present.\(^5^8\) Through its contentions, National Socialism defined the German based on racial identification; the Germany promoted by the NSDAP required a single race—a homogeneous identity—to live in a state of activated German-ness. For Hitler, the defining aspect of race was its power of hierarchical delineation, and he announced that the world “must bear in mind the fact that we are members of the highest species of humanity on this earth.”\(^5^9\) Through such racial doctrines, the NSDAP propagated the superiority of the German race, justified not only by reference in German history but also with contemporary ‘scientific data.’ The National Socialists treated the state as the means to an end—the preservation and maintenance of the “creative race in its purity.”\(^6^0\)

Under the Third Reich, race held a powerful position in society, and was designed and used to give individuals a sense of identity and belonging to a higher entity that was above rational criticism. Like the Romantics, such ideas appealed largely to emotion, but the NSDAP also drew on modern science to establish racial doctrines. Race answered only to fate; each person belonged to a

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\(^5^6\) Walton, 
\(^5^8\) K. Hildebrand, *The Third Reich* (Routledge, 1991), 44. 
\(^6^0\) Lichtenberger, 138.
certain race by the virtue of biology or destiny.\textsuperscript{61} The destiny of the German race was believed to be contingent upon a \textit{Volksgemeinschaft} of racially homogeneous individuals surrendering to the uniform ideology of National Socialism.\textsuperscript{62}

National Socialism demanded the subjugation of the individual for the good of the nation.\textsuperscript{63} The NSDAP program planned to develop, groom, educate, and mold a new type of man, a man who found meaning in the German identity as defined by the party.\textsuperscript{64} This identity, artificially designed to be “only one cell in the organic tissue called race,” allowed the individual to find total identification within “the will of the folk.”\textsuperscript{65} These ideas paralleled with Romantic philosophies concerning the relationship between individual and community: the individual should live in a way that preserves and enhances the nation. However, a significant rupture between Romanticism and National Socialism lies in the identification and implementation of the individual’s role in society. While both movements held that the individual lives according to communal standards, the NSDAP demanded that the individual should live liberated “from the bonds of individualism” and acquiesce to “the subordination of everything for the good of the nation.”\textsuperscript{66} Under National Socialism, the community took precedence over all individuals, and represented a total entity which destroyed all individualism.

The destruction of individualism in the Third Reich crystallized the glorification of the \textit{Volksgemeinschaft. Bindungen an Blut und Boden},\textsuperscript{*} the notion of a “mystical blood bond between members

\textsuperscript{61} Tal, 111.
\textsuperscript{63} Martyn Hausden, \textit{Resistance and Conformity in the Third Reich} (Routledge, 1997), 5.
\textsuperscript{64} Rempel, 176.
\textsuperscript{65} Tal, 25.
\textsuperscript{66} Hausden, 5; Tal, 8.
\textsuperscript{*} Bonds of Blood and Soil
of the same national community,” resonated through National Socialist propaganda, continually underscoring the significance of community, and specifically, the community of the blood. For the NSDAP, the individual could only be considered one member of the whole community, a community defined socially, and territorially, as the ‘Aryan race.’ Although the subject of race was present in Romantic thought and literature, National Socialism’s use of it perverted the Romantics’ original conceptions. National Socialism promoted race as a source of inherent unity and identity in order to justify the annihilation of different ‘races.’ For them, race was the fundamental element of societal identification guaranteeing the continuation of their race. The community created by the NSDAP, contingent upon racial doctrines and laws, completely erased the individual and any creative genius the Romantics celebrated in the individual. This surrender of the individual man and his peculiar capacities to a higher entity continued under the National Socialist process of Gleichschaltung,* which attempted to unify various cultural elements to ideologically enhance the state control.

**Cultural Influences**

As an aesthetic revolution, the heart of the Romantic epoch appealed to the German culture. As a movement, it claimed to unearth and awaken the latent spirit of the people and ultimately attempted to provide that spirit with the means of expression and identification. Culture embodies the channels of expression through which language and literature, certain traditions, and the arts appear to manifest a corporeal quality among a people. In the Romantic period, such channels allowed the Volksgeist to carry a unique, inherent, and timeless signature. National Socialism also claimed to awaken the suppressed German spirit and celebrate the achievements of its Romantic forefathers.

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67 Stackelberg.
68 Mosse, xxxvii.
* Enforced community; coordination
69 Culture as I define it in the context of this paper.
National Socialist culture focused on identifying ‘true’ German culture “by blood and spirit” and distinguishing the “German from alien,” duties for which the *Reichskulturkammer* was created.\(^70\) While both movements professed a return to true *völkisch* values and traditions of historical Germany, National Socialism transcended the demands and standards concerning the Romantics’ conceptions of culture by rigidly imposing the process of *Gleichschaltung*, which in the end suffocated the creative essence celebrated in Romantic times.

Romantics believed that “the original, moral character of a people, its customs and peculiarities, must be regarded as sacred.”\(^71\) The culture of the German people found expression through the *Volksgeist*, the spirit which provided a significant identification and also a certain authority. According to the Romantics, the *Volksgeist* embodied “great national memories” which represented a desire to perpetuate the past in the present, thus serving as a source of “preservation and glorification of which constitutes the most excellent task of poetry.”\(^72\) The literature produced during the Romantic epoch concerned a variety of subjects, but focused on the mystical appeal of emotion. As Novalis expressed, “our language—it was very musical in the beginning… It should once again become song.”\(^73\) Romanticism attempted to resurrect Germany’s history through poetry and stories to make them not only more accessible, but also more applicable to the present. Language and literature, therefore, gained a central position in German Romantic culture and the Romantics highlighted its ability to bind the society together while simultaneously rooting it to the past. Fichte’s

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\(^6\) The National Chamber of Culture

\(^70\) Robert A. Brady, *The Spirit and Structure of German Fascism*, (Howard Fertig, Inc. Edition 1969), 84.

\(^71\) Kohn, 460.

\(^72\) Kohn, 463.

Fourth Address illustrates the difference between the Germans and the “Other Peoples.” He asserts that “the German speaks a language which has been alive ever since it first issued speak a language which has movement on the surface but is dead at the root.” By comparing the roots of the German language to those of other peoples, he asserted that the German language holds the most authenticity resulting from its relationship to history and nature. For the Romantics in general, both the origins and usage of the German language were a cause for celebration for its significance to the Volksgeist.

Similarly, art glorified the past within the context of the present. Both music and painting flourished during the Romantic period in Germany, glorifying nature, emotions, and history. German painters produced visual images depicting the “German people’s affinity with nature, and a national character that evinced strength and spirituality.” This reverence for imagination, mythos and an idealized Middle Ages found an audience receptive to its mystic appeal. Considered and portrayed as an inherent connection to history, the German landscape offered a view into the past, untouched by modernity.

For National Socialism, propaganda highlighted the party’s connection to past German cultural achievements in order to offer it not only legitimacy, but also roots. By citing and presenting the accomplishments of the Romantics, the NSDAP concurrently asserted the greatness of German identity and culture. In July 1937, the NSDAP opened the Exhibition of German Art to display exemplifications of “Nazi culture through the instrumentality of visual art.” In the opening speech for the exhibit, Hitler said, “in speaking of German art I shall see the standards for that art in the German people, in its character and

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74 D’O. Butler, 45.
76 Mosse, 3.
life, in its feeling, its emotions, and its development." For Hitler, art represented more than mere aesthetics, it embodied a way of life through its simplicity, morality, and völkisch sentiments. Extracting the nationalist appeals from the arts of the Romantic era, the NSDAP characterized its movement with a celebrated point in German history. In essence, it encapsulated and visualized the birth of a new order, and the rebirth of the German nation.

Similarly, literature and the glorification of language occupied a large element of National Socialist ideology. Many authors of the Third Reich, like Josef Nadler, wrote literary histories of German lands and tribes, attempting to determine the particularities and differences distinguishing the Nordic* race from other races. Similar to Romantic writers who stressed the natural, cultural groupings constituting a people, National Socialist literature stressed the importance of self-identification and cultural-historical developments. The NSDAP maintained, as Fichte argued over a century earlier, that the uniqueness of language represented “the index of all-pervading originality and superiority;” language embodied an inherent quality of German identity and culture, exclusive to Germany alone. By emulating the sentiments of the Romantic period, the National Socialists deliberately channeled a familiar aspect of cultural history in order to mobilize the German population.

Channels of German expression and identity were regulated by the National Chamber of Culture in order to control the

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78 Mahoney, 275.
80 Gilman, 48.
82 D’O. Butler, 45.
population. The NSDAP’s cultural policy involved the purification of Germany through the elimination of alien influences while simultaneously rejuvenating “true German culture to produce a vibrant Volk.” Nostalgia for the past, similar to that of Romanticism, manifested itself in the rejection of Western and other foreign influences. National Socialist propaganda blamed the post-war deprivation on outside influences and simultaneously advocated the “cultural purification of Germany and a return to a pre-modern völkisch community.” For this reason, the Reichskulturkammer tightly controlled the manifestations of culture to maintain and support the National Socialist idea of the total Gemeinschaft. For National Socialists, the German culture “was a reflection of the very soul of the people,” providing a means of emotional and passionate, albeit restricted, identification.

Despite the presence of Romantic derivatives in National Socialist cultural conceptions and standards, the tightly controlled conduits of German identity placed on every aspect of life sharply contrasted with the Romantic notion of individual freedom and soulful expression. Processes such as Gleichschaltung represented deliberate attempts to synchronize cultural expression in a way that supported the power of the state. Such efforts by the National Socialists present a departure from the Romantic desire of emotive freedom and identification. Essentially, instead of providing the means for the culture to flourish in Germany, National Socialism extinguished all of the ways in which the German people could truly grow.

Conclusions

In the end, both Romanticism and National Socialism revered history as a justification for collective mobilization. As

83 Bendersky, 52.
84 Ibid., 41.
85 Ibid., 150.
demonstrated through several channels of expression, the NSDAP’s movement and many of its claims appealed to the celebrated ideals of the German Romantic era. In Romanticism, examination of German history was used to manufacture a national identity, with foundations based on blood, language, nature, and history. Spawned from the perceived threats from France and the Enlightenment, Romanticism aimed to trace German identity through history in order to relieve the insecurities presented by Germany’s lack of cohesive, national identification in the early nineteenth century. Likewise, National Socialism was born of uncertain times and persuaded the post-World War population of the importance of Germany’s past and its unique character as a cure to its current crisis. Claiming to awaken and promote the values of the Volkskraft, the NSDAP mobilized nationalist ideas of race, language, traditions, and spirit to construct an identity comparable to the Romantic era. Thus, twentieth century National Socialism mirrored certain elements of German Romantic principles concerning the political, social, and cultural composition of Germany, appropriating them to build a destructive form of German nationalism. Both movements highlight the power of the retrospective eye to validate claims and construct identities

However, in both extent and means, National Socialism perverted the spirit of Romantic thought. While there exist common threads between both epochs, National Socialism operated on an entirely different level. Essentially, the NSDAP’s main objective “was to unify the German people behind a single thought and purpose.” National Socialism created and disseminated an ideology based upon Romantic traditions and myths, declaring itself to act above rational criticism. Additionally, the organization’s fixation on a dictatorial leader and its implementation of ruthless demands for conformity demonstrate significant divergences from Romantic thought. The oppressive

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86 Welch, Nazi Propaganda: The Power and the Limitation, 3.
87 Lougee, 645.
demands of National Socialism attacked a fundamental cornerstone of Romanticism: the power of individual characteristics to enhance that of the overall group. The NSDAP’s totalitarian state demanded complete obedience, and while expounding its claim as the representative of the *Volksgeist*, the NSDAP attempted to destroy the particularities that characterize the individuals who compose the population. National Socialism’s totalitarian state fabricated an ideal image of a strong, obedient, and nationalist German man in place of one who could think and live based on emotions derived from his individuality. Despite its mobilization of Romantic ideals concerning the German identity, the invasive political structures and institutions of National Socialism crushed the individual capacities so admired by the Romantics.

Similarly, the NSDAP far exceeded the conception and application of race as understood by the Romantics. For both movements, race served as a tool for self-definition and identification; an inherent separation between the ‘other’ and the German. In Romanticism, racial identity centered on the peculiar characteristics of the people. While National Socialism still cited such arguments, the policies and ultimate use of race served more than just a means to celebrate the German people; it became a justification for systematic ostracism and annihilation of millions of people of different ‘races.’

Similarly, the cultural manifestations of National Socialism, while emphasizing parallel aesthetics, produced vastly different results. While the contents of nationalistic sentiments remain congruous between each period, the totality of the demands and applications of such sentiments by the NSDAP profoundly exceeded those of Romanticism. Over a century before Hitler’s rise, the movement started by the Romantics celebrated conceptions of the good and beautiful, relying on the past to fulfill the perceived void of its present. National Socialism shared the sense of *Sehnsucht* with its

* The longing for all which is wished and all that is lost
Romantic forefathers, but in addition to the fundamental, myth-like celebration of German-ness, the NSDAP not only rejected any elements considered non-German but also attempted to eliminate them. The various manifestations of such passions in National Socialism present a veritable rupture with Romanticism. In Romantic ideology, emotion should guide the actions of the individual, for it is such passions that lend life its meaning.

As a total movement, National Socialism demanded conformity and participation in every aspect of life as defined by its ideology. Everything connected to the conception of culture “was subject to absolute control of the state,” rendering the entire culture an aberration of what the Romantics celebrated. The creation and implementation of Gleichschaltung policies engendered a “complete coordination of all political, economic, social, religious, and cultural activities” in the state. Furthermore, National Socialism’s use of contemporary technologies, such as cinema and radio, allowed a more effective promulgation of its ideas. Such policies were thought to consolidate the power of the NSDAP by fusing every element of German life, constituting a total, controlled culture centered on the “common truth” that confirmed the supremacy of Germany. This ‘common truth’ manifested itself within every aspect of daily life, creating a totalitarian state which clashed with the visions of the Romantics. Nevertheless, the foundational arguments of national identification presented in National Socialism’s political, social, and cultural paradigms drew directly on ideas of the Romantics. National Socialism’s factual presentation of myths, such as the idea of race, glorification of the Volk, and reverence for Germany’s history reflect an idealization of the German people and identity congruent with that of Romanticism.

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88 Lougee, 644.
90 Ibid. 36.
91 Alan F. Wilt, Nazi Germany (Harlan Davidsom, 1994), 35.
92 Snyder, 37.
Ultimately, the relationship between German Romanticism and National Socialism exhibits the power of collective memory in constructing salient identities in conjunction with historical events and ideas. National Socialism brought to consciousness the underlying power of biased historical interpretation which the Romantics unearthed more than a century before. National Socialism’s misuse of Romantic ideals to form and solidify its totalitarian state demonstrates the power of historical events in shaping identity and legitimizing certain actions. Through its use of political, social, and cultural elements, National Socialism fundamentally perverted the essential elements of Romantic thought. The NSDAP far transcended the celebration of the German people inherent in Romanticism, mobilizing Romantic ideals to elevate the German identity while de-humanizing and attempting to eradicate others.

History rarely rests peacefully. Rather, it is continually resurrected in the context of the present to fulfill certain demands or perceived inadequacies. As Hannah Arendt wrote, the past, “reaching all the way back into the origin, does not pull back but presses forward, and it is, contrary to what one would expect, the future which drives us back into the past.”93 National Socialism’s adoption and malignant use of Romantic principles to shape identity reveal that history has the capacity to significantly influence contemporary times, and moreover, that interpretations of history are not neutral. Identities derived from historical perspectives remain a powerful force in the examination of the human condition and how people address the voids of the present and the uncertainty of the future. To identify and understand such phenomena enables us to examine not only our relationship to ourselves and to our societies, but also to humanity itself.

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Private Military Contractors: Shifting International Norms Regarding Mercenaries in 21st Century Warfare

Justin Dugyon*

With the ongoing conflicts in the Middle East arising out of the Global War on Terror, current military practices are under increasing scrutiny. One of the most controversial topics related to 21st century warfare is the use of private military companies, which have become more and more prevalent with the intensification of the U.S. military presence in combat areas such as Iraq and Afghanistan. This paper seeks to outline the proposed rationale behind the use of private military forces (sometimes referred to as defense contractors). It attempts to relate this concept to the understanding of the “legitimate use of force,” and how this understanding has evolved throughout history.

The Global War on Terror (GWOT) has profoundly altered the international political order. In its pursuit to eliminate terrorist threats across the globe and to protect our national security, the United States military is currently engaged in two major theaters of war: Afghanistan, and to a lesser extent, Iraq. The execution of the GWOT has necessitated a radical transformation of the structure and focus of the U.S. military. 21st century warfare is characterized by highly advanced weapons

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technology, increased emphasis on clandestine operations, and a reevaluation of the use of mercenary force. In the words of former Secretary of Defense Donald Rumsfeld, in modern war “[w]e must promote a more entrepreneurial approach: one that encourages people […] to behave less like bureaucrats and more like venture capitalists.”1 This new attitude is representative of the paradigm shift in modern American warfare, in which we see a rise in military spending and an increasing emphasis on defense contractors and other non-traditional military forces. The government’s contracting out of the use of violent force is a highly contentious issue, and many of these military policies have been sharply criticized. The phenomenon of increased reliance on private military forces has raised a number of questions regarding the traditional relationship between the state and the monopoly of the use of violent force. It has raised other ethical questions as well, such as the morality of waging war with soldiers whose fundamental motivation is payment, rather than a sense of duty and self-sacrifice towards the fatherland.

The purpose of this paper is to chronicle the evolution of the legitimacy of mercenary activity through an examination of that institution as seen through the eyes of various political theorists. This paper intends to show philosophical and pragmatic considerations that have animated this phenomenon throughout history. In order to understand current U.S. policy regarding the use of private military companies, one must step back from the pejorative connotations associated with mercenarism and look at the phenomenon objectively. Therefore, we will start at a brief summary of the current military situation within the context of the GWOT. We will then move on to a broader discussion of the use of mercenary force throughout history and connect that with the evolving political theory regarding the relationship between the state and its responsibilities regarding military power.

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The 21st Century: Private Military Contractors and the Global War on Terror

We must begin by establishing the background and history of the use of the private military contractors in modern warfare. First, the modern private military contractor (PMC) as a military institution differs substantially from the older, more traditional idea of a mercenary warrior, despite the fact that contractors occupy basically the same place in the structure of military operations. The modern manifestation of the mercenary army is an evolution from the original “dogs of war” into a modern corporate entity, driven by the free market dynamics of supply and demand as well as the political forces that are advancing globalization. Moreover, the private military industry is structured like any other corporate industry that produces goods and services. PMCs are also characterized by offering a much wider variety of services other than simply being guns for hire. In describing the nature of the modern PMC, political scientist P.W. Singer, Senior Fellow at the Brookings Institution, says “[PMCs] are corporate bodies that offer a wide range of services, from tactical combat operations and strategic planning to logistical support and technical assistance.” Thus, private contractors are engaged not just in direct operational support to modern military forces, but in everything from security protection and surveillance to training, consultation, and even cooking and cleaning. It is important to note that all these services provided by PMCs had been originally provided by regularly enlisted citizen-soldiers before their recent proliferation.

Nowhere is the modern use of PMCs more apparent than in the major areas of operation of the GWOT, i.e. in the wars of Iraq and Afghanistan. As of June 2009, Iraq and Afghanistan have a combined total of 243,735 private contractor personnel directly or indirectly supporting military operations in both countries,

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according to statistics put out by the Department of Defense (DOD). The number of uniformed personnel in the same area is roughly estimated at 282,000. This represents a ratio of .87:1 of private contractors to civilian personnel.\(^3\) It must be understood that this estimate includes all private contractors in the region, including unarmed personnel who have been contracted out to provide services such as laundry, foreign language translation, or construction on military bases. Armed contractors, such as those that protect diplomatic convoys and political VIPs, account for a fraction of the total private contractor force, and these are simply designated as private security contractors [PSCs]. Government estimates put the number of PSCs in Iraq at roughly 13,145 personnel, merely 11% of the DOD private contractor work force.\(^4\) Also, this study provided for Congress by the DOD does not include the military contractors that are employed by the U.S. Department of State, or by other non-state entities such as NGOs or private business corporations. These statistics demonstrate a very high number of private military contractors, armed or otherwise, deployed in the service of the United States government and its foreign policy objectives. Whether they are security contractors, trained to act with violent and possibly deadly force, or merely private contractors engaged in technical, logistical, or other non-combative support services, the fact remains that the total of the military force that is currently being used by the United States in its execution of the GWOT is almost a 50/50 split between the private and public actors.

The public’s interest and subsequent outcry at the use of PMCs in modern warfare has been strong, especially after the highly publicized scandal of the Abu Ghraib prisoner abuse, in which some of the perpetrators were United States military contractors, or the equally scandalous and tragic incident in which four PSCs were ambushed in their military convoy, their bodies ultimately

\(^3\) Moshe Schwartz, CRS Report - The Department of Defense’s Use of Private Security Contractors in Iraq and Afghanistan: Background, Analysis, and Options for Congress, 5.

\(^4\) Ibid., 8.
being hung from a bridge in the Iraqi city of Fallujah. Even members of the military and political establishment have sharply criticized the private military industry. For example, Jeremy Scahill is the author of the international bestseller *Blackwater: the Rise of the World’s Most Powerful Mercenary Army*, in which he constructs a scathing exposé of the practices of the American private military industry and the U.S. government, using the private military company based out of North Carolina, Blackwater USA, as the primary target of his attacks. In his book, Scahill quotes Joe Wilson, former United States Ambassador to Iraq, who opined to author that “it’s extraordinarily dangerous when a nation begins to outsource its monopoly on the use of force and the use of violence in support of its foreign policy or national security objectives.” The fear that the modern nation-state is losing its “monopoly on the use of force” is one shared by many other political commentators as well.

As evidenced by the strong reaction to these and other events surrounding PMCs in Iraq and Afghanistan, it would seem that the taboo against mercenary use in the GWOT (or in war generally) is alive and well, at least in the minds of the media and much of the general public. However, while one should not deny or attempt to cover up PMC abuses in Iraq or Afghanistan (which is undoubtedly the source of much of the public’s mistrust and anger), final judgment on the use of private military contractors as part of our national security policy must be informed by a careful and objective study of the use of mercenary

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force and private military companies in the context of history. One must carefully weigh the practical and theoretical considerations that led to various societal perspectives on the legitimacy or illegitimacy of the use of that force, in order to have a better grasp of the various ethical and moral questions that surround the use of private military companies in warfare today.

**Soldier of Fortune: The World’s “Third” Oldest Profession**

Although this paper aims to critique a modern military phenomenon, it is important to note that PMCs have their roots in a very old military institution. One can find countless examples of the use of mercenary forces in society, from the ancient times to the modern age. For example, many political scientists like P.W. Singer have noted that civilizations from Ancient Egypt to Victorian England have utilized private contract military forces, loyal to no single state or nation. One of the more famous stories from ancient times is about the deeds and exploits of an entire host of mercenaries known as the Ten Thousand, an army of Greek soldiers who in 401 BC fought under the command of Cyrus the Younger in his attempt to gain control of the Persian Empire. The *Anabasis*, written by the famous Greek historian Xenophon (himself a mercenary warrior in the army of the Ten Thousand), chronicles their journey across what is now modern-day Turkey and Iraq, and back toward the Black Sea. Their expedition has been described by many as one of the greatest adventures in human history.

By the 15th century in Italy we find mercenarism entrenched in the military structure of the various Italian city-states. This particular form of mercenary was called a *condottiero*, the Italian

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7 Mercenarism has been often described as the third oldest profession after prostitution and spying.
word for contractor. Much like private military contractors of the modern age, the condottieri's military services were outlined in their condotta, or contract. These condottieri hired themselves out to the various kings and princes of Europe, and they were especially popular with the Italian city-states, which were constantly at war with each other. The city-states either would not or could not raise citizen armies of their own, and so had to rely on the mercenaries to fight their wars for them.

Against the backdrop of this state of affairs, the preeminent political theorist of the Italian Renaissance, Niccolò Machiavelli, attempted to instruct the political leaders of his time in matters of statecraft. Thus, Machiavelli wrote Il Principe, or The Prince. An important theme in Machiavelli’s instruction to the prince is the maintenance of his political control. Part of this entails the complete rejection of the use of mercenary arms. In the political writings of the West up to this time, there had been no formal condemnation of their use; they were accepted as a matter of course, and used when it was deemed necessary to win the war. However, Machiavelli is explicit in his censure of mercenaries, and forcefully cautions the prince against relying on them. As Machiavelli says in Book XII of The Prince, “The mercenaries […] are useless and dangerous, and if any supports his state by the arms of mercenaries, he will never stand firm or sure, as they are disunited, ambitious, without discipline, faithless, bold amongst friends, cowardly amongst enemies, they have no fear of God, and keep no faith with men.”

He goes on to say that mercenary armies will threaten the power and control that the prince has over the state. The prince must rely on his own men, men that he can trust and who he knows are loyal to him and to their country. Machiavelli is making a definite argument for a citizen army, one that fights for an ideal that is embodied in their nation and not for pecuniary interests.

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Machiavelli’s theory regarding mercenarism has a very practical purpose as well, which has translated well into the modern world. Machiavelli’s strong condemnation of mercenary forces and explicit instruction against their use are, in large part, a reaction to the political realities of his time. At the time Machiavelli was writing *The Prince*, the condottieri exercised an inordinate amount of control over the Italian city-states and their rulers. Machiavelli laments the state of affairs across Italy, writing that “the ruin of Italy is now caused by nothing else but through her having relied for many years on mercenary arms.” On a very practical level then, his criticism of mercenary soldiers is based on his theory that citizen soldiers would be much more akin to the interest of the prince and the maintaining of the state. In a piece written for the *Journal of Military and Strategic Studies*, author Scott Fitzsimmons expresses this in a very rational and utilitarian way, saying that the argument in *The Prince* against the use of mercenaries and concurrent advocacy for citizen armies is “based explicitly on Machiavelli’s perceptions of mercenaries’ relative utility for implementing the defense policies of states and the problems caused by employing mercenaries.”

Machiavelli commentator J.G.A. Pocock gives us a very clear picture of the dichotomy between the mercenary and the citizen soldier. He writes:

“[M]ercenaries appear as half-hearted because they are ignoble; they fight poorly because they are not part of what they fight for; they lack virtus in the field because they lack that virtus which can be exercised only in the city. Citizens with arms in their hands, by contrast, can not only be praised as exemplifying Periclean virtue.”

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10 Ibid., 45.
Nevertheless, whether the emphasis is on utility or on civic virtue, Machiavelli’s fundamental caution to the prince is the same: rely on your own forces, for mercenaries are a dangerous threat to the republic.

At least at the outset, it does not seem that Machiavelli was very successful in his remonstrance of the use of mercenaries. Prussia and Great Britain, who well into the 18th century were using mercenary troops, stand in contrast to the ideal’s set forth in Machiavelli’s political theory. For example, Hessian mercenaries were used by the British in the Revolutionary War. Military forces that are essentially mercenary in character still exist even today, though admittedly on a much smaller basis. The French Foreign Legion and the Swiss Guard in the Vatican are both modern day examples of the old institution. Machiavelli’s argument in the 15th century was by no means accepted universally as a new norm. The concept of the nation-state and the political institutions associated with that notion, such as standing citizen armies, were not fully developed ideas in European political theory at this time. However, people in the western world would soon develop a new understanding of socio-political relationships within the framework of a concept that shared similar qualities with Machiavelli’s ideal: the nation-state predicated upon a common vision of political and social unity. This new socio-political conception was about to take hold in Europe and would help solidify the norm against mercenarism and its gradual acceptance in both political and military policy.

**Enlightenment Political Theory and the Monopoly of the Use of Force**

It would seem that Machiavelli’s argument for a citizen army presupposes that such citizens are willing to fight for the state in the first place. This motivation may come from a variety of places, such as civic virtue or love for one’s patria. Such sentiments ought not to be discounted. Indeed, they have been the animus of generations of warriors. Nevertheless, the citizen’s
motivation may not be civic virtue alone, or may be qualified. There must be something that is underlying, something that animates the love of one’s country. The relationship between the individual and the state must be mutually beneficial. If the state is to expect its citizens to fight, then it must provide benefits to the citizens at the same time.

In the centuries following Machiavelli’s writing, his conception of the nation-state became more prevalent in western political philosophy. There are a number of reasons for this. For example, the first half of the 17th century was a tumultuous time for Europe. Besides the violence and turmoil, the Wars of Religion that swept across the continent after the Protestant Reformation contributed much political instability. This only ended with the Peace of Westphalia in 1648. The Peace of Westphalia is significant in that it helped usher in a new political order, i.e. that of the nation-state. As stated by Schreier and Caparini:

“[T]he idea of states as providers of security became constitutive and defining for modern statehood. Ever since the 18th century, states have monopolized violence with the ability to raise armies and wage war. Governments have conscripted or enlisted their own citizens to secure their citizenry and sovereignty from internal and external threats. Citizens fought wars in the name of the state, out of loyalty, nationality, and ideology.”

Thus, the rise of the nation-state created the political conditions necessary for the norm against mercenarism to take hold. There was now an established political order that allowed people to identify themselves with a particular nation. The people saw the benefits of this rationale. It became apparent that there was a high level of stability in a state where the citizens shared a common ideology, culture and ethnicity. This growing self-

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identification with the nation-state strengthened the people’s sense of investment in their country. The nation came to be something worth fighting for because there was a very real sense that it belonged to the citizen and that it was inherent to their identity. The rationale behind the rise of the nation-state, and with it the rise of this new way of thinking about one’s political and social relations, became infused in the philosophies of the Enlightenment. The political thinkers of this age, besides laying the foundation for modern democracy, did much to build the theoretical framework for the rejection of the private use of violent force. The idea that the state had a monopoly on this power began to be developed during the Enlightenment period.

We can see this theoretical framework for the monopoly of force within the political philosophies of the social contract theory, introduced by thinkers such as Thomas Hobbes and John Locke. The basic premise of the social contract rests on the dichotomy between the state of nature (Hobbes styles it as the state of war) and the social state, or civil society. As Hobbes says in the *Leviathan*, life before civil society is a *bellum omnium contra omnes*: a war of all against all. Again, according to Hobbes, life without civil society is described as “solitary, poor, nasty, brutish, and short.”

John Locke’s characterization of the state of nature is not as stark as Hobbes’. In Locke’s interpretation of the state of nature, men are equally free to dispose of themselves and their possessions as they see fit. Nevertheless, their actions are still bound by the law of nature. The only time that the state of war arises in Locke’s theory is when a man attempts to take away from another man what is his rightfully his own, such as life or personal property.

The problem that underlies both theories is that the state of nature is inherently unstable and anarchic. In the state of nature, there is no authority that will enforce any kind of guarantee of the

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safety of one’s own life or personal property. According to both Hobbes and Locke, this is one of the main reasons that men leave the state of nature and form civil societies. Locke says in his *Second Treatise on Government*, “[f]or where there is an Authority, a Power on Earth, from which relief can be had by appeal, there the continuance of the State of War is excluded, and the Controversie is decided by that power.”\(^{15}\) Civil society is seen as the check against the potential injustices and mishaps that threaten man constantly in the state of nature.

However, enjoying the protection of the state in the state of society comes with its sacrifices as well. By living in civil society, man must give up the exercise of that executive power which he possesses in the state of nature. It is by this power that man executes the natural law, which authorizes him to use the force necessary to go after those who are actively in pursuit of limiting personal liberty, taking personal property, and directly going after one’s own life. The natural executive power that is inherent in man must be handed over to the state, who in turn exercises it for the benefit of the common good. As Locke states:

“[T]hough every Man who has enter’d into civil Society, and is become a member of any commonwealth, has thereby quitted his power to punish Offences against the Law of Nature […w]herever therefore any number of Men are so united into one society, as to quit every one his Executive Power of the law of Nature, and to resign it to the Publick, there and there only is a Political, or Civil Society.”\(^{16}\)

Thus, the object of the executive power changes from personal good to public good. It is the state, and not the individual, that exercises the executive power in almost all cases.


\(^{16}\) Ibid., 325.
However, the important implication for this paper is that the social contract theory establishes clear and rational principles for the rejection of the use of private force. The state of nature, in which private force is sanctioned, has been firmly established as a terrible and inferior state in which man can live. The benefits of civil society have been clearly exposed, and these principles have been ingrained in the political structure of much of the Western world. In the post-Enlightenment world, political theorists and statesmen would always turn to the democratic principles of the social contract to protect the people and the state whenever the prospect of anarchy or civil unrest was foreseen. Even in the early 20th century, the stability of the nation rested on the relationship between the state and violence, a relationship which the political theorist Max Weber characterized as an especially and necessarily intimate one. Against the backdrop of extreme political instability in post-World War I Germany, Weber gave a lecture titled *Politik als Beruf*, or *Politics as a Vocation*. In it he outlined the definition of the state according to the principle of the public monopoly of the use of violent force, which had been outlined previously by the Enlightenment thinkers. According to Weber, “we have to say that a state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.”\(^{17}\) Thus, Weber gives his opinion that the modern concept of the state, which has been developing in western political theory since Machiavelli, is to be considered the only legitimate source of the use of violent force. At the beginning of the 20th century, we have an explicit definition of the state which affirms the ideal that was laid out by Machiavelli regarding military power and the use of force. In other words, legitimate government and the use of violent force must go hand in hand. Weber adds that this monopoly may be distributed to other institutions or individuals, but only if the state permits it. Weber’s political ideas at the turn of the 20th century have their basis in the political philosophies born out of modern Europe.

Nevertheless, during Weber’s lifetime changes in the predominant social and political order were beginning to come about, changes that would have a profound impact on the way that policy makers viewed what was and was not legitimate regarding the use of force and the exercise of executive power.

In light of Weber’s definition, one might make the argument that this concept still applies even today. For example, despite the fact that modern states like the U.S. are starting to emphasize the use of PMCs, one might say that this is simply an extension of the state’s monopoly on the use of violent force through its power to contract with individuals or entities in the private sector. Whether the modern state has the power to do this, especially when it comes to warfare, is a question that has been intensely debated. Regardless of where one falls in this argument, it is clear that the use of PMCs in modern warfare represents a dramatic shift, one might even say violent break, from the traditional conception of the close and unequivocal relationship between legitimate government authority and military power. Especially within the framework of democratic government that has been so prevalent in the western world, the trend toward PMCs can be seen as distorting the people’s link to their government and its military and foreign policies. Nevertheless, proponents of PMCs point to a new socio-political shift that has necessitated a shift in the understanding of proper military activity. Thus, a new understanding of the use of violent force is necessary to meet the challenges of the 21st century.

**The Postmodern Age: New Political Realities and a Reevaluation of Norms**

The 21st century has been a particularly trying time for The United States of America, as its people and its government struggle to maintain its global identity in the face of a rapidly changing world. For almost a century now, it has been seen as the general provider of security and stability for the rest of the world. In the 20th century, it was seen as the staunch defender of
individualism and human rights in the face of crushing totalitarian ideologies such as fascism global communism. Even today, it is viewed by many as the world’s leading superpower, and the president of the United States has often been called the “leader of the free world.” Also, from its inception it has been viewed as an inheritor of the political philosophy of the Enlightenment, carrying on the theories of the social contract and enshrining them within its founding documents and governmental structure. Because of America’s political and cultural heritage, one can say that the principles of the Enlightenment still live on today.

However, despite this heritage, the United States, and indeed the entire world, is faced by the surge of a radically new political order. It is one that is constantly changing and adapting, and it is slowly starting to change everything in our world, from social relationships and identities to global communication. Everyone talks about globalization and comments on the increasing interconnectedness of human beings and the growth of international collaboration. Whereas nationalism characterized the majority of societies from the time of the Enlightenment up to World War II, the 21st century could be characterized by a growing sense of a more international spirit and identity. It is a time in which the citizen’s identification with the nation-state, and the political authority that results from that relationship, is starting to lose its hold. In their essay dealing with the regulation of PMCs “Privatising Security: Law, Practice and Governance of Private Military and Security Companies,” Schreier and Capparini state that “[p]rivatization is not only manifest in the increase of civil strife and internal conflicts around the globe, pitting states and non-state forces against each other. Recent events [around the world] have heralded the return of paramilitaries led by warlords and mercenaries.”

Also, transnational organizations such as NGOs and the United Nations are further eroding the nation-state’s political autonomy and its monopoly on the use of

violence. Furthermore, the growth of international crime, manifested by global terrorism and international crime syndicates, are all examples of the privatization of war and the use of violence. In today’s world, we see the authority of the nation-state being challenged by the political and social institutions of the modern day. The forces of globalization are attempting to transcend the traditional conventions of political and national boundaries that were set up in the period following the Peace of Westphalia.

The current state of affairs in the world today has had a profound impact on the perception of the use of mercenary arms. What was once considered illegitimate is now being reassessed, and what was once taboo in much of the developed Western world is no longer considered taboo. We have a long way to go before we go back to a universal acceptance of mercenarism, but in this increasingly global world the fact that this is a topic of increasing debate is revealing of what may prove to be an ever-increasing trend in military affairs. What is even more revealing is the United States government’s virtually open acknowledgement of the use of private military contractors in the GWOT.

How did we come to this particular state of affairs? To answer this, we must put the growing trend toward globalization and internationalism in the context of recent history and modern political realities, which are themselves results of the end of the Cold War and the rise of international terrorism. We must realize that all of these elements combined have played an enormous role in the rise of privatized force. For example, the emphasis in demilitarization that developed during the George H.W. Bush and Bill Clinton administrations as a result of the end of the Cold War has been very influential. The size of the current U.S. military is down by about a third from its peak during the Cold War. At the same time, the U.S. military currently finds itself

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fighting a war on multiple fronts. The Global War on Terror has spread the military across the four corners of the earth, fighting international terrorism and Muslim extremism. The U.S. military has concentrated much of its force in the Middle East, specifically Afghanistan and Iraq. Nowhere is the use of private military contractors more noticeable, or necessary, than in this region. With a downsized military, private contractors have risen up to fill the vacuum and provide necessary services which cannot be performed by the human resources provided by the modern U.S. military.

While the necessity of PMCs has often been articulated by many U.S. policy makers, less has been said about the overall effectiveness of their work. A leader in exposing this is Tim Spicer, former president of a private military company Sandline International. He, and many others within the private military industry, point to the general political unrest and violence that was endemic in Africa and other Third World regions during the 1990s. The example of Sierra Leone is sufficient enough to provide evidence for the effectiveness of PMCs. The use of mercenaries hired by the private military company Executive Outcomes helped quell a brutal rebel uprising known as the Revolutionary United Front (RUF). The RUF had become notorious for its use of child soldiers and the practice of amputating the limbs of thousands of Sierra Leoneans. The government of Sierra Leone had neither the financial nor political capital to put down the rebellion on its own. Help from the developed nations of the Western world did not come, and so the Sierra Leonean government turned to the aid of Executive Outcomes.20 It has been argued that the rise of the private military company in situations like that of Sierra Leone is a response to western states’ refusal to help stabilize these regions. It seems that private military companies will go places that the West has judged politically or financially inexpedient to assist.

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According to Tim Spicer, “[s]ince the end of the Cold War ethnic conflicts have broken out all over the globe. In the old days, one or other of the superpowers would have snuffed them out. Now, the forces of the traditional ‘policemen’ are depleted. Most have neither the resources nor the political will to involve themselves in faraway conflicts, particularly if it is not nationally significant.”

It is perhaps ironic that in the 21st century the United States finds itself in exactly that situation, and that in contrast to its policy of the 1990s it expending large amounts of financial capital in a faraway war that could not be fought without the enormous amount of private contractors in the region.

A summary of the current state of affairs is perhaps best given by Deborah Avant, a noted scholar on the subject of privatized force. “The security challenges posed by a globalized world have led to the articulation of new goals on both sides of the U.S. political spectrum—some requiring the use of military force—that do not fit easily with the kind of national interest behind which the public is easily mobilized.”

The nature of the use of private force is such that the people are becoming increasingly disconnected with the operations of U.S. foreign and military policies. The nature of the GWOT has a direct link to the proliferation of a new kind of war strategy, characterized by a more entrepreneurial spirit that blurs the line between the public interest and the private sector. One would hope that the decisions being made are truly in the interest of the general public. As it stands today, it would seem that the general consensus is that the political realities of the 21st century have, for good or for ill, necessitated the resurgence of private mercenary arms.


Conclusion

The private military industry is in full swing. There is no indication that the growing trend of privatizing force will stop or even slow down. The recent surge in the war in Afghanistan will probably necessitate a simultaneous surge in the number of private contractors in that region, as we have already seen how vital private military contractors are to the war effort. The general consensus is that the political and military situation, being what it is, requires the presence of private military companies for the long term.

The research on this growing phenomenon has sparked much criticism. Many political scholars, such as Deborah Avant, have decried the utilization of mercenary forces, and have demanded that the current policy be discontinued. Other critics, such as Max Boot, err on the more pragmatic side, advocating increased oversight, a better implementation of international laws and military codes that regulate mercenary actions and punish abuses. Private military forces are necessary, and we just need to figure out ways to make them better, more efficient, and more normalized. Examples of this would be the Universal Code of Military Justice and the Military Extraterritorial Jurisdiction Act, both of which have been recently restructured to better regulate private contractors.23

The use of private military companies has found a window of legitimacy within the political framework of the 21st century, a world in which it seems that the political institutions of the nation-state are giving way to the rising forces of globalization. However, these forces are not only associated with conceptions of global democratic reform or movements toward free trade. The forces of what can only be described as a globally united

23 For more details on efforts by the US government to regulate private military contractors, see the U.S. CRS Report for Congress: Private Security Contractors in Iraq: Background, Legal Status, and Other Issues. The full text is available at http://www.fas.org/sgp/crs/natsec/RL32419.pdf.
terrorist movement have arisen, and these forces are vigorously, sometimes violently, trying to press upon the rest of the modern world their particular ideology and standards. The events of 9/11 stand as a particularly poignant witness to these state of affairs. These circumstances have, in the view of many of the United States military and political leaders, necessitated the adoption of private military forces in order to augment the forces comprised of citizen-soldiers.

In summary, what must be realized is that the rise and fall of the taboo against mercenarism has operated under the influence of the particular social and political pressures of the time. It is a response to not only the particular needs of the time, but the particular national sentiment as well. At the time when the discontinuation of the use of mercenaries was being advocated, it was perceived that the security of the state and the people depended upon. In the world of the 21st century, the understanding of that security, and with it the attitude toward mercenarism, seems to have shifted once more.
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Arms Control in Dynamic Situations: A Study of the Washington Treaty System

Justin Rohrer *

The Washington Naval Conference instituted a system of arms control in an international environment characterized by structural factors which ought to have rendered such a treaty extremely difficult. This was accomplished by successfully addressing the security concerns of all parties involved. However, the dynamic nature of Japanese security concerns, and the uniquely security-conscious nature of the Japanese government, combined with unwillingness on the part of the United States and Britain to alter the terms of the treaty, quickly led to the Washington Treaty system’s obsolescence. The success and failure of this arms control regime contains potentially important lessons for modern policy-makers interested in creating arms-reduction treaties.

In 1922, representatives of each of the major naval powers, Britain, the United States, and Japan, and the two minor naval powers, Italy, and France, met in Washington, D.C. to discuss naval arms limitation and the state of East Asia. There they created a series of agreements known as the Washington Treaty System, and successfully imposed an arms control regime on a multipolar world in the grip of an arms race. Their success, together with the rapid failure of the arms control regime they

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created, has the potential to teach contemporary scholars and policymakers significant lessons on the nature of arms control.

Prior to the inception of the treaty, a three-way arms race had been brewing between Britain, the United States and Japan. The race originated around the time of the First World War, when the United States began building a navy that it hoped to make “second to none.” The British began a similar program meant to shore up their naval dominance and the Japanese began moving towards an eight-eight (that is, eight first line battleships and eight battle cruisers) fleet meant to assure victory against a potential American expedition across the Pacific. This arms race represented a classic security dilemma wherein each action meant to enhance one nation’s security threatened that of another. Beyond the normal forces acting against arms control, such as the resistance of the security establishment and a desire to avoid the appearance of weakness, the security dilemma was enhanced by a belief in the superiority of offensive military action, identical offensive and defensive weaponry and the tripolar power structure of the time.

A general belief in the dominance of offensive action pervaded naval doctrine during this period. Offensive dominance, defined by Robert Jervis as a situation in which “it is easier to destroy the other’s army and take its territory than it is to defend one’s own”1 and by George Quester as the preponderance of “technology and techniques that reward counterforce initiatives,”2 tends to make arms control more difficult. The offensive dominance of the time is perhaps best demonstrated in the works of A. T. Mahan, whose writings provided inspiration to planners on all sides. Mahan

stated that “however defensive in origin or in political character a war may be, the assumption of a simple defensive in war is ruin. War, once declared, must be waged offensively, aggressively. The enemy must not be fended off, but smitten down.”³ Mahan emphasizes the ability of an attacker to concentrate its forces in the face of a defender who, as a result of the vastness of most coastlines, must spread out to defend the entirety of the attacked country.⁴ Thus, a defender “take[s] for granted the impossibility of [its] own permanent advance and the ability of the enemy to present himself before [its] front in superior numbers.”⁵ For Mahan, a defensive strategy only became viable if one was too weak to expect victory.

As a political tool also, Mahan felt that the navy maximized its utility on the offensive. Writing about Spanish and French participation in the American Revolution, Mahan generalizes his critique of Spanish strategy into a greater lesson:

“The united fleets thrice appeared in the English Channel, once to the number of sixty-six ships of the line, driving the English fleet to seek refuge in its ports because [it was] far inferior in numbers. Now, the great aim of Spain was to recover Gibraltar and Jamaica; and to the former end immense efforts, both by land and sea were put forth by the allies against that nearly impregnable fortress. They were fruitless. The question suggested is this: would not Gibraltar have been more surely recovered by controlling the English Channel, attacking the British fleet even in its harbors, and threatening England with annihilation of commerce and invasion at home than by far greater efforts directed against a distant and very strong outpost of her Empire? […] Napoleon once said that he would reconquer Pondicherry on the banks of the Vistula. Could he have controlled the English Channel, as the allied fleet

Mahan clearly considered the political value of a navy to be in its capacity as a counter-value force. However, before such a force could be brought to bear on a country, the navy of that country needed to be dealt with. A blockading force must spread out to cover a great deal of territory, thus rendering itself vulnerable to attack by the presumably more concentrated fleet of an enemy. Therefore, Mahan concluded that the fleets of two belligerents would collide in a massive battle to determine who would carry out counter-value attacks upon whom. Due to the relative weakness of merchant ships, the counter-value portion of the navy’s mission may be carried out by almost any armed ship; therefore the primary value one must seek in their navy is a capacity to win in a major collision with another navy.

Furthermore, offensive and defensive weaponry was almost impossible to distinguish. Although clearly defensive weaponry such as shore batteries and minefields did exist, such weapons could never defend more than a narrow area close to shore near ports and other strategically significant locations. Even these strong defenses would not stand up to the full firepower of an enemy battle fleet, and as emplaced defenses they could not move to counter the maneuvers of such a fleet. Additionally, air power at this time, although its potential had been demonstrated by Mitchell’s famous destruction of the German battleship Ostfriesland, was limited in its potential and vulnerable to anti-aircraft fire. Therefore, defending a large area of shore distant from strategically important locations in such a way (so as to prevent invasion) would be prohibitively expensive. Furthermore, even without an assault, the counter-value function of a navy could be exercised offshore through the imposition of a blockade. Purely defensive weaponry was weak, and although

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nations could and did invest in it, dual purpose weapons would enhance any power’s security by a far greater degree. Unfortunately, a battleship built for defensive purposes and a battleship designed for offense look much the same to a potential enemy. In a situation in which the offensive force has the advantage and offensive weaponry is indistinguishable from defensive, every unit of security acquired by a power entails a greater decline in security for another power. For this reason, Robert Jervis describes such a situation as “doubly dangerous” for any power not seeking war.\(^8\)

The third enhancement of the security dilemma sprang from its tripolar nature. Ignoring France and Italy, whose navies were of negligible strength at the time, any arms control agreement would likely allow any two of the great powers in attendance to gang up on, and bring superior power against, the remaining one. Winston Churchill evidenced such fear when, as First Lord of the Admiralty, he noted that:

“Besides the Great Powers, there are many small states who are buying or building great ships of war and whose vessels may by purchase, by some diplomatic combinations, or by duress, be brought into the line against us. None of these powers need, like us, navies to defend their actual safety of independence. They build them so as to play a part in world affairs. It is sport to them, it is death to us.”\(^9\)

This fear lay at the root of Britain’s attempt to maintain a two-power standard, that is, the capacity to militarily defeat any two navies in the world combined prior to the American naval armament during and after WWI, and Britain’s eventual demand at Washington that they maintain such a standard after it, allowing the United States as an exception. Japan, as the weakest of the three powers, was most vulnerable to such an attack, a vulnerability that was often brought up by Japanese advocates of

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\(^8\) Jervis, 47.

increased naval power who correctly guessed that the cooperation between America and England at the Washington Conference could be extrapolated into the future.\(^\text{10}\) Likewise, the two-decade old Anglo-Japanese Alliance worried America as it entered the conference by posing what it saw as a significant strategic threat despite assurances from both Britain and Japan that the alliance did not apply to the U.S.

However, despite the factors complicating arms control, the powers signed a treaty. Signed in 1922, the Washington Naval Treaty restricted Britain and the United States to 525,000 tons of capital ships, defined as ships greater than 10,000 tons and carrying guns in excess of 8.1 inches, while giving Japan 315,000 tons. There was an additional 10-year building holiday imposed on all new capital ship construction. The same 5:5:3 ratio applied to aircraft carriers. In this case, delegates at the Washington Conference successfully ameliorated the security dilemma in a multi-polar, offense dominant environment in which offensive and defensive weapons could not be differentiated. Theoretically, arms control in such an environment should be considered nearly impossible. Although mutual arms reduction treaties have occurred since, most notably those governing nuclear weapons signed between the U.S. and the U.S.S.R., they occurred in a bipolar environment in which nuclear deterrence rendered offensive action almost impossible, a situation significantly more conducive to international arms control than that faced by the Washington delegates.\(^\text{11}\)

Those treaties also lasted longer. While the Washington Conference may have been miraculous in its initial success, it failed to set up a lasting arms control regime that could prevent the security dilemma from escalating to full scale war. Problems began very early. The Japanese National Defense Policy of 1923 made the United States the hypothetical enemy, the enemy with


\(^{11}\) Quester, 55.
whom one prepares to fight a war, for both the army and the navy. Previously, Russia had been the army’s hypothetical enemy. Additionally, the policy stated that:

“[T]he longstanding embroilment, rooted in the conflict of interests and estrangement of emotion will become increasingly serious in the future [...] Such being the Asiatic policy of the United States, which maintains bases in the Pacific and the Far East and possesses powerful armaments, a clash with our Empire will become inevitable sooner or later.”

Furthermore, there is evidence that the Japanese quickly began cheating. During 1924 and 25, the Japanese laid down the hulls of the *Myoko*, the *Nachi*, the *Haguro*, and the *Nichira*. Each of these cruisers displaced at least 12,000 tons and was therefore an illegal capital ship.

Throughout the process of interwar arms limitation, Japan was the make or break country. While the Americans and the British faced significant domestic pressure to rein in their defense spending, Japan had no such impetus. Due to nationalist rhetoric, there was in fact a great deal of popular support for naval building in Japan. Children donated their pocket money to help finance battleships. The budgetary incentive for arms control certainly existed in Japan; the Japanese navy occupied a massive 31 percent of the national budget in 1921, and Kato Tomosaburo, the leader of the Japanese delegation to Washington, had earlier recognized the futility of military competition with the richer United States. However, Japanese interest in naval reduction stemmed solely from budgetary issues and whatever political carrots and sticks the Anglo-American

14 Asada, *From Mahan to Pearl Harbor*, 75.
powers cared to offer. Furthermore, these carrots and sticks would have had to influence a government in which civilian control of the navy was undermined by the power wielded by the General Staff.\footnote{The navy minister was generally an active, rather than retired, naval officer who took his direction from the general staff instead of the prime minister. This gave the Imperial Japanese Navy (IJN) far more political power than its American or British counterparts. The IJN even had the capacity, occasionally exercised, to veto a cabinet by simply refusing to participate. (Evans and Peattie, 26)} This rendered the government far more sensitive to issues of relative naval strength, and far less sensitive to budgetary arguments which offered the opportunity to save through decreased naval building, or liberal arguments which would appeal to the civilian politicians. These factors made Japan the weak link in the arms control chain, making the way that the negotiators handled Japanese security concerns essential to the system’s chances for success.

The Washington Treaty system of arms limitations arose in spite of massive structural disincentives for arms limitation due to the expert statesmanship of those involved in addressing those problems and creating a solution that addressed the security needs of all of the interested powers. However, it existed as a snapshot of the strategic situation of 1922. Because the American and British negotiators of the treaty insisted that the treaty represented a triumph of liberal ideology regarding arms control rather than acknowledging their own success in addressing security concerns, the treaty system proved incapable of adaptation in the face of easily foreseeable changes to the Japanese sense of security after 1922. This resulted in increasing Japanese discontent with the treaty system and Japan’s eventual withdrawal in 1936.

**Why Did it Work?**

Capability to adapt on security issues characterized the negotiators at Washington. American Secretary of State Hughes...
and Japanese Naval Minister Kato Tomosaburo both came to the conference ready to compromise. Hughes spoke privately of a willingness to concede a 10:8 ratio to the Japanese in exchange for the end of the arms race;¹⁸ Kato Tomosaburo fought tooth and nail to convince the home government that the treaty was worth signing even without a 70 percent ratio, living up to his statement that “naval limitation must succeed whatever it takes.”¹⁹ This distinguished him from the rest of the Japanese naval establishment, which believed that arms control could only take place under certain circumstances extremely beneficial to Japan. For these two states, arms control was not simply a positive outcome of successful negotiations and political reconciliation but rather an extremely desirable outcome in and of itself. To this end, the participants in the Washington Conference enacted a number of important reforms which neutralized the negative effects of dominance of the offensive, the identical nature of offensive and defensive weaponry and the tri-polar nature of power relations.

The creators of the Washington Naval Treaty replaced the Mahanian emphasis on offensive action that dominated doctrine with a system meant to ensure core security for each of the great powers in East Asia by reducing incentives for offensive action. By establishing a 10:6 ratio of American to Japanese capital ships and prohibiting the fortification of American or British bases in East Asia, the treaty effectively rendered each side incapable of attacking the other with any assurance of victory. This is perhaps best evidenced by the massive parallel backlashes in each country’s naval establishment against the treaty. Any navy’s utility depends entirely on its ability to carry out its mission and its strength when compared to other navies. Supporters of naval armament on both sides were keenly conscious of the relative nature of naval strength, and did not hesitate to air their concerns. Captain N. H. Goss, of the United States Navy

¹⁸ Kaufman, 60.
¹⁹ Asada, From Mahan to Pearl Harbor, 81.
answered the question asked in the title of his essay “Have We a Navy?” with a resounding “no,” concluding that the navy was inadequate for its tasks, and with histrionics characteristic of the naval establishments at the time, recommended that the navy be disbanded, because “unless the navy is adequate to carry out successfully all its duties, it is a failure and as a business proposition does not justify the money spent upon it.” Shortly after Japan accepted the 10:6 ratio Kato Kanji, a Japanese admiral and navalist who had staunchly opposed naval limitation from the outset, was seen tearfully shouting that “as far as I am concerned, war with America starts now. We’ll get our revenge over this, by God.” Although Kato Kanji did not accept that the United States had ceded victory in a shorter war, believing that Japan needed a 10:7 ratio in order to successfully defend against an American incursion into the Western Pacific, he did correctly identify the threat that the United States posed in an extended war. Given America’s vast superiority in naval production capacity, America would certainly win any drawn out conflict with Japan.

In return for ceding the United States victory in a long war, a near certainty even without the treaty, Japan received virtual invulnerability in a short term conflict. The United States agreed not to fortify any holdings west of Hawaii while the British agreed to do the same east of Singapore. With a Japanese navy 60 percent as strong as that of the United States, Kato Tomosaburo and the U.S. naval establishment agreed that the United States would face long odds if it attempted to liberate the Philippines and Guam due to its lack of a nearby port for repairs and re-armament.

In the words of Sadao Asada:

20 N. H. Goss, "Have We a Navy?" The North American Review 227, no. 4 (1929), 449.
21 Asada, From Mahan to Pearl Harbor, 92.
22 Asada, Culture Shock and Japanese-American Relations, 111.
23 Kaufman, 70.
“The Five-Power Treaty made it extremely difficult, if not impossible, for the U.S. Navy to wage offensive warfare against Japan in the Western Pacific. In the event of war with Japan, the United States would have to fall back on the Hawaiian Islands as its base of operations. Japan would have enough strength to defend itself, but certainly not enough for offensive operations across the Pacific […] The Washington system effectively replaced the ‘security dilemma’ or zero sum game with a regime that simultaneously enhanced the security of both the United States and Japan.”

This security enhancement came about because in the new system, neither offensive dominance nor the ambiguous nature of weaponry impacted either state’s estimation of the costs and benefits of war in the same way they had before. The preference for offensive action, and its attendant pressure to strike first had been dealt with by replacing the expectation of victory should offensive action be undertaken with the expectation of defeat. Likewise, even though offensive and defensive weaponry appeared identical, offensive action could not be undertaken by either side. It did not matter whether one nation misunderstood the true intentions of the building nation because the treaty precisely calibrated the capabilities of the two in order to provide security guarantees.

Additionally, the Washington Conference set up a system in which calculations involving only two actors could occur despite the presence of a third naval power. By replacing the Anglo-Japanese alliance with the Four Power Treaty, which included provisions meant to maintain the status quo, the delegates to the Washington Conference effectively neutralized one of the major fears of co-operation among the actors involved. Despite the aura of inevitability that the special relationship between Britain and the United States has now attained, at the time, numerous reasons for alarm existed in American circles regarding potential Anglo-Japanese co-operation against America. Most obviously, at this

24 Asada, From Mahan to Pearl Harbor, 91.
point, Japan and Britain’s alliance had lasted two decades. Additionally, despite the British judgment that “friendly co-operation with the United States is for us a cardinal principle,” the Anglo-American relations suffered from a number of disputes, including an American demand for repayment of war debt. By breaking apart the Anglo-Japanese alliance the Treaty nipped fears of Anglo-Japanese co-operation in the bud. Japanese fears of Anglo-American co-operation also found some, albeit smaller, modicum of reassurance in the Four Power Treaty, which called for a conference should any disagreement get to the point where it might cause war.

Through the creation of new political and strategic realities more conducive to international arms control, the delegates attending the Washington Conference established an international system that dealt with most of the structural problems facing arms control. The political and strategic assurances granted by the Washington Treaties reshaped the security calculations of the involved powers into something more accepting of an international arms control regime.

**The Role of Kato Tomosaburo**

In the years leading up to the conference and during the conference itself, Kato Tomosaburo was the only calculator of Japanese relative security who mattered. As the situation stood in 1921, should both the American and the Japanese building programs proceed without modification, Japan would achieve its goal of an eight-eight fleet in 1927. At this point, Japan’s capital ship fleet would displace 200,000 tons and be far less than 70

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percent of the size of the United States Navy. Drawing conclusions from World War I, Kato believed that any future war would take the form of a contest of industrial might. He realized that Japan could not hope to win an industrial competition against the massive industrial superiority of the United States. Since an arms race is also a contest of industrial might, the same logic could be applied, and the same conclusions could be drawn. Japan was doomed. Before the conference even started, Kato realized that the quest for naval parity with the United States would bankrupt Japan and that the avoidance of an arms race would require co-operation with America and Britain.

Kato decided early that bandwagoning with America would be far more profitable than attempting to balance against them, no matter what concessions America required. Kato attempted to obtain a 70 percent ratio, but resigned himself early in the negotiations to the possibility of having to sign the treaty as Hughes had presented it in his speech opening the conference, which would have required both a 60 percent ratio and the scrapping of the battleship Mutsu. The Mutsu was a completely modern battleship that mounted 16-inch guns and could outrun any American battleship. Schoolchildren donated their spending money to finance its construction. It was 98 percent complete. Scrapping this ship would have proven immensely unpopular with the Japanese populace, yet Kato asked for authorization to give it up.

Although he had a following among other officers, most notably Admiral Yamamoto Isoroku, the eventual planner of the Pearl Harbor attack, Kato defied a bureaucratic consensus that the eight-eight fleet, the 70 percent ratio, and non-fortification in the Western Pacific by the U.S. and Britain were all necessary to

27 Evans and Peattie, 192.
28 Ibid.
29 Ibid.
30 Asada, From Mahan to Pearl Harbor, 75, 79.
Japanese security.\textsuperscript{31} When faced with resistance from the mainstream of the Japanese naval establishment at the conference, Kato overruled them. The iron fist with which he led was uncharacteristic of a Japanese policymaker. Instead of consulting the bureaucracy, he ignored it. A 1921 resolution of the special committee on arms control, which had been convened at Kato’s request, stated that the navy “absolutely requires the naval ratio of 70 percent or above vis-à-vis the American Navy.”\textsuperscript{32} Kato failed to endorse its report going into the conference.\textsuperscript{33} Additionally, during the conference, he threatened to resign if the government did not give him permission to compromise on the issue of the 70 percent ratio and suppressed anti-treaty pressure among his own delegation, most notably from Kato Kanji.\textsuperscript{34} The younger Kato pushed hard for a 10:7 ratio at the conference, at one point implying to Theodore Roosevelt Jr. that he would have to commit seppuku were he to return to Japan without that ratio.\textsuperscript{35} Kato Tomosaburo believed that war with the U.S. would end in disaster and should be avoided at all costs. For him, an effective navy merely needed the ability to act as a deterrent to the United States. The 10:6 ratio and the concession by the United States on base-building allowed this limited aim.

\textit{Why Did the System Fail?}

Kato Tomosaburo died in August of 1923 after serving as Prime Minister. The assumption of viability regarding a 10:6 ratio died with his ability to unilaterally determine Japan’s naval security needs. Instead, a cadre of naval officers best represented by Kato

\textsuperscript{31} Evans and Peattie, 193.
\textsuperscript{33} Evans and Peattie, 193.
\textsuperscript{34} Asada, \textit{From Mahan to Pearl Harbor}, 91-92.
\textsuperscript{35} Ibid., 76.
Kanji began a rise to prominence. These officers did not share Kato Tomosaburo’s optimism regarding the intentions of the United States or his views on the future of warfare. The fact that they were wrong on both counts, the United States had no intention of fighting to preserve the open door in China, nor did the next war involve a decisive battleship collision as they predicted, does not matter. Any nation’s sense of security depends entirely on its perception of the international situation. With the rise of this new group as the calculators of Japan’s security requirements, the 10:6 ratio versus the United States transformed from an assurance of security into a massive liability.

For the next decade, a bureaucratic battle centered on the naval limitation conferences that followed Washington raged between pro-treaty and anti-treaty forces within the Japanese Navy. The first, and obviously largest, sticking point was whether or not arms limitation treaties should occur at all. The group opposed to arms limitations on principle, headed by an increasingly unstable Kato Kanji, took the very Mahanian position that every nation had the right to build as much as it wished. The mainstream of the naval establishment, however, agreed that co-operation was in fact a necessity, as demonstrated by the report issued by the Nomura committee prior to the London Conference, which stated that the Washington Treaty was “on the whole advantageous” to Japan. The report, created by a very pro-treaty group, repeated Kato Tomosaburo’s point that a 10:6 ratio in

36 Ibid., 105.
37 Mahan’s disdain for arms control treaties, and international co-operation in general, characteristic of his early work, can be seen in his statement that “time and staying power must be secured for ourselves by that rude and imperfect, but not ignoble, arbiter, force – force potential and force organized – which so far has won, and still secures, the greatest triumphs of good in the checkered history of mankind” (Mahan, The Interest of America in Sea Power, 120).
39 Quoted in Ibid. 169.
capital ships was a better deal than Japan could expect in a fully fledged arms race.\footnote{Ibid.}

However, on the second question, that of non-capital ship ratios, there was a significant divergence from the earlier debates. At this point, the necessity of the 70 percent ratio had become dogma even to the pro-treaty faction. During the Washington Conference, the debate between the two Katos had occurred over a 10 percent difference. Kato Kanji wanted 70 percent of the naval force of America; Kato Tomosaburo didn’t want it enough to risk wrecking the negotiations and instead agreed to a force 60 percent the size of America’s. Throughout the post-Washington period however, the general consensus was that Japan needed a higher ratio. Both the majority and dissenting opinions of the Nomura report emphasized the necessity of at least a 10:7 ratio regarding auxiliary vessels. The report stated that the 70 percent ratio for auxiliary vessels was “absolutely necessary for the nation’s defense, nay, for its very existence,” considering that the previous concession of the 60 percent ratio in capital ships was only acceptable in that it brought about the American commitment to cease building bases in the Western Pacific. The committee concluded that negotiators at London could not be allowed to accept anything less than 70 percent.\footnote{Ibid., 170-171.}

This new stance became apparent to the rest of the world at the London Conference on auxiliary vessels. The prior conference at Geneva in 1927 on the same subject fell apart due to a dispute between the British, who needed many light cruisers to protect sea-lanes, and the United States, which did not need many light cruisers, but heavy ones meant to assist in major fleet operations and act as long-range commerce destroyers.\footnote{Evans and Peattie, 234.} The Japanese determination to attain a 70 percent ratio never had a chance to impact these talks due to this overriding conflict. However, at London the new conception of what was required for Japan’s
self-defense became apparent. In 1929, the Japanese Cabinet agreed to Navy Minister Okada’s “three basic principles.” These included a 70 percent ratio with the United States regarding auxiliaries, a special emphasis on the 70 percent ratio regarding 10,000 ton, eight-inch gunned cruisers, and 78,000 tons of submarines. Heavy cruisers were especially important because, with their large guns and extended range, they could act as semi-capital ships, and many within the navy considered them a necessary tool for overcoming the inferiority of the 10:6 ratio.\(^43\) However, it quickly became clear that the Japanese would not be able to achieve this outcome. Despite having considerable strength relative to America at the time of the negotiations, including 74 percent of American auxiliary tonnage and more than 80 percent of its heavy cruiser tonnage, Japan was faced with American assertions that since a 60 percent ratio had been acceptable at Washington, it should be acceptable in London.\(^44\) Given the fact that current relative levels of weaponry were the primary determinant of the Washington ratios, this was not taken well by the Japanese naval establishment in general and Kato Kanji especially. Eventually, diplomats in London reached a compromise and, after a great deal of internal strife, Tokyo acceded. The London Treaty gave Japan a 69.75 percent overall ratio in auxiliary tonnage. However, the ratio for tonnage in the most important category, heavy cruisers, held at 60.23 percent. The nearly equitable overall ratio came as a result of a 7:10 ratio in light cruisers, which the Japanese navy had little use for, and parity in submarines at 52,700 tons. This required significant cutbacks and, more importantly, actually reduced the relative size of Japan’s fleet.\(^45\)

Whereas the original Washington Treaties created a system in which every actor felt more secure, the London Conference resulted in radically decreased perceptions of security for Japan. While the Five Power Treaty essentially codified the status quo,

\(^{43}\) Asada, “From Washington to London” 172.

\(^{44}\) Ibid., 175.

\(^{45}\) Evans and Peattie, 236.
as a result of the London Treaty, Japan actually lost strength compared to the other two powers.\textsuperscript{46} Rather than responding to newly increased security requirements of Japan, the Anglo-American powers ignored them in favor of idealist rhetoric and the assumption that Japanese decision-makers operated with the same liberal mindset as Herbert Hoover and Ramsay MacDonald.\textsuperscript{47} While Prime Minister Hamaguchi did show signs of liberal leanings, this assumption discounted the political power accorded the navy itself in Japan’s government, and the anti-liberal force the navy would be able to exert. The lesson the Anglo-American negotiators took from Washington came from the rhetoric of disarmament and not from the successful calibration of relative security. Their apparent collusion to reduce Japan’s capacity to fight further cemented the perception of Japan’s weakness in the eyes of Japanese decision makers.

Both the dominance of the offensive and the tri-polar system as causes for worry to Japan came back in force as a result of the London Conference. The unity of British and American attempts to push through arms control at lower ratios gave Kato Kanji’s assertions of “Anglo-American oppression” more weight.\textsuperscript{48} The British and Americans had earlier consulted each other on the question of cruisers, attempting to resolve the issues that sank the Geneva Convention. These negotiations failed in their specifics, but actually resulted in a visit to America by Prime Minister MacDonald, which increased general goodwill between the two countries and likely had a hand in their eventual co-operation at the conference in the face of Japanese resistance to the extension of the 10:6 ratio.\textsuperscript{49} For pro-Washington forces, the only justification of the original 10:6 ratio had been American and British political concessions on base building that brought about an increase in Japanese security. For anti-Washington forces, the 10:6 ratio never justified itself. Given the lack of concessions on

\textsuperscript{46}Ibid., 237.
\textsuperscript{47} Kaufman, 113.
\textsuperscript{48} Quoted in Asada, \textit{From Mahan to Pearl Harbor}, 86.
\textsuperscript{49} Kaufman, 125.
meaningful measures of naval strength or political issues, the results of the negotiations pleased neither group. Additionally, given the belief of both groups in a 10:7 ratio for auxiliaries as the absolute minimum required for Japan to defend itself from an American attack, the doctrinal dominance of offensive action caused Japanese naval thinkers to read more nefarious motives into the American and British insistence on a 10:6 ratio than actually existed. America appeared capable of attacking Japan, and moreover appeared to have actively worked with Britain to gain such a capability through the London negotiations.

**Weaknesses of the Washington Treaty System**

Although the Washington Treaties did an excellent job responding to the structural inhibitors of arms limitation in place at the time, the London Conference demonstrates the first of a number of the flaws inherent in the treaties which only became apparent as time passed. Most significantly, the Five Power Treaty influenced later inflexibility on the ratio issue. Throughout the remaining arms control conferences, the British and Americans often claimed that since a 60 percent ratio had sufficed for Japan in 1922, it should continue to do so indefinitely. This inflexibility likely would not have proven problematic had Japan secured a 70 percent ratio *vis-à-vis* Britain and America in the original bargaining session, as this number was widely accepted by the naval establishment as the requisite proportion for victory. The psychic wound inflicted on the Japanese naval establishment, especially Kato Kanji, by the treaty also would likely have been significantly reduced had Japan managed to attain a 70 percent ratio. Writing about the Japanese response to the treaty, Sadao Asada takes the position that “the political decision to accept the compromise settlement failed to take root in Japan’s subsequent naval policy; on the contrary, the reaction from naval men, if anything, reinforced their obsession with the 70 percent ratio.”

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50 Asada, *Culture Shock*, 114.
for retribution, a Washington Conference resulting in a 70 percent ratio would have been a victory.

The lower ratio came about as a result of an unfortunate coincidence of Kato Tomosaburo’s extremely low calculation of Japanese national security requirements compared to that of the rest of the Japanese naval establishment and American cryptanalytic success. Secretary of State Hughes is recorded as having said that he would be willing to concede a ratio as high as 10:8 to Japan. This was an eminently logical position for Hughes to take. Hughes devised a system in which Japan would almost certainly win any short term war, allowing it to take America’s far Eastern holdings, but in which America would have the advantage in a drawn out conflict. Given such a system, significant latitude on the ratio issue could be accorded to Japan without upsetting the deterrent balance. However, Hughes never had to consider such an action. Thanks to American successes in breaking Japanese codes, he knew that Kato Tomosaburo would likely sign the treaty even if it included the 60 percent ratio. This led Hughes to take advantage of Kato’s unique willingness to compromise in order to secure a better strategic position for the United States.

Kato Tomosaburo understood that his willingness to compromise made him an aberration within the Japanese naval establishment. Foreseeing the problems that his acceptance of the 60 percent ratio would cause, he embarked on institutional reform of the navy. Meant to minimize the influence of the anti-treaty forces that dominated the General Staff by increasing civilian oversight and control, these reforms stood little chance of success due to the resistance of the army, and were definitively cut short by Kato’s death in 1923. Such reforms would likely have solved the problem of naval discontent caused by the terms of the treaty, but predicating a new order for the international

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51 Kaufman, 60.
52 Asada, From Mahan to Pearl Harbor, 78.
53 Ibid., 100.
system on the chances of one ailing elder statesman\textsuperscript{54} remaking the internal order of a country seems a recipe for failure.

A follower of Kato’s, Admiral Yamanashi, obliquely referenced these reforms when he reflected that “if fleet Admiral Kato Tomosaburo had lived several more years, Japan would never have placed itself in the position to plunge into the Pacific War.”\textsuperscript{55} I offer a different counterfactual. If Kato Tomosaburo died roughly a year and a half early, during the early negotiations at Washington, leaving his deputy Kato Kanji to complete the negotiations there, a similar outcome might have occurred. Under orders from Tokyo to obtain some arms control regime, a Kato Kanji-led delegation would likely have pushed until it received a 70 percent ratio \textit{vis-à-vis} the United States, a ratio we know Hughes may have been willing to offer. In such a situation, the Washington Treaty system would have fulfilled the security requirements of each involved player for a greater period of time and avoided the quick obsolescence to which it fell victim.

The second major problem the Washington Treaty system faced as a result of its static nature was a failure to account for the potential of appearance of technology that might influence naval doctrines, and the contributions that this might make to international instability. The previously remarked upon obsession with the 70 percent ratio regarding battleships in the Japanese navy was paralleled by a similar emphasis on the continued worth of the battleship in the American navy.\textsuperscript{56} Whether as a result of hidebound thinking or internal resistance to the treaty, both navies faced similar problems abandoning the Mahanian logic that underlay these massive battleship fleets in light of new technologies that ought to have fundamentally changed the way that planners considered naval warfare. Large submarines offered the potential for long-range commerce-raiding operations without

\textsuperscript{54} At the time of the Washington Conference, Kato already suffered from the colon cancer that would eventually end his life (\textit{Ibid.}, 92).

\textsuperscript{55} Quoted in Asada, \textit{From Mahan to Pearl Harbor}, 104-105.

\textsuperscript{56} Kaufman, 124.
a large fleet first establishing dominance. Heavy 10,000 ton cruisers with an enhanced cruising radius allowed much the same thing. 57 Since Mahan assumed the large-scale fleet collision to be necessary because it allowed naval counter-value operations, the potential to conduct such operations without resorting to a fleet battle ought to have given planners pause. Similarly, naval aviation offered the chance to introduce defensive weaponry that could not be mistaken for offensive weaponry. Land-based bombers had the capacity to destroy attacking naval forces without posing a threat to another actor’s own sense of security, while still preserving the mobility that gave naval forces the advantage over previously static land-based defenses.

Unfortunately, the Five Power Treaty banned the fortification of islands outside of the Japanese mainland or West of Hawaii. This included air bases that might have contributed to a more stable defensive balance of power rather than the offensive one necessitated by the state of things in 1922. Likewise, by extending ratios to encompass auxiliary craft, the London Treaty removed the capacity of navies to make use of technology that allowed auxiliaries, such as submarines and heavy cruisers, to sidestep offensive Mahanian logic. It would be unreasonable to expect the negotiators of the Washington treaties to foresee the future of naval technology. However, the system they put in place ignored the possibility that there could be new technology which might affect the balance of power at all, a frightful oversight given the speed with which technology advanced during this period, and thus proved incapable of adapting to new technologies which might have ensured further stability. Some attempt to do so would likely have yielded significant gains.

57 Asada, From Mahan to Pearl Harbor, 121.
Conclusions

As the world heads towards an era likely to be defined by multipolarity and uncertainty, policymakers would be well-advised to examine the failures in addressing structural issues present in the Washington Treaty system as they consider future attempts at arms control. An arms control treaty cannot occur in a vacuum, certainly not in the midst of a geostrategic situation characterized by the type of structural factors influencing security considerations that existed in the interwar period. The vision of "beating swords into plowshares," while admirable, will not serve as a primary motivation for arms control. The claim that arms control has intrinsic value, even with the very real financial bonus that results from ending an arms buildup, will not convince regimes with significant subjective security concerns.

The process through which the recent replacement for START was negotiated demonstrates the potential difficulty of arms limitations talks in an offense dominant environment. The U.S. and U.S.S.R. negotiated the previous treaties in an environment characterized by an emphasis on counter-value strikes, according to Quester, a defense dominant system. The modern negotiations however, took place in the context of a rapidly improving American ballistic missile defense capability. A missile defense system increases the chances of success for a counterforce strike and threatens to transfer the advantage to offensive action. Within this context, Russia stonewalled on the issue of nuclear weapons reductions, demanding the option to pull out of the treaty should it deem American missile interception capability to pose a threat to its own deterrent. On this matter, Russia manifests the early signs of the same perception of insecurity in an offense dominant environment that made negotiating the Washington treaties so difficult. The Obama administration responded by arguing that the issue of missile defense was unrelated to the goal of reducing deployed nuclear weapons stockpiles and should be decided separately. Although Russia eventually acceded to US proposals and separated missile defense
and arms reduction, this was a mistake. By elevating the moral concerns of arms limitation over security issues, Obama made the same error as the negotiators at London.

Instead, one hoping to negotiate such an agreement must ensure, like the negotiators at Washington, that the security concerns of each involved party are met, and, unlike the negotiators at Washington, that a system exists to deal with potential changes in these concerns due to political or technological reasons. Diplomatic maneuvering and a reliance on the pressure exerted by world opinion, the strategy employed at London, may result in a temporary success, but the security dilemma cannot be dealt with that easily, and any victory will almost certainly be pyrrhic.
Bibliography


Legitimacy in Contemporary China: Maintaining the Legitimacy of an Authoritarian State

Anne McGinnis *

This essay seeks to explain how the People’s Republic of China, an authoritarian state, creates and maintains political legitimacy. Following David Beetham, a state must fulfill, or appear to fulfill, three criteria to possess political legitimacy: (1) conformity to established rules, (2) justifiability of the rules by reference to shared beliefs, and (3) the expressed consent of the people. Despite changing societal beliefs, the CCP has retained its legitimacy because it consistently fulfilled each of these criteria through changes to the regime: the CCP redefined the national interest as the pursuit of economic performance; it launched a public crusade against corruption; and it made heavy use of propaganda to both mobilize active support and discredit reports of dissidence. However, due to its basis in economic performance, the CCP’s legitimacy will reach a crisis if China faces a recession.

Western news is rife with reports of the discontent of Chinese citizens. Headlines detailing China’s corruption, human rights abuses, and repression of free speech are seen frequently on international front pages. If measured by accounts of western media alone, one may conclude that the Chinese Communist Party (CCP)—and, as a result, the Chinese government—seriously lacks political legitimacy. However, China came in 13th in Bruce Gilley’s 2006 legitimacy

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index (which measured the legitimacy of 72 regimes), beating the UK, Australia and 15 other western liberal democracies. More surprising, this measure comes just 17 years after the Tiananmen Square protests brought the Chinese government to the brink of destabilization. I argue that China owes this newfound legitimacy to its constant and persistent efforts to maintain a legitimacy that is culturally, politically, and economically relevant to its population, even when doing so means abandoning much of the founding ideology of the CCP.

**The Concept of Legitimacy**

Any analysis of a regime’s maintenance of legitimacy must first begin with a discussion of the concept as a whole—of what legitimacy is, and why it is important to maintain. In *Politics as a Vocation*, Max Weber defines a state as the entity that possesses a monopoly on the legitimate use of force over a given territory and its populous. Moreover, he notes that “if the state is to exist, the dominated must obey the authority claimed by the powers

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1 Gilley’s index ranked states on the basis of three principle variables found to have a causal relationship with legitimacy, which correspond with three broad categories: good governance, democratic rights, and welfare gains. Indicators used were based on Beetham’s three criteria for legitimacy: (1) views of legality: the state’s respect for individual human rights, confidence in the police, and confidence in the civil service; (2) views of justification: satisfaction with democratic development, evaluation of the current political system, satisfaction with operation of democracy, use of violence in civil protest; and (3) acts of consent: voter turnout, and quasi-voluntary taxes. China received a score of 6.58 out of 10. The highest scoring state was Denmark, at 7.62. The US scored 6.82, while the UK scored only 6.28. Japan received a 5.62, and South Korea got a 5.45; Bruce Giley, “The Determinants for State Legitimacy: Results for 72 Countries,” *International Political Science Review*, 27(1) (2006), 47-71. Other China scholars, such as Anne-Marie Brady, also acknowledge that, overall, the existing political system is accepted by the vast majority of Chinese citizens—even if many disapprove of certain aspects of the regime; Anne-Marie Brady, “Mass Persuasion as a Means of Legitimation and China’s Popular Authoritarianism,” *American Behavioral Scientist*, 53(3) (2009), 436.
that be.”

To create obedience and retain a monopoly over the legitimate use of force, the state has two options. The first option is to build political legitimacy, defined by Seymour Martin Lipset as “the capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for society.”

To this definition C. J. Friedrich adds: “legitimacy is a very particular form of consensus which revolves around the question of the right or title to rule.”

Legitimacy is a trait that encourages people to comply with the rules of society because they believe they should, even when the state cannot punish noncompliance. The alternative option is to force the compliance of the people through the use of fear, violence, and repression.

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3 Seymour Martin Lipset, *Political Man* (London: Heinemann Educational Books Ltd., 1959), 64. Lipset’s analysis of political legitimacy is based on democratic systems. However, his analysis is equally appropriate for any type of regime, whether it is a liberal democracy, an authoritarian dictatorship, or any hybrid formulation in between. Democracy is not a necessary condition for the creation of legitimacy, nor does it absolutely correlate with the level of legitimacy that a regime will possess; Bo Rothstein, “Creating Political Legitimacy: Electoral Democracy Versus Quality of Government,” *American Behavioral Scientist* 53(3) (2009), 311-330. Highly authoritarian states can possess extensive legitimacy, just as democratic states can easily suffer from a complete lack of it. Singapore, one of the most authoritarian regimes in the world possesses solid legitimacy and has for the past 50 years. The regime rarely experiences violent acts of dissidence and is highly popular among the population; C. George, “Consolidating Authoritarian Rule: Calibrated Coercion in Singapore,” *The Pacific Review* 20, (2007), 127-145. In contrast, Rothstein argues, in *Creating Political Legitimacy*, that the Yugoslavian civil war of the early 1990’s was caused largely by the political decisions of freely and fairly elected democratic leaders. Because civil war is the clearest available indication of the breakdown of political legitimacy, it logically follows that legitimacy is more about how governing power is exercised than the institutional means by which that power is distributed; Rothstein, 311-330.

The absolute reliance on fear, violence, and repression to maintain power, however, is only effective in the short term. Ultimately, violence is just as damaging to its perpetrators as it is to the population it is used to control. Excessive violence destroys what legitimacy is left and leads to revolts and civil war, undermining the very monopoly that such violence is intended to uphold. Rousseau noted in 1762, “the stronger is never strong enough to be forever master unless he transforms his force into right and obedience into duty.” Without such a transformation, the excessive violence that is necessary to maintain power will destroy the system from within. Thus, for states to maintain long-term control over the legitimate use of force, they must construct political legitimacy.

Weber defines legitimacy as “the belief in legitimacy,” and states that the only thing needed for a regime to be legitimate is for people to believe that it is. This definition, however, omits important aspects of the composition of legitimacy, and makes it difficult to study exactly why a regime is or is not legitimate. In The Legitimation of Power, David Beetham provides an alternative definition of legitimacy; one that enables social scientists to dissect its components and study both its creation and its dissolution. Beetham’s definition is a checklist of three criteria a state must fulfill, or appear to fulfill, to possess political legitimacy. These criteria are: (1) conformity to established rules, (2) justifiability of the rules by reference to shared beliefs, and (3) the expressed consent of the people. Importantly, Beetham notes that legitimacy is not an all or nothing concept, but rather a measurement of degree, corresponding to the extent each

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6 George, 127-145.
criterion is fulfilled. Together, these criteria provide the moral grounds for the populous’ obligation to support and cooperate with power holders.⁹

**Legitimacy and the CPP**

The first criterion, conformity to rules, means that a regime must acquire and exercise its power in accordance with established rules, both formal and informal. Legitimacy stems from the Latin word *Legitimus*, meaning lawful, and thus law and rules are essential to both the institution and maintenance of power. More than any other criteria, a lack of conformity to the rules is toxic to a regime’s stability and can lead to a state of illegitimacy that will destabilize a regime, regardless of how fully the other two criteria are met.¹⁰

Conformity to the rules as a requirement for legitimate government has an important place in historical China. Until the 1900s, China’s dynastic government was highly centralized with no formal limits on the leader’s powers. Rather, governments were constrained by a Confucian belief, called *The Mandate of Heaven*, that unless a ruler behaved by strict moral and ethical standards they would lose their divine right to rule and could be legally overthrown by the people. All officials were intellectual elites who spent decades studying the Confucian teachings on good governance and morality, leading to both a highly developed ethic of rule and an expectation on the behalf of the public that their officials would hold themselves to the highest

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standards of decorum. Although China has long since abandoned traditional dynastic rule, a solid belief that leaders should hold themselves to superior standards of ethical behavior continues to underpin Chinese Society. In recent years, this belief has played a major role in both the destruction of the legitimacy of CCP, as well as in its rebirth.

In 1989, student protests swept Beijing into a fury of opposition towards the government, culminating in the June 4 Tiananmen Square massacre. Though the protestors were unhappy with many aspects of the CCP’s rule, one of their major complaints centered on the rampant corruption that perforated the regime during the 1980s. The violent repression of the protestors on June 4 created a crisis of legitimacy for the Chinese government. Once martial law halted active dissonance, the government rushed to reclaim legitimacy before the costs of maintaining power by force became overwhelming.

One way in which the Chinese government sought to regain legitimacy was to return to the Confucian emphasis on good governance. Top Chinese officials began making frequent speeches condemning corruption and actively linking anti-corruption measures to state legitimacy. It introduced the Confucian slogan Rule of Virtue (De Zhi) into state propaganda and instituted numerous regulations and bureaucratic censorship mechanisms (about 1,200 laws, rules, and directives in total). The regime increased the number of corruption prosecutions to about 150,000 convictions each year, with the most egregious offenders receiving the death penalty. These trials were and

14 Barboza, B1.
continue to be highly publicized, all as part of the government’s “war on corruption.”\textsuperscript{15} All of these changes are part of an extensive and ongoing campaign to convince the populous that the regime is truly making efforts to conform to the rules.

Government’s conformity to the rules, however, has no effect if the population does not believe those rules are legitimate to begin with. Thus, a normative justification of the rules in terms of shared beliefs (the second criterion), forms the heart of a regime’s legitimacy. This criterion has two aspects: a base justification of the leaders’ authority to rule, and a definition of good exercise of power. For a ruler and his actions to be considered legitimate, he must first claim that his dominance is derived from what the population believes is a valid source of authority (god-given, hereditary tradition, democratic constitutionalism, popularity, performance, etc.). When the basis that the ruler uses as a justification for his/her authority does not match with the populations’ beliefs, the population will withdraw its consent to be ruled.

The CCP has historically justified its rule on the basis of performance, either ideological performance framed through a popular belief in communism, or on moral and economic performance as it does now.\textsuperscript{16} Unlike authority derived from a higher order, the CCP ties its right to rule directly to its ability to promote what the public sees as the common interest. This foundation of authority is much shakier than authority derived from divine or hereditary roots. With authority based on performance, the regime must be able to show continuous evidence that its policies are in fact making progress towards the popularly defined common interest. A legitimacy deficit emerges if beliefs or circumstances defining the common interest change, depriving the rules of their basis of support, or rendering existing justifications implausible.\textsuperscript{17}

\textsuperscript{15} Ibid.

\textsuperscript{16} Zhao, 416-433; Womack, 53-89.

\textsuperscript{17} Holbig, 16; Beetham, 18.
The CCP achieved dominance in 1949 by portraying itself as the vanguard party in pursuit of the proletarian interest, a class-less society under communism. Mao’s personal charisma and active ideological engagement of the masses in every village instilled a quasi-religious belief in the pursuit of the communist paradise. Thus, the CCP’s legitimacy as the ruling party rested on progress toward the ultimate goal of communism, legitimacy through ideological performance. When Mao died the CCP lost its greatest asset: a charismatic leader that could convince the population of Communism’s imminent achievement. To save a crashing economy, Deng Xiaoping introduced trade reforms that exposed many urbanites to the luxuries of western capitalist life. Knowledge of the high quality of life outside China made it more difficult to justify the sacrifices citizens endured during the Cultural Revolution because of China’s communist ideology.

From Mao’s death in 1976 until the Tiananmen Square Massacre on June 4, 1989, popular disillusion toward the CCP’s claim of authority on the basis of ideology grew. With communist ideological performance discredited as a valid source of authority, the civically active began to stress moral and economic performance as important aspects of state legitimacy, two criteria that the CCP lacked. As protests grew into a bloody confrontation between Beijing residents and the Chinese army, it became clear that unless the government changed its legitimizing values to better match the changing beliefs of the population, destabilization would soon ensue.

To address this problem, after Tiananmen Square the CCP initiated a series of market-oriented reforms and redefined the national interest as the pursuit of economic dominance. This shift in the basis of authority instigated rapid growth that, within 15 years, turned China from a backward economy with high levels of

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18 Zhao, 422; Womack, 68-74.
19 Womack, 77-78.
20 Zhao, 423.
severe poverty into the third largest economy in the world. The CCP launched numerous patriotic campaigns on university campuses and in metropolitan areas to convince the youth and urban populations to see the government as the vanguard of the newly defined national interest. It also opened party membership to private business owners to appeal to the increasingly powerful middle and upper classes.

In 2001, the CCP radically redefined the basis of the government’s source of authority. This new definition, called the “three representatives,” states that in order to be accepted by the people, “the CCP must always represent the development of China’s advanced forces of production, the orientation of China’s advanced culture, and the fundamental interests of the overwhelming majority of the Chinese.”21 The three representatives is an official endorsement of private business over the state-owned industries Mao emphasized. This demonstrates, above all, that the CCP decided that abandoning its ideology was better than abandoning its power.

Despite the shift away from Maoist Communist ideology, the CCP remains loyal to the proletariat. To avoid losing the critical support of rural masses, the CCP introduced the “Harmonious Society,” in 2005, a set of new social and economic policies aimed at creating “societal balance and harmony” by improving the lives of the lower and middle classes. The “Harmonious Society” includes policies such as an abolition of all agricultural taxes, farming subsidies, prohibitions on local governments selling peasant’s land, and popular elections for village governments. In 2005 the CCP also announced an ambitious national health care service (for rural areas) and other welfare policies aimed at securing the allegiance of those whose lives do not improve with capitalism.22

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21 Ibid., 425-246.
22 Ibid., 427.
Finally, the CCP has taken action to increase legitimization through demonstrable expression of consent (Beetham’s third criterion). Expressed consent involves the regular active demonstration of consent on the part of the masses (through the swearing of allegiance, participation in consultations, attendance of ceremonies and campaigns, etc.). Actions of expressive consent introduce a moral component and a sense of normative commitment into the citizen’s relationship with the state and confer legitimacy upon the government. During the Cultural Revolution, Mao relied on mass mobilization as an alternative to popular elections, and the cohesive nation-wide push towards communist goals during the Cultural Revolution conferred enormous legitimacy on his rule. In the 1990s, the CCP’s campaigns to instill nationalism helped quell unrest on university campuses. In preparation for the 2008 Beijing Olympics, the CCP launched a massive propaganda effort featuring the slogan “I Participate, I Contribute, and I am Happy” to mobilize the public and emphasize social unity and cohesion.

The greatest effects of expressed consent, however, are often seen in the negative expression of dissent. Withdrawal of consent through acts of public dissidence, as seen in June 1989, can be fatal to an authoritarian regime. The “Harmonious Society” policy initiatives aimed at calming rural Chinese who protested, sometimes violently, because of the widening gap between rich and poor. The CCP maintains tight control on what information is publicized and the way in which is framed. Even the Internet is monitored and restricted, as are text messages and other new media outlets. Media coverage of protests and other overt actions of dissent is heavily censored in order to prevent the dissenting ideas from spreading among the population. Overall, the CCP spends significant time and money restricting

23 Ibid., 424.
25 Zhao, 427.
both the occurrence and visibility of public protest, because in an authoritarian regime with no mechanism for the peaceful transition of power, mass de-legitimization is automatically followed by either violent repression or a revolution.\textsuperscript{26}

\textbf{Conclusion}

Over the past twenty years the CCP has carefully reconstructed its political legitimacy in alignment with society’s beliefs. It refocused on the Confucian ideals of good governance, redefined its authority to rule on the basis of economic performance—a characteristic currently in plentiful supply—and made heavy use of propaganda to both mobilize active support and discredit reports of dissidence. The regime managed to survive a major shift in cultural values because it was quick to alter its own ideological focus to match. The CCP’s legitimacy continues to be strong both because of ongoing efforts to refine and maintain that legitimacy and because, due to its skillful ability to adjust its economy to match global economic trends, it continues to make demonstrable progress towards economic dominance. However, because the CCP rests its entire basis of authority on economic performance, as soon as China faces a recession that staggers economic growth the CCP’s legitimacy will face a crisis. Unfortunately for the CCP, it is impossible to sustain economic growth forever. What remains to be seen is what will come of the inevitable crisis; will it be a reversion to draconian authoritarianism and martial law, or the largest democratic revolution that the world has ever seen? Or, perhaps the CCP will devise a new source of authority as it did in the 1990s, reinventing itself yet again to maintain its hold on power in the most populous nation in the world.

\textsuperscript{26} Brady, 434-457.
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