The Michigan Journal of Public Affairs

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Volume 13 | Summer 2016

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Michigan Journal of Public Affairs 2015 Editorial Staff

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Letter from the Co-Editors in Chief

The Michigan Journal of Public Affairs is committed to publishing innovative public policy-related articles from graduate students, emerging scholars, and policy professionals. This year the Executive Staff made it a priority to increase the academic breadth and organizational presence of the journal. We are proud that this year's journal captures the professionalism and hard work of our staff and authors with the final publication of eight articles dealing with a range of practical policy issues like the integration of micro-grids in national disaster relief efforts, public attitudes towards sex workers, and international censorship practices of social media sites.

A new initiative we launched to increase the topical diversity of the journal included putting out a special call for papers dealing for historically underrepresented topics, like environmental policy. Additionally, we established the first ever Special Issue for articles pertaining to Constitutional Rights and Freedoms. Subsequently, this year's publication showcases two special issue articles, one dealing with the legal and ideological underpinnings of gender inequality in Iran and the other discussing the sociopolitical effects of the Iraqi constitutional process in the early 2000s. We hope that future Special Issues will further our ability to publish a more holistic set of papers.

In addition, to increase the organizational presence of the journal we hosted the first annual MJPA Launch Party in the fall, showcasing articles on peacekeeping, migration, and education. We also co-sponsored events such as a policy talk with established Detroit journalist Nolan Finley in which students discussed divisive Detroit politics and learned about different policy initiatives happening at the state and local level.

Furthermore, our ability to build upon the reputation and rigor of the journal this year stems from the long-standing support we receive from the Ford School administration. Since its inception, the Dean's Office of the Gerald R. Ford School has greatly supported the student-led publication, committing three years of funding this year to ensure that MJPA continues to disseminate rigorous policy research. Moreover, this year Paula Lantz, Associate Dean for Research and Policy Engagement, became the journal's faculty advisor, lending her editorial and academic expertise throughout the review and editing process.

Overall, this journal would not be possible without the commitment of our experienced editorial staff and talented authors. Authors collaborated with our editorial staff for five months to produce the most refined version of their research and findings. We are delighted to share this issue of the Michigan Journal of Public Affairs with you and hope that the journal's reputation continues to grow in coming years.

Jennie Alfaro and Jacqueline Barocio
MJPA Co-Editors in Chief

Letter from the Faculty Advisor

I have had the honor of serving as the faculty advisor to the *Michigan Journal of Public Affairs* during the past year. This journal, lead and run by dedicated and energetic students at the *Gerald R. Ford School of Public Policy,* serves the international public policy and public affairs community at large. Volume 13 (May, 2016) of the journal features a very interesting and compelling array of articles on critically-important domestic public policy issues, including articles on the relationship between college tuition increases and student choice of major, the potential for electricity micro-grid technology to improve emergency preparedness, and the potential impact of removing a question regarding prior criminal convictions from preliminary job applications (the so-called Ban the Box policy) on employment and recidivism rates among those with criminal records. This issue of *MJPA* also features a number of articles on interesting and important international public affairs issues, including taxation policy reform in Ecuador, social media censorship practices in China, the key role that Iraq's constitution is playing in reconstruction processes, and legally-sanctioned gender discrimination and the 2006 One Million Signatures Campaign/social movement in Iran.

This volume of the journal is impressive in the scope, quality and timeliness of all the articles. The editors-in-chief of *MJPA,* Jennie Alfaro and Jacqueline Baracio, are to be commended for their leadership, passionate dedication and hard work in crafting this volume. All of the other student members of the editorial team, including managing and special issues editor Demar Lewis, are also to be congratulated and thanked for the effort they put into to soliciting innovative submissions and working with authors to produce high-quality and professional articles. It has been a true pleasure to serve as an advisor to such a smart, dedicated and inspiring group of early-career public policy professionals.

Paula M. Lantz, PhD
Professor and Associate Dean for Research and Policy Engagement

Letter from the Dean

Our mission at the Ford School is to offer outstanding education for leadership in public policy analysis and public management and to excel in social science research that illuminates public policy issues and promotes better public policy. The *Michigan Journal of Public Affairs*, a wholly student-run and peer-reviewed journal, ably furthers our mission by not only showcasing student research but also providing opportunities for leadership.

Now in its 13th year, the *MJPA* reveals the breadth and excellence of policy-relevant research work by students. We are particularly proud of the leadership and dedication of the editorial team, which exemplifies the highest levels of professionalism, creativity, hard work and expertise.

The Ford School is very pleased to host this outstanding student publication.

Susan M. Collins
Joan and Sanford Weill Dean of Public Policy
Professor of Public Policy and Economics

Human Capital Theory and Practice: The Effect of Tuition Increases on College Major Selection

Rashid Malik and Austin Slaughter

Abstract

Over the past decade, the price of college tuition has increased significantly. According to human capital theory, higher education is a rational choice only when the present value of newly acquired skills and knowledge exceeds tuition plus opportunity costs. Given that different majors produce different expected lifetime earnings, an increase in tuition may have a disproportionate impact on demand for certain college majors. Namely, we expect more students in financially insecure majors to "opt-out," as there are likely more of them at the margin than students in financially secure majors.

Our analysis uses state-level panel data to estimate the relationship between the average price of tuition per student and the proportion of a state's graduates who graduate in a financially secure major. We find that a $1,000 increase in tuition is associated with a .45 percentage point increase in the proportion of graduates who graduate in a financially secure major. Our finding is robust, yet statistically insignificant. Although our study was not designed to look at the relationship between the state unemployment rate and our dependent variable, we find an interesting and statistically significant relationship between the two. A one percentage point increase in the unemployment rate is associated with a 1.2 percentage point increase in the proportion of graduates who graduate in a financially secure major. We believe that our findings have important implications for both university administrators and state policymakers, who may want to influence the types of degrees students pursue in addition to increasing the number of degrees conferred.

Introduction

In the last fifteen years, college tuition prices have increased dramatically. While prices have risen among both private and public universities, there have been larger proportional tuition and fee increases at four-year public institutions (The College Board, 2016). In order to attract more and better-prepared students, public universities have increased spending on amenities, which in turn forced them to raise their tuition and fees. Additionally, public institutions receive most of their funding from state governments, whose revenues declined sharply during and after the financial crisis of the late 2000s. As a result, universities increased tuition and fee costs to fill the holes in their budgets (Mitchell, 2014).

Figure 1 shows the percentage increases in in-state tuition from the 2008-09 school year to the 2012-13 school year. There is wide variation in these tuition increases, from a less than 7 percent increase in Maryland to the dramatic 67 percent increase that students in Arizona saw over the same time period. This paper attempts to uncover what effect large increases in in-state tuition may have on students' academic choices. Specifically, this paper investigates whether large increases in in-state tuition at public four-year universities significantly affected the proportion of students choosing college majors associated with financially secure graduate outcomes. Financially secure majors are defined as majors associated with careers reporting higher than average salaries and lower than average unemployment rates.

Theoretical Framework

According to the Human Capital Theory of education, college degree attainment is economically beneficial to all students for whom the present discounted value (PDV) of a college education relative to a high school degree exceeds the cost of a college degree (including opportunity costs). One would expect that for some majors, the net present value of a college degree is lower since the earnings distribution for graduates with that major is lower. One would also expect students with these majors to be disproportionately affected by increases in tuition – the relatively lower net present value of the major pushes prospective students closer to the decision margin (i.e., closer to the point of deciding to opt out).

We expect that as the cost of higher education increases, an economically rational student would become more likely to select a major that is associated with higher lifetime earnings and a lower chance of unemployment. While we do not expect that all students would change their academic coursework to respond to financial incentives, we hypothesize that, in the aggregate, the percentage of students in financially secure degree programs at public four-year universities would increase along with tuition increases.

Stange (2014) observed that some states have already tested this theory in an attempt to complement their workforce development initiatives, especially with respect to STEM fields. Stange found that differential pricing does alter the share of students studying engineering, suggesting that students' major selections are, in fact, responsive to changes in the price of tuition.

Figure 1: Tuition change by state, in percent (2008-2012)
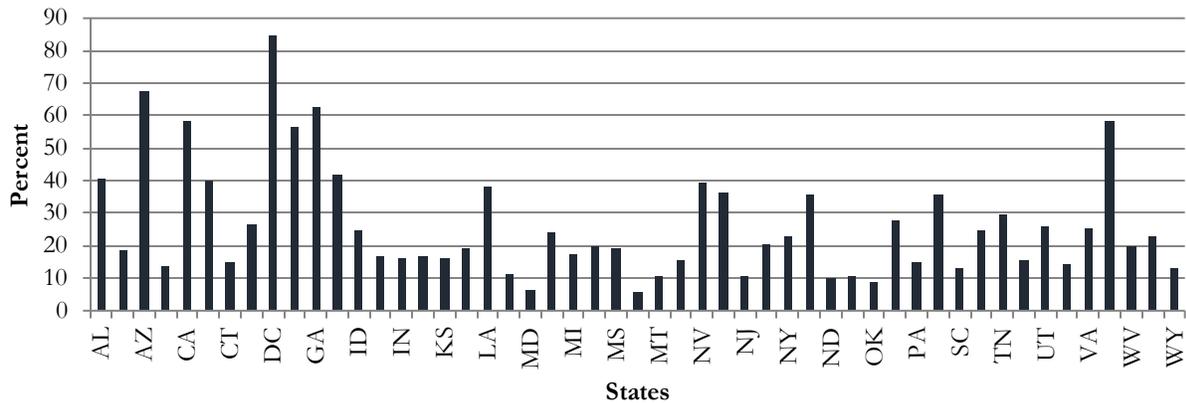
Source: The College Board, *Trends in College Pricing 2013*

Rather than focusing on the price of tuition, Blom, Cadena, and Keys (2015) looked at the economic conditions to which students had been exposed during their schooling years and found that those who had experienced harsher economic conditions were more likely to select a major that earns higher wages. This finding suggests that state unemployment rates may play an important role in our analysis.

Data

The primary data source for this project is the Integrated Postsecondary Education Data System (IPEDS) (data from 2009-10, 2013-14). From IPEDS, we collected institutional-level data on degrees conferred by major, demographic characteristics of the student body, the ACT score at the 25th and 75th percentiles, percentage of students receiving aid, and the student-to-faculty ratio. All institutional level data was summed to the state-level and weighted by total enrollment in the institution.

There were multiple secondary data sources for this project. From the College Board, we gathered the average tuition price per student by state in 2008 and 2012. From the Bureau of Labor Statistics, we gathered the unemployment rate by state in 2008 and 2012. From Georgetown's Center on Education and the Workforce, we gathered data on average salary and unemployment rate by college major in 2008.

Our analysis is limited to public, four-year institutions only. This is for two reasons: (1) to minimize the differences in unobservable characteristics of the institutions in our analysis; and, (2) our analysis compares states that experienced large tuition increases relative to those that did not, and the uniform, statewide tuition increases largely occurred at public institutions. We also limited our analysis to undergraduates only, as salary and unemployment rates can differ greatly by the level of the degree.

Alaska and the District of Columbia were dropped from our analysis due to missing data for all of their public, four-year institutions – three in Alaska and one in the District of Columbia. We utilize panel data at the state-level, with forty-nine states and two time periods, for a total of ninety-

Table 1: Calculations of financially secure and financially insecure majors

	Unemployment rate	Salary	Unemployment z-score	Salary z-score	Comp z-score
Health Professions	0.022	69.6	2.33	1.34	3.666
Engineering	0.049	82.6	0.50	2.60	3.108
Computer and Information Science	0.055	74.4	0.13	1.81	1.938
Mathematics and Statistics	0.051	71.0	0.37	1.48	1.846
Engineering Technologies	0.049	67.7	0.48	1.15	1.632
Physical Sciences	0.048	63.4	0.54	0.73	1.278
Homeland Security / Law Enforcement	0.041	55.0	1.04	-0.09	0.951
Biological and Biomedical Sciences	0.053	62.5	0.27	0.65	0.917
Business Management, and Marketing	0.054	61.7	0.17	0.57	0.736
Parks, Recreation, and Leisure	0.045	50.0	0.77	-0.57	0.197
Social Sciences	0.059	58.6	-0.18	0.26	0.082
Natural Resources	0.053	53.0	0.24	-0.28	-0.043
Education	0.041	44.1	1.06	-1.15	-0.089
Agriculture	0.042	45.0	0.97	-1.06	-0.091
History	0.058	54.0	-0.10	-0.18	-0.278
Family and Consumer Sciences	0.042	43.0	0.97	-1.26	-0.286
Communications and Journalism	0.061	55.5	-0.32	-0.04	-0.353
Theology and Religious Vocations	0.039	40.0	1.17	-1.55	-0.379
Group Studies	0.055	50.0	0.10	-0.57	-0.468
English Language and Literature	0.062	52.0	-0.36	-0.38	-0.739
Public Administration and Social Service	0.073	58.0	-1.09	0.21	-0.886
Liberal Arts and Sciences	0.062	50.0	-0.36	-0.57	-0.934
Psychology	0.060	48.0	-0.23	-0.77	-0.996
Philosophy and Religious Studies	0.068	48.0	-0.76	-0.77	-1.529
Architecture	0.092	64.0	-2.36	0.79	-1.565
Legal Professions and Studies	0.074	49.0	-1.16	-0.67	-1.830
Foreign Languages and Literature	0.077	49.5	-1.33	-0.62	-1.948
Visual and Performing Arts	0.071	45.8	-0.98	-0.98	-1.962
Communications Technologies	0.085	55.0	-1.89	-0.09	-1.977

eight observations. The pre-period is 2010 and the post-period is 2014. For tuition rates and unemployment rates, we allowed a two-year lag, which means the data on those variables were measured in 2008. We incorporated the two-year lag because our dependent variable is based on degrees conferred by major, and students in their final two years of college are unlikely to change their major. Thus, any shift in demand will likely take two years to manifest itself in degrees conferred by major.

Our dependent variable is the percentage of a state's graduates who graduated in a financially secure major. This variable was constructed by separating college majors into "financially secure" and "financially insecure" categories based on average salary and unemployment rate data from the Center on Education and the Workforce. We normalized both average salary and unemployment rate, flipped the sign on unemployment rate to make a lower rate positive, and combined the z-scores to create a composite z-score. We deemed college majors with a positive composite z-score "financially secure" and those with a negative composite z-score "financially insecure."

We totaled the number of degrees conferred in financially secure majors by state, and the total number of degrees conferred by state. Using the former as our numerator and the latter as our denominator, we created the dependent variable: the percentage of a state's graduates who graduated in a financially secure major. Table 2 shows summary statistics for various state characteristics, by pre- and post-period.

Methodology

Our analysis utilized an ordinary least squares regression with state- and time-fixed effects. The dependent variable in our model is the proportion of a state's graduates who graduated in a financially secure major. The coefficient of interest is the state's average tuition per student, in thousands of dollars, two years before the students graduated. Our model is represented by the following equation:

$$Y_{it} = \beta_0 + \beta_1(tuition) + \beta_2(unemployment\ rate) + \beta_3(75th\ percentile\ ACT\ score) + \beta_4(student\text{-}to\text{-}faculty\ ratio) + \beta_5(percent\ of\ students\ receiving\ aid) + \beta_6(percent\ of\ students\ Pell) + \beta_7(percent\ of\ students\ women) + \beta_8(percent\ of\ students\ Black) + \beta_9(percent\ of\ students\ American\ Indian) + \beta_{10}(percent\ of\ students\ Asian) + \beta_{11}(percent\ of\ students\ Hispanic) + \beta_{12}(percent\ of\ students\ two\ or\ more\ races) + \beta_{13}(percent\ of\ students\ full\text{-}time) + a_i + \gamma_t + \varepsilon_{it}$$

Because we utilized state-fixed effects, it was only necessary to control for factors which may have changed between the pre- and post-period. For example, it was not necessary to control for the region of the country, as that did not change between the pre- and post-period.

Our analysis took place at the state-level to minimize spillover effects. At the institutional level, it is likely that one institution's tuition increase would cause students to shift to a different nearby university, resulting in spillover and thus biasing our coefficient. While it is possible that we did not eliminate all spillover by conducting our analysis at the state-level, we believe our analysis minimized it as in-state tuition provides a strong incentive for students to stay in-state. This is important because the goal of this analysis was to measure the result of tuition increases on

Table 2: Summary statistics for state characteristics, by pre- and post-period

State characteristics	Pre			Post		
	25th	Median	75th	25th	Median	75th
Share of graduates in financially secure degree	54	56.4	58.8	57.2	58.6	61.9
Average annual tuition	5,789	6,626	8,721	6,836	8,692	10,314
Unemployment rate	4.2	5.1	5.8	6.1	7.5	8.5
Share of students receiving Pell	28.8	33.5	36.9	24.9	29.2	33.6
Share of students female	52.2	53.9	55.1	52.2	54.4	55.7
Share of students Black	3.1	7.3	14.7	3.1	7.3	14.7
Share of students Hispanic	3.3	6.1	9.5	3.3	6	9.5
Share of students American Indian	0	0.3	1	0	0.3	1
Share of students Asian	1.9	2.8	5.5	1.9	2.8	5.7
Share of students White	57.1	66.8	76.4	56.5	66.9	76.6
Share of students two or more races	2.2	2.5	3.2	2.2	2.4	3.1
Share of students full time	74.8	79.5	85	75.5	80.9	84.9
Share of students receiving aid	54.1	57.8	67.3	49	56.7	62.4
Average aid per student	6,092	6,532	7,602	5,659	6,166	7,196
75th percentile ACT score	25.5	26	26.4	24.7	25.5	26.1
Student-to-faculty ratio	16.5	17.5	19	17	17.6	19.4

decisions to pursue financially insecure versus financially secure degrees, not simply whether tuition increases cause students to shift to other institutions where that degree can be attained at lower financial cost.

With both state- and time-fixed effects, our analysis only compared states to themselves in the two time periods. That is, we compared Texas in 2010 to Texas in 2014, and not, for example, Texas in 2010 to Michigan in 2010, or all states in 2010 to all states in 2014. This allows us to more closely estimate a causal relationship.

There is no control group for our analysis. All states received some treatment (increases in tuition). Thus, the key to interpreting our coefficient of interest is that it reflects how much *more* students shifted to financially secure degrees in states where average tuition increased by larger amounts between 2010 and 2014.

If β_1 is statistically significant then we will reject the null hypothesis that changes in average tuition per student had no effect on the proportion of a state's graduates who graduated with a financially secure major.

Results

Table 3 shows the results of an ordinary least squares regression of factors associated with the proportion of a state's graduates who graduate in a financially secure major, with state- and time-fixed effects. Column 1 contains only the state- and time-fixed effects and shows that fixed effects alone explain 90.55% of the variation in the proportion of a state's graduates who graduated with a

Table 3: OLS regression of factors associated with the proportion of a state's graduates who graduate in a financially secure major

Variables	1	2	3	4	5
Average tuition (thousands)		.004 (.0032)	.0014 (.0031)	.0032 (.0037)	.0045 (.0046)
Unemployment rate			.0065* (.0036)	.008* (.0042)	.012*** (.004)
75th percentile ACT score				.0003 (.0025)	.002 (.0032)
Student-to-faculty ratio				-.0028 (.0041)	-.003 (.004)
Share of students receiving aid				.002** (.001)	.0023** (.001)
Share of students receiving Pell				-.0017 (.0017)	-.0027 (.0023)
Share of students female					-.0051 (.0067)
Share of students full time					.0014 (.002)
Share of students Black					-.005 (.0047)
Share of students Hispanic					.0215 (.0183)
Share of students Asian					-.0088 (.0168)
Share of students American Indian					.0307 (.0208)
Share of students two or more races					.1608 (.1401)
Post	.0245*** (.0033)	.0178*** (.0072)	.0065 (.0108)	.0006 (.0109)	-.0104 (.0136)
State fixed effects	Yes	Yes	Yes	Yes	Yes
Observations	98	98	98	98	98
R-squared	.9055	.9079	.9156	.9237	.9356

Note: Robust standard errors in parentheses. ***p<.01, **p<.05, *p<.1

financially secure major. Column 2 adds average tuition to the regression and we see no statistically significant relationship between it and our dependent variable. Column 3 adds the unemployment rate and shows that there is a statistically significant relationship between it and our dependent

variable. Column 4 adds various non-demographic characteristics that may have changed during the timespan of our analysis, and Column 5 does the same for demographic characteristics.

In the complete model (Column 5) our coefficient of interest indicates that a $1,000 increase in average tuition per student is associated with a .45 percentage point increase in the proportion of graduates who graduate with a financially secure major. In neither the complete model, nor any of the incomplete models, is our coefficient of interest statistically significant, although it is consistently positive.

Interestingly, our results reveal that the unemployment rate has a positive and significant relationship with the proportion of graduates who graduate in a financially secure major. A one percentage point increase in the unemployment rate is associated with a 1.2 percentage point increase in the proportion of graduates who graduate in a financially secure major. In our complete model, that relationship is statistically significant at the 99 percent confidence level. Both common sense and empirical evidence support this relationship. It is not difficult to imagine that in states that were hit particularly hard by the recession, students were wary of a weak labor market and shifted to financially secure majors to improve their post-graduate employment prospects. Furthermore, the Blom, Cadena, and Keys study mentioned above provides strong empirical evidence for exactly this relationship.

We also found a statistically significant, positive relationship between the proportion of students receiving financial aid and the proportion of students who graduate in financially secure majors. It is not immediately apparent why this relationship exists. Perhaps states that sustained financial aid levels through the recession were not hit by budget shortfalls the way that many other states were. It is likely that these states had fewer capacity constraints and were better able to respond to changes in demand from their student population. To check the statistical robustness of our findings, we defined a financially secure major at increasingly higher thresholds. Table 4 shows which majors were deemed financially secure at each of the different thresholds.

Table 5 shows the results of our robustness check. Our coefficient of interest – average tuition – remains positive and statistically insignificant across the first three thresholds, and becomes just barely negative at the highest threshold. We believe that this may be because students that are at the margin of opting out of a financially insecure major would, when tuition increases, be more likely to opt into majors in the middle of the "financial security distribution," such as Social Sciences, Parks, Recreation, and Leisure, and Business, than into those majors on the far right of the distribution, such as Engineering, Computer and Information Science, and Mathematics and Statistics. Put more simply, it is easier to imagine an English major switching to the Social Sciences than it is to imagine them switching to Engineering. Based on that logic, we would expect to see the coefficient on tuition get smaller as we define "financial security" at higher thresholds, which is exactly what the data show.

The coefficient on the unemployment rate is robust across specifications 1, 2, and 4, and just barely becomes statistically insignificant for specification 3. This suggests that higher unemployment rates shifted students across the entire "financially secure major distribution," not just at the middle or top.

Table 4: Majors considered financially secure at various thresholds

Composite z-score threshold	
0.0	(1)Health Professions, (2)Engineering, (3)Computer and Information Science, (4)Mathematics and Statistics, (5) Engineering Technologies, (6)Physical Sciences, (7)Homeland Security / Law Enforcement, (8)Biological and Biomedical Sciences, (9)Business Management and Marketing, (10) Parks, Recreation, and Leisure, and (11)Social Sciences
0.7	(1)Health Professions, (2)Engineering, (3)Computer and Information Science, (4)Mathematics and Statistics, (5) Engineering Technologies, (6)Physical Sciences, (7)Homeland Security / Law Enforcement, (8)Biological and Biomedical Sciences, (9)Business Management and Marketing
1.6	(1)Health Professions, (2)Engineering, (3)Computer and Information Science, (4)Mathematics and Statistics, (5) Engineering Technologies
3.1	(1)Health Professions, (2)Engineering

There are various other coefficients - student-to-faculty ratio, percent of students receiving aid, percent of students Pell, percent of students Black, percent of students Asian, and percent of students American Indian - that become statistically significant at some specifications while not so at others. We speculate that these effects are being driven by individual majors, but this is an area that merits exploration in future research.

Limitations

Our analysis is subject to potential limitations. First, there are likely to be constraints on how many students may enroll in a major in any one year. This means that even if a large proportion of students behaved as we expected, the effect would be muted to the degree that schools can accommodate enrollment shifts across majors. We might also consider the fact that the financially secure majors that we identified are more expensive for universities to administer relative to the majors that are less financially secure. For example, science and engineering programs may have especially high costs, considering the expensive technical equipment required by such departments, so we might expect STEM fields to be subject to greater supply-side constraints.

Our dataset is limited by both the duration and context of the time period that we observed. It may be that significant shifts in student major preferences occur over longer periods of observation, since college-bound students may develop career interests and join an academic coursework track early in high school. In a similar study in the future, we would analyze a ten-year period or longer.

Table 5: Robustness check with financially secure major defined at increasingly higher thresholds

Variables	1	2	3	4
Average tuition (thousands)	.0045 (.0046)	.0014 (.0045)	.0017 (.0026)	-.00005 (.004)
Unemployment rate	.012*** (.004)	.0067*** (.0038)	.0041 (.0028)	.0086** (.004)
75th percentile ACT score	.002 (.0032)	-.004 (.0026)	-.0007 (.0027)	.0023 (.0039)
Student-to-faculty ratio	-.003 (.004)	-.0036 (.0030)	-.0045* (.0023)	.0027 (.0043)
Share of students receiving aid	.0023** (.001)	.0021** (.0009)	.0004 (.0007)	.0012 (.0008)
Share of students receiving Pell	-.0027 (.0023)	-.0042** (.0019)	-.001 (.001)	-.001 (.0021)
Share of students female	-.0051 (.0067)	-.0039 (.0053)	-.0003 (.0044)	-.0043 (.0063)
Share of students full time	.0014 (.002)	-.0778 (.189)	.0014 (.0013)	.0006 (.0017)
Share of students Black	-.005 (.0047)	-.0104*** (.0034)	-.007** (.003)	-.0006 (.0053)
Share of students Hispanic	.0215 (.0183)	.0226 (.0162)	.0087 (.0074)	.0128 (.0167)
Share of students Asian	-.0088 (.0168)	-.0043 (.0152)	-.0253* (.0139)	.0042 (.017)
Share of students American Indian	.0307 (.0208)	.0324* (.0174)	.0088 (.0073)	.0215 (.0197)
Share of students two or more races	.1608 (.1401)	.1389 (.1283)	.0578 (.0588)	.1466 (.1321)
Post	-.0104 (.0136)	.0027 (.0113)	.0217** (.0104)	-.0352** (.0145)
State fixed effects	Yes	Yes	Yes	Yes
Observations	98	98	98	98
R-squared	.9356	.9639	.9749	.9372

Note: Robust standard errors in parentheses ***$p<.01$, **$p<.05$, *$p<.1$

Additionally, our period of observation coincides with the severe economic shock of the Great Recession. The biases in our data related to the recession are manifold and multi-directional. The recession pushed more students into college programs, which may have exacerbated the capacity constraint issue. Of course, the poor economic conditions themselves could have shifted student preferences. As noted earlier, many of the states suffered revenue shortfalls during this

period, leading to large cuts to higher education budgets. It would be impossible to disentangle the effect of the recession from the effect of the tuition increases, since the two are likely correlated. Also, our data were not fully accurate estimates of the cost of attending college. While sticker-price tuition increases may well affect many student decisions, net cost to the student may be a more important measure since most students do not pay the full price of tuition.

Finally, our regression model is very sensitive to outliers, which in our case means states with small public university student populations. We excluded two of the smallest public higher education systems (Alaska and the District of Columbia) due to missing entrance exam scores, but other states with small enrollment numbers were given equal weight with large states in our model. This should be addressed in any further investigation of these phenomena.

Conclusion

Our analysis found a positive, but statistically insignificant, relationship between tuition price and the proportion of students enrolling in financially secure majors, as defined by our index. A robustness check found some sensitivity to the threshold at which we defined a major as being financially secure, with the coefficient shrinking as the threshold was defined at higher levels. We believe that a deeper investigation of the data from a longer time period may establish a more conclusive relationship between our coefficient of interest and dependent variable. Further analyses may also wish to use net cost to the student as the coefficient of interest instead of tuition sticker price.

While we failed to reject the null hypothesis for our coefficient of interest, we did observe a statistically significant, positive relationship between state unemployment rate and the proportion of graduates who graduate with a financially secure major. We believe this may be a result of students' preferences shifting toward financially secure majors in states that were hit harder by the recession. It is important to note that this study was not designed to estimate the relationship between unemployment rate and the proportion of a state's graduates who graduate in a financially secure major. There may be subtle ways in which such a study would be designed differently from ours. We also found a statistically significant, positive relationship between the percent of students receiving aid and our dependent variable. Further research would be needed to understand the nature of these relationships.

Our findings indicate that university administrators might serve students better by providing more seats in financially secure majors during periods of tuition increases or rising unemployment. Our findings should also be of interest to policymakers within state governments. As states continue to cut appropriations to their higher education institutions, they may want to consider what effect tuition increases will have on the production of graduates across major fields. For example, it is widely believed that we are producing too few teachers. Our findings indicate that increases in tuition may further exacerbate this shortage by shifting students away from education and toward more financially secure majors. State policymakers should bear in mind that individuals will make their human capital investment decisions based on individual costs and benefits. The result of that individual cost-benefit analysis may not always align with the public interest.

Alternatively, administrators or policymakers may consider varying the price of tuition by major. By more closely aligning the price of a degree with the present discounted value of the professions most closely associated with that degree, universities might be able to counteract demand shifts. This could prevent labor shortages in lower paying professions such as teaching or social work, which have much higher social benefits than private benefits. For programs such as engineering that are more capital-intensive for universities to administer and lead to higher lifetime earnings, a tuition increase relative to other majors should have an insignificant effect on demand. Potentially, these programs could cross-subsidize other programs with lower enrollment.

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Natural Disasters and the United States' Electricity Grid: The Role of FEMA and the Value of Micro-Grids

Gilbert Michaud [1]

Abstract

The Federal Emergency Management Agency (FEMA) is the key federal agency that responds to natural disasters in the United States (U.S.), yet it has come under great scrutiny for several prolonged- and poorly-coordinated efforts in disaster response and recovery. The increasing frequency and severity of major natural disasters in the U.S. now presents new challenges for emergency preparedness and response teams. This has led to several cases where FEMA's relief efforts were severely limited due to a lack of electricity during a disaster's aftermath. To mitigate such circumstances, micro-grids offer value by disconnecting from the centralized electricity grid and operating autonomously, allowing hospitals, military bases, and other key emergency response related facilities to get back online quickly. This article examines how micro-grids can increase distributed generation (e.g., solar photovoltaics and wind), which, in turn, can improve grid resiliency and operations during disasters. Overall, if implemented correctly, the emergence of micro-grid technology could improve and expedite FEMA's responsiveness to substantial disasters by keeping the power on, as well as allowing local communities to meet the unknown energy needs of the future.

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Introduction

Across the United States (U.S.), the Federal Emergency Management Agency (FEMA) responds to natural disasters that are severe enough to overwhelm the state and local resources available for dealing with such problems (FEMA 2015; Schneider 2005). One of the central reasons to have disaster relief-oriented government agencies is to safeguard the country's critical infrastructure (CI) sectors, including energy, communications, water, healthcare, and transportation, among others (Koski 2011). If preparedness and response teams cannot protect these various CI sectors, the quality of life of the citizenry can be severely compromised.

One of the most prominent and ubiquitous CI sectors to protect is that of energy, particularly the U.S.' electricity grid. When natural disasters affect the centralized grid, it causes people to lose power for extended periods; homes and businesses cannot function properly, which causes panic, economic losses, and an overall lower quality of life (Bompard, Napoli, and Xue 2009). Hurricane Katrina provides an interesting case study to exemplify this point, as millions of homes (roughly 15% of those residing in the Gulf Coast states) and businesses, including hospitals, were without electricity for up to two weeks (Brunkard, Namulanda, and Ratard 2008). As a result, thousands of affected individuals could not receive adequate medical care, and roughly 350,000 were displaced as a result a lack of power (Rudowitz, Rowland, and Shartzer 2006). FEMA's delayed and poorly coordinated response to Hurricane Katrina, such as its prolonged delivery of diesel fuel and rescue boats, combined with widespread power outages at the time, caused unnecessary chaos in the wake of this massive storm.

This article outlines key issues regarding natural disasters and their impact on the electricity grid. The inadequacy of FEMA's response to Hurricane Katrina, particularly due to limited access to power, is briefly discussed as a representative case study. The paper then deliberates the emergence of micro-grids as a potential solution to the loss of electricity during natural disasters, highlighting such cases as Japan's Tohoku Earthquake and California's Butte Fire. Taken as a whole, this paper argues that micro-grid development could enhance FEMA's recovery efforts associated with natural disasters that affect the electricity supply.

Why Core Energy Infrastructure Matters

Much academic literature has outlined the importance of securing the electricity supply, particularly considering the effects of natural disasters (e.g., Amin 2002). As Rudnik (2011, 22) claimed, not only "does the functioning of industry, transportation, and communication and computer systems depend on a continuous energy supply, but our complete style of living collapses when energy fails." Recovery from natural disasters is especially challenging when there is a lack of electricity for emergency services (Ciottone 2006). For instance, as Araneda et al. (2010, abstract) stated regarding the 2010 Chilean earthquake, "main supplies collapsed, electricity, water, gas, telephones, contributing to make matters worse for the suffering population."

Hurricane Katrina is also a noteworthy example to illustrate, as it left 1.3 million Floridians without power, and, as the storm strengthened and hit Alabama, Mississippi, and Louisiana, about

another 1.3 million more without power (Hubbell 2011). Particularly considering the U.S.' dependency on electronics and telecommunications, this loss of power translated to the shutdown of life support services and other technologies that were fundamental for survival at the time (Banipal 2006; Miller 2006). This, coupled with FEMA's sluggish and insufficient response to the emergency (Chua, Kaynak, and Foo 2007; Parker et al. 2009), exacerbated disaster recovery difficulties (Sobel and Leeson 2006). Dolfman, Wasser, and Bergman (2007) estimated the economic losses related to Hurricane Katrina to be greater than $200 billion, which does not account for specific indirect losses related to the lack of electricity (Committee on Assessing the Costs of Natural Disasters 1999).

Micro-Grids and Their Role in Natural Disasters

Micro-grids are local electricity grids formed from small-scale and localized energy generation sources, which enhance reliability, cut carbon emissions, reduce peak demand, and decrease electricity costs in the communities they serve (Bialek 2013). Micro-grids can operate autonomously from the larger electricity grid, which allows for decentralized energy generation (i.e., generation near the point of consumption) (Eghtedarpour and Farjah 2012). By nature, these micro-grids generate power from a variety of distributed and renewable energy resources (e.g., solar photovoltaics, wind, geothermal, small hydro, etc.) (Kwasinski et al. 2012). Particularly when storage is present (e.g., lithium-ion batteries), micro-grids can provide a more reliable electricity source when the less-resilient, centralized grid goes down (Lee, Soto, and Modi 2014). These technologies are important for relief efforts since they may decrease the number of homes, businesses, and other vital facilities cut off from electricity during natural disasters (Krishnamurthy 2014).

A micro-grid utilizes distributed energy resources to function independently from the greater grid network, and is able to 'island' if the larger grid fails (Dohn 2011). Islanding refers to the capability for a micro-grid to remain energized in a localized area when the grid shuts down, which is particularly enticing to universities, hospitals, and military areas aiming to protect their critical energy loads during natural disasters (Hampson et al. 2013). It is also desirable to homeowners and businesses, which is a dynamic that is currently spurring the development of new micro-grids throughout the U.S. (Adams and Larson 2015).

Most often, industrial, commercial, and government entities have developed micro-grids in order to provide a locally-controlled, secure, and reliable energy source for their operations. Peripheral benefits of micro-grids include not only the reduction of greenhouse gas emissions and strain on electricity transmission and distribution system (Beach and McGuire 2013), but also increased efficiency due to the immediacy between generation and use (Barter and Borer 2015; Dohn 2011). With reference to disaster response, micro-grids can help prevent power outages; further, they can help reduce the duration of outages for those who endure them, since they are capable of feeding power back to the larger electricity grid (Mahieux and Oudalov 2015). While micro-grids would not completely eliminate the threat of destruction, this infrastructure could lessen the span of a natural disaster's harm to the electricity supply.

To illustrate, in March 2011, the 9.0 magnitude Tohoku Earthquake (i.e., the Great East Japan Earthquake) hit Japan, prompting a tsunami that damaged nuclear reactors and killed nearly 30,000 people (Israel 2011). This disaster particularly ravaged the City of Sendai, destroying nearly all transportation infrastructure and blacking out the region's electricity grid (Bennett 2011). However, a one megawatt (MW) micro-grid at Tohoku Fukushi University continued to supply an uninterrupted flow of power, most notably to the university's hospital (Strickland 2011). Powered by natural gas micro-turbines, solar photovoltaic panels, and fuel cells, the hospital was able to continue its operations (e.g., heat, lights, MRI machines, etc.), helping provide critical healthcare services in the wake of the disaster (Hirose et al. 2013). Particularly since outages lasted for weeks, the micro-grid and hospital's operation allowed relevant agencies to help in other relief efforts, such as distributing emergency supplies and clearing debris.

More recently, in September 2015, the Butte Fire was an explosive wildfire that originated in Amador County, California (Gabbert 2015). The fire burned over 70,000 acres of land, including homes, businesses, and power lines, displacing numerous individuals and leaving those unscathed without power (Gabbert 2015). Fortunately, the nearby Jackson Rancheria Casino Resort operated a micro-grid that provided enough electricity to operate the casino, hotel, and a nearby gas station (Ortiz 2015). In light of the damages, the casino owners islanded their micro-grid to operate independently, and opened the facility to about 1,000 people who had been evacuated from their homes (Taborek 2015). In fact, micro-grids continue to gain interest in California, since the state is particularly susceptible to wildfires and earthquakes (Ortiz 2015).

FEMA's Role in Micro-Grid Implementation

Despite the proven usefulness of micro-grids during prolonged power outages due to natural disasters, FEMA specifically remains limited in its role of promoting such innovative disaster response approaches. For instance, the downsizing of FEMA when becoming part of the Department of Homeland Security (Bullock et al. 2006) has given the agency less flexibility and funding for natural disaster preparedness and recovery (Cooper and Block 2006). Moreover, FEMA's prior mission to alleviate vulnerability and prepare for natural disasters before they transpire was compromised as part of this reorganization, making them more of a disaster recovery agency than a preparedness agency (Lewis 2008). In fact, numerous scholars have shown how FEMA could improve at effectively addressing natural disasters (e.g., Aldrich and Crook 2013; Gerber 2007; Pierre and Stephenson 2007), especially by supporting innovative approaches to disaster preparedness and relief. Micro-grids are one such category of innovative products.

Other relevant challenges to more widespread micro-grid deployment are the high initial costs. The Tohoku Fukushi University micro-grid was supported by substantial government funding (Strickland 2011), while the Jackson Rancheria micro-grid had the financial backing of a large profit-oriented casino (Ortiz 2015). However, most potential micro-grid locations and installations in the U.S. would not garner such financial support, particularly in rural areas. Additionally, current technology limits micro-grids to roughly 40 MW, which, at a peak capacity, can power just over 100

buildings (Asmus 2014). In fact, current inverter technology[2] and enhanced line losses with distributed generation work to create diseconomies of scale with regard to micro-grids, in how electricity would dissipate by traveling through the intricate set of required power lines (Asmus 2014; Deign 2015). Onerous governmental regulations and utility push-back against increasing distributed generation penetration levels may also hinder micro-grid development. Lastly, micro-grid infrastructure itself may be damaged during a natural disaster, rendering its services useless.

Nevertheless, interest in micro-grids has ascended in recent years as organizations have realized their value and the price of distributed energy materials and installation has declined (Barbose, Weaver, and Darghouth 2014). With natural disasters of tremendous magnitude growing more frequent and becoming costlier (Cutter and Emrich 2005), the need is growing to better position the U.S. to manage and recover from such catastrophes. The rollout of micro-grids that can operate independently will render society better prepared to absorb nature's harshest blows. This, coupled with a solid backing from a reputable and powerful federal agency such as FEMA, could be monumental toward focusing on the security of the electricity grid during natural disasters.

While the U.S. Department of Energy has an obvious concern in domestic energy matters and will continue to explore micro-grids, FEMA should lead development since micro-grids are specifically crucial to their organizational duties. FEMA would also have several more resources, such as a financial backing by the federal government, to pursue micro-grids when compared to state and local government entities (Plumer 2013). More specifically, FEMA could fund micro-grid projects in areas with a high risk for natural disasters, or actually build and manage such micro-grids themselves. FEMA may also be able to utilize its staff and provide technical maintenance to privately-owned micro-grids in high-risk areas, or perhaps contract a specialized company to provide this service.

However, due to its current lack of funding, FEMA may initially be relegated to the role of a micro-grid endorser (i.e., publicly encouraging and supporting respective communities to pursue micro-grids), not an owner or operator. For now, FEMA should, at minimum, start to convene stakeholder groups to conduct feasibility studies on the role of micro-grids in disaster relief, and nudging stakeholders in at-risk communities (e.g., electric utilities, local government officials, business owners, healthcare providers, homeowners, etc.) to consider micro-grids to meet local energy demand and be prepared in emergency situations. Regardless of the approach, there are substantial opportunities for FEMA to improve its performance if it started investing in and promoting micro-grids to augment the centralized electricity grid, particularly in some of the nation's most vulnerable areas.

Conclusion

The everyday lives of the U.S. citizenry would not be the same without access to electricity, which is vital toward a number of other CI sectors. There is a complex intertwining of these CI

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[2] Inverters are required for distributed energy generation (e.g., solar photovoltaics and wind) in order to convert the generated direct current (DC) power into alternating current (AC), allowing the use of AC-powered equipment that are commonly found in homes and businesses today.

sectors, such as the use of electricity in healthcare. Therefore, it only takes one asset or facility to be damaged to impact several other CI's. Eliminating significant vulnerabilities to the electricity grid is vital in ensuring a sense of well-being, particularly during tumultuous times such as natural disasters.

There are several solutions to help lessen the impact of natural disasters on the electricity grid. Most importantly, FEMA should spearhead micro-grid development, which would leave islands of power within a blacked-out region in the aftermath of a natural disaster. This would greatly help critical facilities such as police stations, fire stations, and hospitals continue to operate in a relatively normal manner. Overall, protecting this CI and being cognizant of impending natural disasters is essential for national health, safety, and economic security, and micro-grids could bolster FEMA's emergency response and recovery performance in future years.

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Ban the Box: An Evaluation

Selamawit Misgano

Abstract

Ban the Box refers to a set of policies that, at a minimum, remove the conviction question from job applications. In the last ten years more than 100 cities and 19 states have implemented some version of these policies. This note will explore the impact of Ban the Box policies on employment and recidivism rates among formerly incarcerated adults, as well as map out the path forward for Ban the Box advocates and policy-makers.

Introduction

Ban the Box policies have been implemented at the local, state and federal level, and focus on tackling criminal background-based employment discrimination. The main idea of the policy is to remove the conviction question on job applications. In addition, most delay the criminal background check until after the interview and/or after an employer has given a conditional offer. A handful of cities have gone even further; for example, Woodstock, NY have adopted policies that regulate which convictions employers may considerer and set limits on how far back in the applicant's background employers can look (Rodriguez and Beth 2016). While most Ban the Box policies only cover the public sector, a few, such as the state of Hawaii and the city of Seattle, cover government contractors as well as private employers.

Rationale for Ban the Box Policies

In 2014, 1,508,600 prisoners were held in state and federal in the U.S. However, the that number jumps to 2.4 million when we include individuals held in juvenile correctional facilities, local jails and Indian Country jails as well as military prisoners, immigration detention facilities, civil commitment centers and prisons in the U.S territories (Wagner and Sakala 2014). The Ban the Box (BTB) policies concern themselves with the hundreds of thousands of formerly incarcerated individual coming back home from prisons each year with a felony conviction on their record. In the year 2014, 636,300 people were released from state and federal prisons (Carson 2015). For these individual employment will be one of the biggest barriers to reintegration.

The Rise of Ban the Box policies

Public discourse about the economic and community implications of incarceration has been gaining attention roughly in the past ten years. All of Us or None, a national advocacy group based in Oakland, CA has been cited as the key originator of many BTB policies and has been organizing on the issue of employment discrimination for formerly incarcerated individuals since early 2000s (All of Us or None 2011). The group argued that BTB would reduce employment discrimination and encourage job application for individual with criminal histories. In 2006, the group won its first victory in the city of San Francisco. Since 2006, more than 100 cities and dozen states have followed suit.

Ban the Box's Impact on Employment

Ban the Box policies temporarily hide past criminal history in the initial job application process in hopes of encouraging employers to consider the applicant's qualifications absent that history. Advocates believe that qualified job applicants with a criminal history are being discriminated against in the labor market. Employers are reluctant to hire applicants with a criminal record. One mechanism through which this discrimination occurs is in the initial hiring phase when

individuals are asked about their previous criminal history. Advocates hope BTB will increase the number of job applicants with records seriously considered for jobs and encourage qualified job seekers with a record to apply for job, resulting in higher employment rates, which is one the biggest challenges faced by so-called returning citizens (Pew Charitable Trusts 2010). Equally qualified ex-offenders are 50 percent less likely to be considered by employers compared to non-offenders, which is a clear evidence of the barriers to employment imposed by a criminal record (Pager 2007). BTB hopes to at least reduce this barrier for qualified job applicants with criminal records.

Although BTB policies have been spreading across states and cities in last decade, only a handful of cities and states have collected information showing changes in employment. Early evidence does exist from Durham, NC and Minneapolis, MN. Both Durham (in 2011) and Minneapolis (in 2006) removed the questions about criminal record from job applications for public sector jobs. Employment outcomes for job applicants with a criminal record seem to have improved in both cities after enactment of such a BTB policy. In 2014, 16% of people hired by the city of Durham had a criminal record, nearly seven times greater in than what it was 2011 (Atkinson and Lockwood 2016). More than half of the applicants with a criminal conviction marked as a 'concern' in Minneapolis were hired between the years 2006 and 2008 compared to only 27% before the policy was implemented. In both cases, it's not clear whether "BTB" is the cause or whether other initiatives are, yet the timing does point to a correlation.

Ban the Box's impact on the private sector employment is weaker. Minnesota extended its Ban the Box policy to include the private sector only in 2014. While Clemson University concluded no statistically significant impact in private employment, requests for criminal background history on job applications fell from 83% to 18% (Bogardus 2015). However, a majority of these private companies continued to run criminal background checks on job applicants later in the hiring process, which Minnesota's Ban the Box policy allows.

Ban the Box's Impact on Recidivism

Hawaii, which implemented the most stringent BTB policies, has seen a dramatic reduction in recidivism rates. The policy requires private employers and public contractors to remove the question of conviction from job applications, and to delay background checks until after a conditional offer of employment. Honolulu County has shown dramatic reduction in recidivism rates after implementation of Ban the Box. In addition, employers can only withdraw the offer if the conviction satisfies a "rational relationship" to the duties and responsibilities of the position. Controlling for differences in characteristics important to the likelihood of reoffending, the researchers found repeated felony offending decreased by 11% after Ban the Box was implemented (D'Alessio 2014). These findings show that Hawaii's Ban the Box law was correlated with a significant decline in repeat offending among formerly incarcerated individuals in Honolulu County.

Although literature on BTB is still growing, employment is understood to be one of the most important factors reducing the risk of recidivism. Uggen (2000) found that among the Supported Work (a subsidized employment program) participants, adult offenders assigned to jobs avoided reoffending longer than adults not assigned to jobs. In addition, the higher the quality of

the job, including skilled craftwork, the further recidivism seems to decrease at least for adult ex-offenders. Scholars have demonstrated that these findings to hold true for drug offenders, a promising finding considering that 20% of prisoners are drug offenders and may be differently situated for reoffending than other convicts.

Policy Options & Recommendations

Since the start of the movement a decade ago, Ban the Box advocates have enjoyed extensive policy successes. During the summer of 2015, President Obama mandated that all federal government departments halt initial inquiries into criminal history. This mandate did not address federal contractors, nor does it bar the federal government from discovering criminal history later in the hiring process but before a job offer actually occurs (Melber 2015). States and cities also continue to pass Ban the Box around the country. Today, major cities and states covering every region of the country have adopted some version of BTB policies (Rodriguez and Beth 2016). As recently as 2015, the Ohio Senate passed the Ohio Fair Hiring Act, which removes the conviction question for all non-federal public employers (Hussein 2015). As in Ohio, a majority of Ban the Box policies only cover city, state and federal government jobs; however, "seven states, the District of Columbia, and 27 cities and counties now extend the policy to government contractors or private employers" (Rodriguez and Beth 2016).

However, restricting BTB to government jobs hinders the larger agenda of what BTB is hoping to achieve in transforming employment opportunities for formerly incarcerated individuals. To address these shortcomings, I offer the following recommendations to guide decision-makers in adopting more equitable criminal justice policies:

- Considering the public sector represents a small share of the American workforce, policy makers must ensure new BTB legislation (or existing BTB is replaced with) more comprehensive" BTB", modeled after Hawaii so as to include both government contractors and private companies.
- Government, up to and including the White House, must incentivize contractors and private employers to hire qualified applicants with criminal records through financially supporting the salary of these type of workers. This can be achieved through programs such as the Work Opportunity Tax Credit, a Federal tax credit available to employers for hiring individuals from certain groups such as those with a criminal record.
- Policy makers must enact laws which prohibit using the applicant's criminal record, once the job is offered, to rescind that offer, unless it is tied directly to public safety or reasonably linked to the functions of the job.
- Require local, state and federal government to monitor results on recidivism – regarding increased employment, with special focus on outcomes of racial minorities – so that future BTB policies can be as effective as possible.

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The Necessity of Taxation Justice for a More Profound Decolonization Process in Ecuador

Luis Salvador

Abstract

This paper focuses on the necessity for new inheritance tax legislation in Ecuador, namely the Taxation Justice Law for the Redistribution of Wealth, as a way to effectively challenge and begin to transform the deeply rooted structures of socioeconomic power and dominance that date back to the colonial period. These structures affect various aspects of everyday life in Ecuadorian society and are a form of continuous violence against poor and historically oppressed populations. In the case of Ecuador, the majority of the population has been subjected to this ongoing violence and systematic exclusion, with more aggression towards indigenous and blacks. This paper analyzes the connections between the political debate and societal conflict that resulted from the legislative proposal in the context of Latin America's colonial legacy. This legacy continues to play a key role in maintaining the rigidity of the structures that cause inequality and tilt the balance of forces in society towards an elite minority. I argue that the proposed progressive increase to inheritance taxes in Ecuador could set a precedent for transformative policies with active participation of ordinary citizens, and that it can be replicated in Latin American countries with similar structures as part of a more profound decolonization process.

Introduction

During his annual address to the nation, President Rafael Correa stated that he would send a legislative proposal to the National Assembly to change Ecuador's inheritance tax system. Inherited wealth, he said, was a fundamental factor behind the country's inequality (Correa 2015, 40-41).The address took place on May 24, 2015, a date that carries historical significance. The Battle of Pichincha, which was fought 193 years earlier, served as a transcendental event in the liberation of the Real Audiencia de Quito, the administrative jurisdiction constituting present-day Ecuador. For 300 years, these lands, home to dozens of indigenous groups, were colonized under the Spanish Crown. Today, five hundred years later, the proposed Taxation Justice Law for the Redistribution of Wealth brings forth a new battle for the people of Ecuador that cannot be analyzed or understood in isolation of Ecuador's political and economic history dating back to the colonial period. This new battle must be recognized as part of an incomplete decolonization process.

In Ecuador, we live in a society that too often fails to reflect upon the connections that exist between the various aspects of our everyday life and the past. Although the imperial crown was eventually defeated, Correa's legislative proposal and the series of events that have followed it, make it evident that the deeply rooted structures of power and dominance of the colonial period are still present today. These structures, created legally and institutionally by Spanish colonizers, and maintained by the creole elites (those of direct Spanish descent) after independence, produced inhumane levels of wealth inequality that marginalized large segments of the population. Over time, these structures created a top-heavy society where elites systematically oppressed and exploited the rest of the population for generations. There is a reason why the law calls for a redistribution of wealth through a more just inheritance tax policy: the colonial structures of concentrated land ownership and exploitation already distributed wealth, and they did it violently and inequitably.

As an Ecuadorean living abroad at the time this legislation is proposed and debated, I feel compelled to reflect on this issue because I have witnessed the negative effects of structural inequality in my country. I understand the need for a tax law such as this in order to move forward as a more democratic society with more equal opportunities for all, but particularly for historically oppressed groups. I aim to create consciousness of why taxation justice is necessary for Ecuador and how this would benefit all citizens in the long-term. I am writing because I firmly believe that this law can be another step in the decolonization process, not only for Ecuador, but for Latin America.

Legacy of Colonial Structures

Ecuador's colonial legacy is inescapable. Our people carry it in their names, see it in the colors of their skin, and hear it in the languages that they speak. However, the colonial legacy extends far beyond these noticeable characteristics, influencing the country's cultural mindset and its political and economic systems. The colonial economic and racial hierarchies are undeniably present in 21st century Ecuadorian society. These hierarchies, which are normalized in everyday forms of

racism, exclusion, and discrimination, stem from the structures of power and domination established under colonial rule (Singh 2014).

The colonial structures in Ecuador and throughout Latin America created a stratification that favored the white, European settlers and generated second- and third-class citizens. According to a census in the late 1700's, approximately 63% of the population was indigenous, 1% were slaves (mainly of African descent), 11% were of mixed race, and 25% were white (including those born in Spain and in the colony) (Grijalva 2015, 16). This stratification must be understood through the lens of imperialism. Colonialism is a direct consequence of a Eurocentric imperial system of economic expansion and subjugation of people, in Ecuador's case of native indigenous populations and African slaves (Smith 1999, 21). Thus, colonialism served as the means for imperial forces to concentrate wealth and power through a system of domination, by exploiting both people and land. In the 18th century, facilitated by legal and administrative frameworks, Spanish settlers and their descendants created latifundios: large agrarian estates that consolidated, through land ownership, the structures of dominance and power. The dehumanizing stratification they imposed left the exploited indigenous and blacks alienated at the bottom. Only those born in Spain were considered first class citizens, while the creoles formed the middle stratum, and the mestizos (those of mixed descent) constituted the bottom. As a result of this system, historically oppressed groups continue to be viewed as human beings of lesser value in Ecuadorian society.

Over time, the creoles realized that they could control the immense wealth and resources that the lands possessed, and accumulated enough strength to rebel against colonial rule. The declaration of independence from Spain put an end to the direct exploitation and oppression by the Crown, but brought about even harsher forms of exploitation and oppression under creole elites. The structures of power and domination remained largely intact, if slightly modified, to benefit the new ruling economic classes. Independence did not achieve an integral objective of decolonization as marginalized populations continued to be excluded and denied rights and the system of racial stratification was consolidated (Acosta 2006, 24-26).

The inheritance and purchase of latifundios by sons and grandsons of Spanish settlers was a key component in allowing a small number of creole families to solidify themselves as the dominating oligarchy through land acquisition and distribution. The elite class thrived as the status quo of colonial economic and power relations was maintained through the accumulation and concentration of wealth in Ecuador. The subsequent transfer of this wealth from one generation to the next since this time period has been carried out with little to no interventions or obstacles, even across changes in the system of government in the 20th century (democracy to military rule and a subsequent return to democratic institutions). Direct access to political leadership and foreign influences have enabled economic elites to preserve their interests and dominance.

Taxation Justice through Redistribution

Although the Taxation Justice Law for the Redistribution of Wealth was proposed in 2015 under the government of Rafael Correa, Ecuador already taxes inherited wealth. In fact, this is the second attempt by this administration at reforming inheritance taxation policy. The first reform in

2008 eliminated a 5% flat tax for a more progressive policy; however, the reforms have failed to contribute to substantially transforming existing colonial structures of power. Economic elites are not threatened by the current tax system, as it is not progressive enough and has a maximum rate of only 35% (Inga and Torres 2011, 1). In fact, throughout Correa's government and those that preceded it, it is difficult to find any policy that attempted significant structural changes to the legacy of concentrated wealth and property. That is why this legislation is vital.

The rationale for the proposed legislation includes the following, as stated in the text: First, "The State must plan the country's national development and eradicate poverty, promote sustainable development, and equitably redistribute resources through economic, tax, and fiscal policy." Second, "In the current tax structure for inheritance and donations, there is a need to improve the redistribution of wealth by strengthening its imposition on segments of the population with greater concentration." Third, "This initiative aims to include mechanisms for equality to promote the redistribution of wealth, as well as mechanisms to prevent the fiscal elusion and evasion in the declaration and payment of inheritance and donation taxes." The law recognizes the role of the State as the responsible actor in promoting and implementing taxation justice, and it also depicts the initiative as part of larger development and poverty alleviation goals (Salvador 2015, 1).

In addition, the law mentions principles found in the country's constitution and the government's national development plan (Plan Nacional del Buen Vivir) that must be considered. The constitution states that ensuring an adequate distribution of income is a crucial economic policy objective of the State. Specifically, it establishes that the tax system is a fundamental instrument of economic policy to stimulate the distribution of wealth and contribute to social equity. Furthermore, the law references the constitutional need for public policies to be carried out with solidarity, granting rights for all, and working towards buen vivir (or sumak kawsay in Quechua) for the entire population (Salvador 2015, 2). The ancestral, indigenous concept of buen vivir, or "good living," encourages an inclusive, community-centered style of life for all groups in the country. Buen vivir cannot be reached under extreme concentration of wealth and under persisting colonial structures that erased this very concept from our society hundreds of years ago.

In order to be liable for the inheritance tax, the proposed law states that the amount inherited, whether in property value or money, must exceed 100 minimum wages. In 2015, the minimum wage in Ecuador was $354, meaning that the base for the new inheritance tax system is $35,400, compared to the current base of $58,680. At this base, individuals would be taxed at 2.5%, a rate that increases progressively up to 47.5% for an inheritance valued at more than 2,400 minimum wages, equivalent to $849,600. This maximum rate would apply for direct heirs, described as children, parents, grandparents, or grandchildren. For indirect heirs, the maximum rate imposed would be 77.5% (Telesur 2015). Under the current tax law, the maximum rate for direct and indirect heirs is 17.5% and 35%, respectively, which are much lower than the proposed rates (Inga and Torres 2011, 30). Only 3 in 100,000 Ecuadorians receive an inheritance of over $50,000 in a given year. Given this reference, the government estimates that the new inheritance tax system would only affect the most well-off, approximately 2% of the population (Salvador 2015, 10). These figures illustrate the inhumane concentration of wealth in a few hands, with direct roots to our colonial

past, marking evident the necessity for higher and more progressive rates to achieve taxation justice and redistribution in our country.

Inequality as a Form of Violence

The intergenerational accumulation of wealth by an elite that represents 2% of the population has alienated most Ecuadorians from economic, political, and social participation in civic life. The historically unequal distribution of wealth to be addressed by the Taxation Justice Law for the Redistribution of Wealth came with violence and it continues to produce violence. The colonial structures of power and domination left Ecuadorian under conditions of extreme wealth and poverty (Acosta 2006, 28-30). The violence behind inequality is ubiquitous to the extent that its presence can be defined as normal in our country. There is a normalized violence against the poor, the oppressed, the marginalized, and the vast majority of Ecuadoreans that occurs every day, and is directly related to our colonial past (Henry and Grunebaum 2005, 3).

The conditions in present-day Ecuador must be understood under this framework, and my aim is to incorporate inequality as a form of violence conceptually to raise consciousness across different segments of our population, particularly those who belong to the top 2% of wealth-owners. One of the reasons for writing this paper is the indignation I felt witnessing the caravan of cars (luxury cars in many cases) that protested the inheritance tax initiative on one of Quito's highways in the weeks following Correa's address. The individuals in the cars waved black flags to symbolize their mourning as a result of the proposed tax law. Ironically, this event attempted to portray the 2% elite as victims of State-led oppression and yet the conditions of the protest only showed how foreign the concept of violence was to this group.

The distribution of wealth historically in Ecuador is a direct result of the structures of dominance and power as well as the racial stratification from the colonial period. Native indigenous groups in Ecuador were invaded, murdered, raped, and forced to work under inhumane conditions in haciendas and plantations that were exploited for the sole benefit of Spanish settlers. They were told that the land belonged to a King that lived thousands of kilometers away, an inconceivable concept for an indigenous population that believed that they belonged to the Pachamama (the mother Earth). The inverse relationship was impossible. Similarly, African slaves and their descendants were subjugated by Spanish settlers and creoles. Like the indigenous, they were treated as property whose sole purpose for living was to produce wealth in the plantations and latifundios, and in this regard, they were stripped of any rights as human beings. Just as the sons and grandsons of Spanish settlers and creoles inherited the lands and wealth of their predecessors, the sons and grandsons of indigenous and black Ecuadoreans inherited the dehumanizing oppression faced by their forbears. The extreme inequality in our country today is of the result of continuous violence against marginalized populations, particularly indigenous groups and blacks, who deserve to be granted full constitutional rights and a legitimate opportunity to achieve buen vivir.

Despite the violence of structural inequality, repressed segments of the population have gained more rights and more inclusion in certain facets of society in recent years. However, these marginal changes have occurred within colonial structures keeping the interests of elites completely

untouched. The elites fail to see how benefits for the larger population will in turn bring benefits for the entire country, including them. Instead, the reality is that the violence has not left our communities, our cities, and our country as a whole. Imperialism and colonialism still hurt us every day, and they still have the capacity to destroy us in tangible and intangible ways. The deeply rooted structures behind these systems of domination continue to adjust themselves to serve the interests of selfish, unpatriotic, and often, racist elite groups (Smith 1999, 19). Yet, the violence carried out by these structures extends beyond the historically marginalized groups to the majority of the population, including a middle class, which is largely made up of mestizos. The real mourning in Ecuador, present and past, belongs to the majorities, not the elites.

In our contemporary history, the resources of the country have been compromised to serve the interest of elites or of hegemonic powers, with the consent of these elites. Ecuador's structural inequality is supported by historical cases where costs were socialized amongst the majority of the population (through spending cuts to education and health, elimination of subsidies, and weak labor regulations) while benefits were privately distributed amongst elite groups (through tax cuts, bailouts, and debt-reduction mechanisms). The vast majority of the population has been politically and economically silenced, carrying the burden and lasting societal trauma associated with the violent distribution of costs and benefits in society. The current distribution continues to leave millions of Ecuadorians without access to basic needs and without opportunities of being integrated into society. Understanding the violence and silencing that results from structural inequality is crucial to the necessity and urgency of the call for redistribution of wealth through taxation justice. Furthermore, redistribution must be comprehended as part of a decolonization process for the majority of the population.

Balance of Forces and the Importance of Dialogue

Inherited wealth among elites has been a key factor in instituting an even balance of forces in our society that prevent participation by more actors in the economy and the productive diversification of the country. In modern-day globalization, elites around the world rely on power structures to work through political-economic channels ensuring that the balance is tilted in their favor. In doing so, they are able to constantly recolonize or contribute to the recolonization by foreign hegemonic forces (Starr 2000, 23). Ecuadorian elites are no exception, as they actively use the political economy to preserve colonial structures through maintaining the socioeconomic status quo.

President Correa was aware that the balance of forces would be tested with his proposed legislation and the obstacles his government would face. In his speech, Correa claimed he was ready to face the necessary political cost of moving forward with the tax initiative. However, he underestimated the reaction of the local elites when their interests were attacked; he underestimated how deeply rooted the colonial structures continue to be, and he underestimated the rigidity in the balance of power that favors the elites in Ecuador by a large margin despite the innumerable social and economic achievements of the past decade.

Shortly after the address on the 24th of May, there was a feeling of uncertainty amongst the population. Beyond the proposition of the law, there was little information about what the law would entail, who would be affected, and how it would impact people specifically. The elite groups in Ecuador, knowing that their interests were threatened, took the uncertainty to their advantage. With the help of corporate media with ties to elite groups and political leaders of the opposition, public opinion was manipulated and misinformed, tilting the balance even more in their favor. The aftermath of the law's proposition culminated in the largest protests against the government since it took power in 2007. Protests occurred in all major cities in the country, and although the demonstrations against the government were initiated by the elite, people from different parts of the socioeconomic spectrum participated. The government's reaction came too late, when they attempted to clarify the law and its impact; the pressure had already reached levels high enough for the president to declare that law would be temporarily archived. The balance of forces was on the side of the elite and their historical interests; in fact, the circumstances demonstrated the balance had never shifted.

The initial failure to implement the tax inheritance law and shift the balance of forces can be in part attributed to the lack of authentic revolutionary leadership demonstrated by President Correa. Correa's government attempted to implement inheritance tax reform without first engaging with those segments of the population that would benefit (Freire 1996, 113-114). The call for a national dialogue by the government to discuss the importance of equality and social justice with various members of civil society came too late; the horizontal-style dialogue needed to precede the proposed legislation in order to incorporate their voices from the beginning. Dialogue is necessary to carry out authentic transformations of colonial structures of oppression and dominance. The uncertainty that followed the presidential address is an evident consequence of that lack of dialogue by a government. Without dialogue, the working and middle classes and marginalized populations could not participate in a process of societal transformation that would benefit them immensely (Freire 1996, 107-110). Both leaders and ordinary citizens need to take on active roles as subjects of revolutionary action and of the decolonization process itself (Freire 1996, 118-119).

Nevertheless, there is still immense value in the weeks of dialogue carried forward by the government in the aftermath of the protests. This is a step in the right direction towards treating citizens as subjects of a decolonization process that extends almost 200 years. The dialogue is a sign of hope in overcoming colonial structures and a balance of forces tilted against the majority of the population. More importantly, it presents an opportunity to raise consciousness and promote reflection over the structural inequality Ecuador faces as a country. Taxation justice, if carried out successfully in the near future, could shift the balance of forces allowing for a long term emancipation and continuing liberation for the Ecuadorian people.

Taxation Justice as a Vehicle for Atonement in the Region

Until a few years ago, Ecuador was among the most unequal countries in Latin America, which is, in turn, the most unequal region in the world (Barcena and Byanyima 2016). Similar to what occurs in the rest of the region and much of the Global South, one of the reasons for

structural inequality in the country has been the effectiveness of elite groups in Ecuadorean society to use the State to protect and conserve their interests in an undemocratic manner (Logan and Mengisteab 2000, 193). The concentration of extreme wealth and power in a small group of families and individuals with direct ties to political and hegemonic power has successfully silenced the voice of majority. Historically, there has been a large underrepresentation of working classes and minority groups in Latin American legislatures. In fact, until recently, Ecuador possessed some of the highest levels of underrepresentation in the region (Carnes and Lupu 2015, 8). Acquiring the majority of political voices, elite groups have dominated Latin American politics for centuries. Their voice is heard loud and clear in our political and legal institutions, and most decisions, on domestic and international fronts, are taken for their benefit.

Even since 1979, when Ecuador, like many nations in the region, returned to a democratic system of government (following more than 7 years of military rule) with elections, representation, and a constitution that was supposed to guarantee rights and freedoms for all, little has changed. Political leaders have been elected time and time again under promises of change and of opportunities for marginalized groups and the working and middle classes. However, when in power, these elites turn their backs to the people, in many cases, putting forth policies that are exactly the opposite of what they were elected to do. These actions demonstrate the weakness of institutions and democracy throughout the region, which have violently attacked precisely those they are intended to serve.

The 21st century has brought new waves of hope for the people of Latin America. Many leaders in the region are calling for a second movement of independence with an attempt to challenge present-day imperialist, hegemonic forces that dominated the region for decades. These movements with strong political leadership have raised more consciousness across segments of the population of the need for an emancipation process. Furthermore, over the past years, the countries in Latin America agreed on the need for stronger integration amongst them. Initially, this was carried out successfully through the formation of the Union of South American Nations (UNASUR) and the Community of Latin American and Caribbean States (CELAC). Thus, the contemporary regional context presents an ideal time to propose groundbreaking legislation such as the Taxation Justice Law for the Redistribution of Wealth.

Similar to the case of Ecuador, emancipatory movements in the region face challenges within their countries and from outside forces in their efforts to implement policies that will benefit marginalized populations. The proposed inheritance tax law can serve as a precedent for alternative approaches that can be more effective at combating structures of colonial rule for a more comprehensive liberation of the people, not only in Ecuador, but throughout the region. If the legislation is passed by the National Assembly, the experience of Ecuador should be discussed at UNASUR and CELAC, emphasizing the need for dialogue with organizations and members of civil society. Taxation justice must then be recognized as necessary by all countries in Latin America. The region shares a similar history under the deeply rooted colonial structures of power and dominance; structures that through violence have limited the potential for more just development processes and more humane, inclusive societies.

Conclusion

In Ecuador today, 193 years after the Battle of Pichincha, it is unacceptable that the child of a poor family is forced to work instead of attending school. It is unacceptable that a maid is forced to live in the house where they work without receiving legal benefits as an employee. It is unacceptable that a person is denied access to a job or entrance to a school because of their name or the color of their skin. We cannot accept these examples of ongoing violence rooted in structural inequality. As Ecuadorians, we must reject these situations, every day, without fear. Another reality is possible, and we must be ready to fight new battles in our incomplete decolonization process. We must recognize that, regardless of the socioeconomic class or racial group we belong to, every citizen benefits from a more equal society. We must acknowledge that every citizen deserves equal rights and opportunities. When only a small percentage of the population holds all the wealth, power, and benefits, our country stagnates, and the societal costs grow in the long-term.

The Taxation Justice Law for the Redistribution of Wealth will not only bring a more equal distribution of wealth, it will also result in a more equal distribution of access to services, a more equal distribution of opportunities for all to contribute to national democracy, and lift voices that have been historically silenced. Taxation justice is necessary for economic justice, racial and ethnic justice, and social justice. While the legacy of colonialism still hurts today, taxation justice represents hope for a more profound decolonization and emancipation process not only for the people of Ecuador, but for the people of Latin America.[1]

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[1] At the time of publication, The Taxation Justice Law for the Redistribution of Wealth was not yet voted on by the Ecuadorean National Assembly.

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Permission Denied: Sina Weibo Behind China's Great Firewall

Xin Xu

Abstract

With the rapid expansion of commercial web services available in China, social media websites such as Weibo (a Twitter-featured microblog) provide a new platform for Chinese netizens to pursue political activism. Sina Weibo has the most active user community of any microblog site in China. It has over 300 million users and about 100 million tweets posted daily. Like Twitter in other countries, Weibo plays an important role in the conversation surrounding current events in China. However, the Chinese government is intent on firmly controlling both the Chinese media system and online public opinion, evidenced in part by the government's censoring of Weibo posts published by individuals. This paper examines 26,000 deleted Weibo posts collected from June 12 to July 2, 2013, uncovering their lifetimes, geographic distribution, and top keywords. Further content analysis reveals that posts with collective action potential, loyal dissent, disloyal dissent, and support of the Chinese Communist Party are all likely to be deleted, indicating the purpose of the censorship may be broader than previous studies suggest.

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The Rise of China's Internet Censorship Practices

Over the past decade, China's burgeoning Internet market has expanded steadily and rapidly, benefiting from national legislation and policies on telecommunications development. Notwithstanding Chinese citizens' primary use of the Internet for entertainment and social networking, political activism on the Internet is growing (Yang 2009, 25). For example, beginning in mid-2012, one of every two Chinese netizens claimed to be a user of the Twitter-featured social media platform Weibo, whereas usage of traditional online tools—including email and posting on online forums—had diminished (Fu, Chan, and Chau 2013). By the end of June 2013, the number of netizens (Internet users) in China reached 591 million, representing approximately 43.4 percent of the population (CINIC 2013). Scholars and members of the media debated whether Weibo and other social media platforms in China could result in regime changes or bring democracy to the state (Sullivan 2014; Hewitt 2012). In response to this potential for activism, the Chinese government intended to firmly control both the Chinese media system and online public opinion. For example, in June 2010, China released the white paper laying out some of the reasons why Chinese citizens cannot get access to the Internet without limitations—"[l]aws and regulations clearly prohibit the spread of information that contains content subverting state power, undermining national unity [or] infringing upon national honor and interests" (Bristow 2010).

The size and sophistication of the Chinese government's program to selectively filter the expressed views of the Chinese people on the internet is unprecedented in recorded history. The implemented filtering programs automatically censor sensitive terms and block access to Western websites such as Facebook, Twitter, and YouTube. However, because of the complexity of the Chinese language and the enormous amount of information transmitted online, automatic censorship does not suffice. Domestic Internet content providers, who would be fined or compelled to shut down their companies if they failed to comply with government censorship guidelines, privately employ numerous censors (King, Pan, and Roberts 2013). For example, it is estimated that Sina, the owner of Sina Weibo, employs a censorship department of 4,200 people to monitor Weibo tweets (a term used interchangeably with "posts"; Weibo's posts are analogous to Twitter's tweets) (Zhu et al. 2013). Sina also encourages its Weibo users to report each other for posting "untrue information" by clicking an icon at the right corner of the post.

Approximately 20,000 to 50,000 Internet police and Internet monitors as well as an estimated 250,000 to 300,000 "fifty cent party members" at all levels of government (central, provincial, and local) participate in this large censorship effort (King, Pan, and Roberts 2013).[1] Censorship practices evolve to address challenges that arise as Weibo's user base continues to expand. For example, starting on March 16, 2012, a local ordinance required Weibo users to disclose their real identities, including real names and identification numbers, or indirect identifiers, such as registered cell phone numbers, to service providers for government verification purposes. Unregistered Weibo users can view posts but cannot create content in any form; registered users can

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[1] The term "fifty cent party member" refers to a large group of people hired by the state to post online comments spinning the news in the government's favor; in return, they are said to be paid fifty cents of Chinese Yuan for every post.

Figure 1: A sample profile on Sina Weibo

Note: Sina Weibo is a Twitter-featured social media platform with 600 million registered users as of November 2013, around the time of this study.
Source: en.inmoreau.com/.

choose to post tweets either by their nicknames or real names. Such disclosure policies tend to have a chilling effect on online comments, especially on political criticism and other sensitive topics (Fu, Chan, and Chau 2013).

The online censorship practices also have impacts offline. On September 9, 2013, the Supreme People's Court and the Supreme People's Procuratorate issued a joint document stating that a libelous online post that is forwarded more than 500 times or viewed more than 5,000 times could land its author behind bars for up to three years (Blacnchard, Li, and Carsten 2013). In September 2013, a 16-year-old Weibo user was detained after posting an allegedly false tweet, which claimed that a local karaoke bar manager's death was due to injuries he sustained during a quarrel and accused the local police of failing to properly investigate the incident. According to the local government's statement, the manager died from head injuries after jumping from a building (Ng 2013).

The Purpose of China's Internet Censorship

Although the censorship program adopted by the Chinese government is an open secret, the purpose of the program is not clear. Previous scholarship posed a reasonable but relatively broad conclusion that Chinese government censorship is aimed at maintaining the status quo for the current regime (Zhang et al. 2002; Shirk 2007; Whyte 2010). This *state critique* theory suggests that the goal of the Internet censorship program is to suppress dissent in any shape, including pruning human expressions that find fault with elements of the Chinese state, its policies, or its leaders.

In a recent study, Gary King and other scholars proposed a different interpretation of the censorship program's purpose, called the theory of *collective action potential* (King, Pan, and Roberts

Figure 2: Weibo system for users to report "untrue information"

Note: Weibo users can report "untrue information" by clicking the highlighted icons.
Source: Sina Weibo.

2013). In 2011, they deployed an undisclosed automatic data collection methodology to download 3,674,698 forum and blog posts from 1,382 Chinese websites. Researchers concluded that roughly 13 percent of the sampled social media posts were censored. They found that Chinese authorities could tolerate posts that focus on a wide range of criticisms of the Chinese government and its policies, but they tend to be more sensitive to censoring the posts that may lead to collective actions (King, Pan, and Roberts 2013).

According to a study conducted by the Chinese Academy of Governance, the number of protests in China doubled between 2006 and 2010, rising to 180,000 reported "mass incidents" (Taylor 2012). Because the Chinese government faces collective actions frequently, its leaders pursue a paternalistic strategy to prevent disorder by restricting the information citizens can transmit to one another, seeing the limitation of this horizontal communication[2] as a legitimate and effective action to protect China's people (Perry 2010). However, King's research on collective action potential only covered the traditional online tools of forums and blogs, which have seen decreasing use in recent years, and not the more frequently used and popular social media platforms, such as Weibo. The results from King's study could, therefore, lack representation.

By investigating and analyzing some of the most popular and uncensored Weibo tweets that discussed political scandals in China during the spring of 2012, Johan Lagerkvist and Gustav Sundqvist found that a majority of the tweets during that time contained criticism against certain activities of the Chinese Communist Party (CCP), but did not challenge its hold on power (Lagerkvist and Sundqvist 2013). The study unveiled a third theory, *loyal dissent*, which proposed that, among Weibo posts that contain criticism of the Chinese government and its policies, tweets with

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[2] Through horizontal communications, people transmit information among themselves, rather than transmitting information vertically between different levels of organizational or social hierarchy

loyal dissent would remain untouched by censors, whereas other tweets demonstrating disloyal dissent would likely be deleted (Lagerkvist and Sundqvist 2013). However, the research only analyzed 200 Weibo posts. Compared to the 100 million tweets posed on Weibo daily, the sample size in this study is limited (Zhu et al. 2013).

Taking limitations of past research into consideration, this paper examines 26,000 censored Weibo posts collected in June and July 2013. Applying automatic content analysis to these posts allows for an in-depth study of the nature of censorship on the Weibo platform. The results support elements of both state critique theory and the theory of collection action potential. Moreover, results show that even tweets expressing loyalty to the CCP are censored at a significant level.

Inspired by observations from first-hand user experience, this study proposes a hypothesis that the Chinese government is not censoring a particular kind of Weibo post; rather, the censorship program is inclusive of a wide array of Weibo posts related to collective action potential, both loyal and disloyal dissents, and polarized ideological factions, which in the context of China's politics and censorship practices refer to cultural liberalism and nationalism (Wu 2014).

Measures and Methodology

Data Collection

In order to determine whether a pattern exists in the Chinese government's censorship practices of Sina Weibo posts, I had to first collect a sample of censored Weibo Tweets. Data collection of censored Weibo posts proved to be the most challenging part of the research. King-wa Fu, Chung-hong Chan, and Michael Chau from the University of Hong Kong developed a data collection and visualization system called Weiboscope and made it available to the public online.[3]

Weiboscope utilizes Sina Weibo's open application program interface (API) to gain access to Weibo data. APIs are sets of routines, protocols, and tools that govern how one program can talk to another by exposing some of a program's internal functions to the outside world in a limited fashion. King-wa and other researchers first constructed a list of popular Weibo users, those who have 1,000 or more followers, based on the User Search API. Then, they sampled three groups with different frequencies: Group 1, consisting of less than ten scholars and active writers on the Chinese media industry, was scanned every three minutes; Group 2, including Chinese dissent writers, journalists, and scholars, was scanned every six hours; Group 3, which includes users whose identities are verified by Weibo, was scanned once a day. The researchers then saved as many of the scanned posts as possible before they were censored. After each user's timeline was obtained, the user's most recently modified timeline was compared to the immediately previous version. A post was deemed missing if it was accompanied by one of two possible messages from the API, either "post does not exist" or "permission denied." With repeated trials, researchers determined that a "permission denied" API response implied that the censor made the post inaccessible to other users, but did not necessarily mean that the post was *deleted*. It could also mean that the post was visible

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[3] Readers can access to Weiboscope through their website http://weiboscope.jmschku.hk/.

only to the author. Posts that the user self-deletes or that the censor removes entirely appear as "post does not exist." Since it is not feasible to determine who deletes a post, posts with such API response were excluded to avoid contamination of truly censored Weibos (Fu, Chan, and Chau 2013). Weiboscope tracks around 300,000 users with more than 1,000 followers. The results, therefore, are quite representative of the overall impact of censorship as a fraction of total Weibo traffic.

This research sampled data extracted from Weiboscope from June 12 to July 2, 2013, including 26,000 censored Weibo posts with an API status of "permission denied." On Weibo, a user can either write or retweet a post with comments. It is possible that both original and retweeted posts are censored, or only original posts are deleted, whereas retweeted posts could still exist. For technical reasons, this paper only examines censored original posts.

The disclosure policy mentioned in the introduction section may have a direct impact on the number of active Weibo users and posts with sensitive topics; however, it is not expected to have a significant impact on this study, given the study subjects are collected only from *censored* posts. Neither does the Supreme People's Court's interpretation have any impact on this study, given that the interpretation was handed down after the data had been collected.

Process Overview

I followed a three-part process to obtain the data and prepare it for analysis. First, the 26,000 censored posts described above were extracted from Weiboscope. Second, I extracted embedded information from the posts to measure the lifetime of the censored posts and determine their geographic distribution. Third, the posts were segmented from the form of complete sentence to the form of phrase, and the phrases were further cleaned by removing stop-words (common words), punctuation, emoticons, URLs, etc. Finally, the contents were ready to be further analyzed to gain insight into the ideas that the censored posts were expressing. Methodological details on each step in the process follow, and findings are subsequently presented in the Results section.

Timing of Censorship

One widely known strategy adopted by censors is to generate blacklisted keywords. Weibo posts containing any keywords from the list would trigger automatic censorship, which leaves a post lifetime of only a few seconds. For instance, any post containing the blacklisted phrase "dharma wheel practice" (法轮功) will be automatically deleted, because the Chinese government has declared this group to be a "heretical organization" that threatens social stability. However, using the complexity of the Chinese language, netizens in China have been able to bypass automatic censorship by adding punctuation between sensitive words, using phonetic alphabets instead of Chinese characters, or posting pictures with words rather than typing words. Therefore, Sina Weibo has to employ thousands of censors to monitor users' activities and delete sensitive posts manually. By estimation, at least 4,200 censors are required to manage the workload (Zhu et al. 2013).

Geographic Distribution

As noted by some researchers, the rate of message deletion is not uniform throughout the country. Posts are more frequently deleted from provinces in the far west and north than eastern provinces (Bamman et al. 2012). They have suggested that provinces with a higher censorship rate may be associated with their histories of unrest, especially in Tibet, Qinghai, and Xinjiang. A closer look at the geographic distribution of the censored tweets is needed to verify whether systematic censoring efforts exists for specific provinces. Posts on Sina Weibo are attached to a range of information, including free-text categories for user name and location and fixed-vocabulary categories for gender, country, province, and city. Although users are free to type any information they like in both categories, true or false, this information can in the aggregate reveal large-scale geographic trends in the overall pattern of posts (Bamman et al. 2012). Users' geographic information was extracted from all 26,000 censored tweets. The geographic distribution was then calculated by dividing the number of censored tweets originating from a particular province by the total number of censored tweets in the sample.

Segmentation, Text Clustering, and Automatic Content Analysis

Segmentation

Tokenization of raw text is a standard pre-processing step for many content analysis tasks. For English, tokenization normally involves punctuation splitting and separation of some affixes like possessives. Chinese, however, requires more extensive token pre-processing, which is usually called segmentation, because the language is written without spaces between words. The present study adopted a software (Stanford Word Segmenter) that splits Chinese texts into a sequence of words based on segmentation standards. After posts were segmented, they were processed through a Chinese stop-words list developed by Harbin Institute of Technology that contains a series of commonly used words and punctuation in texts not essential to understanding content. Stop-words, punctuation, emoticons, URLs, and usernames were removed. For example, an original post says "July 1, in Hong Kong street, there is no the Five-Starred Red Flag. That is how Hong Kong people celebrated Hong Kong's return to China."
(7月1日，香港街头，没有五星红旗。香港人就是这样庆祝回归的). After being segmented and passed through the stop-words list, this post became "July 1 Hong Kong street no the Five-starred Red Flag Hong Kong People celebrate Hong Kong return China" (7月1日 香港 街头 没有 五星红旗 香港人 庆祝 回归). Here, the tweet described the Hong Kong July 1 March, which is an annual protest organized by Hong Kong locals to demand democracy, universal suffrage, and a variety of other political concerns.

Processed texts were further handled by the R programming language and its supported packages, which generated a matrix with each word and corresponding frequency. (R allows users to import raw datasets for statistical computing and graphics; R packages are collections of R functions, data, and compiled code for advanced computing and graphical functions.)

Text Clustering

Keywords appearing frequently on censored Weibo posts offer a broad sense of what the posts might imply. However, a word cloud only provides a preliminary scope of Weibo censorship. To further understand the issue, this study adopted the Partitioning Around Medoids (PAM) algorithm implemented by R to cluster Weibo posts.

Automatic Content Analysis

The purpose of the final step in this analysis is to offer a better estimation of Chinese censorship policy on the Sina Weibo platform by gaining a more sophisticated understanding of the content of censored posts. To conduct automatic content analysis, every post in the control group was examined by reading them carefully. First, five categories were generated to provide guidance for coders on grouping posts. Those five content areas were: (1) collective action potential, (2) loyal dissent, (3) disloyal dissent, (4) support of the CCP, and (5) other. Coding rules can be found in the Appendix. Second, Weibo posts in the dataset were segmented, passed through the stop-word list, and formulated as a corpus, defined as a collection of sorted posts, by utilizing the same techniques stated in the segmentation section. Third, 500 posts were computer generated at random to serve as a control group hand-coded by two individuals familiar with China's language and politics. Using the specified coding rules, they were asked to independently code the first 100 posts from the 500 posts above into one of the five categories as a training session. Their work was evaluated for inter-coder reliability, and the two coders agreed in 99 percent of the posts. Fourth, they coded the remaining 400 posts in the control group individually after the training session. Next, the complete hand-coded control group was sent to the ReadMe package implemented by R software to further analyze those uncoded posts among the 26,000 in the dataset.

Limitations

This study unavoidably has certain limitations. First, the dataset includes only censored Weibo posts. Second, Weiboscope cannot detect the complete set of deleted posts, particularly the rapidly censored ones. Third, the time period of data collection is relatively short and significant political incidents that occurred during the time of the study might distort the distribution of content categories. Future studies could take these limitations into consideration.

Results

Post Lifetimes

Figure 3 shows the distribution of the estimated lifetimes of censored posts. Within twenty-four hours, all posts were censored; over 2,000 posts were deleted within an hour, and most were deleted five to fifteen hours after they were published. The fact that some posts were immediately deleted implies that the content automatically set off triggers in the censorship program. However,

five to fifteen hours is also not a long time to delete posts, considering that Weibo has to process over 100 million messages each day and many posts cannot be censored in a fully-automated way.

Figure 3: Lifetime of the censored posts
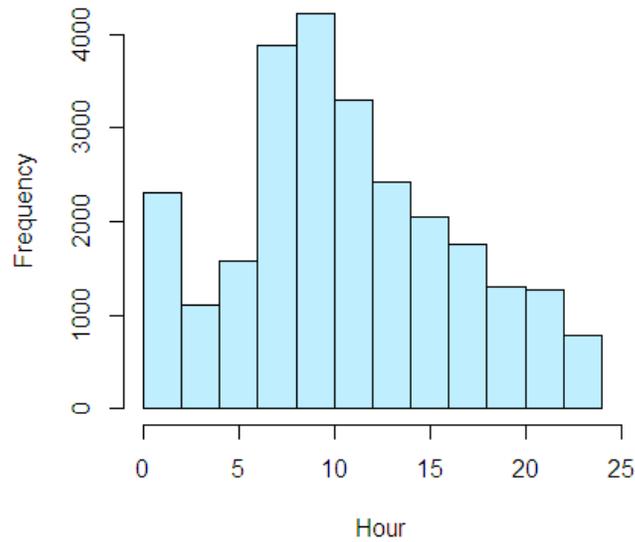
Note: The lifetime measures the number of hours a post was visible before it was deleted.

Figure 4: Geographic distribution of censored Weibo posts

Table 1: Number of censored posts in each region

Province	Frequency	Percentage
Beijing	6258	24.07
Guangdong	2557	9.83
Shanghai	1361	5.23
Hong Kong	971	3.73
Shandong	803	3.09
Jiangsu	771	2.97
Sichuan	762	2.93
Hubei	761	2.93
Zhejiang	745	2.87
Chongqing	694	2.67
Henan	620	2.38
Hunan	586	2.25
Liaoning	529	2.03
Fujian	499	1.92
Shaanxi	417	1.60
Shanxi	412	1.58
Tianjing	337	1.30
Anhui	327	1.26
Hebei	309	1.19
Jiangxi	283	1.09
Guangxi	179	0.69
Guizhou	179	0.69
Macau	156	0.60
Xinjiang	148	0.57
Yunnan	144	0.55
Taiwan	131	0.50
Gansu	106	0.41
Inner Mongolia	101	0.39
Tibet	76	0.29
Qinghai	71	0.27
Heilongjiang	70	0.27
Jilin	57	0.22
Hainan	44	0.17
Ningxia	8	0.03
Foreign	2296	8.83
Other	2232	8.58

Note: "Foreign" refers to U.S.A., UK, France, Russia, Canada, Brazil, Australia, Indonesia, Thailand, Malaysia, Singapore, Philippines, Vietnam, India, and Japan. "Other" refers to countries not included in the "foreign" grouping.
Source: Sina Weibo, June 12 to July 2, 2013.

Several hypotheses have been offered to explain the different lifetimes across posts. For example, posts that contain surveillance keywords trigger automatic deletion; some Weibo users who frequently post sensitive content may be closely monitored, which results in a shorter post lifetime; and when a sensitive tweet is detected, a censor will search all of its related retweets and delete them at once (Zhu et al. 2013).

Geographical Distribution

As Figure 4 and Table 1 show, posts originating from particular localities were deleted at higher rates than others. For instance, 6,258 posts were deleted in Beijng, 2,557 in Guangdong, and 1,361 in Shanghai.

One explanation for the geographical trends of the deleted posts is that Weibo users who self-identify from these three regions have the largest populations in general. However, this does not explain why Beijing-marked posts comprise more than 24 percent of the censored dataset, which is significantly higher than those from any other localities. An alternative explanation is that Weibo users from Beijing, Guangdong and Shanghai are better educated and more active in political participation than their counterparts from other regions. In a social value survey widely cited in the literature and designed to measure individuals' political participation in Beijing, more than half of the population in Beijing reported having engaged in at least one political act outside their work unit (Shi 1997, 106). A third explanation is that users in Beijing are more heavily monitored compared to those from other regions. Beijing has the largest number of elite universities in China, whose students happened to be the main force of Tiananmen Square protests in 1989. As China's capital, Beijing is the last place where the CCP wants to see collective actions, such as protests, take place. Therefore, Sina Weibo could have distributed most of its manpower to monitor or censor the users located in Beijing, which might explain the highest rate of censorship.

Censored Keywords and Content

The results of the text segmentation process appear in Table 2, which shows the top thirty keywords with the highest frequency of censorship. Figure 5 presents a visualization of the top 150 censored keywords in a word cloud.

These keywords are related to the Li Tianyi case, where the son of a famous Chinese military singer was sentenced to 10 years for gang rape; the scandal in which political star Bo Xilai was sentenced to life in prison for corruption; the release of photos in connection with an affair of the former deputy director at the State Archives Administration of China, Fan Yue; and the dispute of genetically modified organisms. Other major keywords include both political and non-political terms: Mao Zedong (毛泽东, Chairman Mao), Communist Party (共产党), Chinese (中国人), Hong Kong People (香港人), temporary worker (临时工), Uyghur (维吾尔).

The 26,000 Weibo posts were divided into two clusters by the text clustering program. In Cluster 1, posts focus more on potential collective actions. For example, the following two censored

Table 2: Top 30 Keywords for Censored Posts

Rank	Term	Frequency
1	Li Tianyi (李天一)	1589
2	Mao Zedong (毛泽东)	762
3	The CCP (共产党)	674
4	Civilians (老百姓)	665
5	Bo Xilai (薄熙来)	597
6	Deputy Director (副司长)	578
7	Archives Bureau (档案局)	524
8	GMO (转基因)	456
9	Inspector (巡视员)	435
10	Great Hall (大会堂)	429
11	Hostess (主持人)	427
12	TV Station (电视台)	424
13	Gang-Rape Case (轮奸案)	423
14	Li Keqiang (李克强)	357
15	Jiang Linsu (江陵肃)	344
16	Chinese (中国人)	340
17	General Office (办公厅)	340
18	Xi Jinping (习近平)	326
19	Pocket Money (零花钱)	314
20	Insider (知情者)	283
21	Hong Kong People (香港人)	283
22	Socialism (社会主义)	273
23	Inspection Team (巡视组)	256
24	Liu Zhijun (刘志军)	254
25	Local Police Station (派出所)	243
26	More Than 10 Million (一千多万)	232
27	Suspects (嫌疑人)	221
28	Republic (共和国)	214
29	Lei Zhengfu (雷政富)	203
30	Liberation Army (解放军)	202

Source: Sina Weibo, June 12 to July 2, 2013.

Figure 4: Visualization of top 150 censored keywords in word cloud

posts are about the Hong Kong July 1 March and a social disorder in Xinjiang that caused twenty-seven deaths, respectively.

"News Flash! Today at 12:30am, two or three men wearing masks set fire to newspapers and ran when Apple Daily were transported to Central City Hall and ready for distribution. It is said that the incident is related to Hong Kong 1 July March."

快讯！今天零点"30
分，《苹果日报》在运至中环大会堂准备分发时，有两、三名戴口罩的男子纵火将报纸焚烧后上车逃走。据知情者讲与七一大Y"。行有关

"At the same time, gatherings for mobilizing anti-terror efforts holding in Yili, Kashi, Hotan and Aksu show that armed police force carries fierce determination and tremendous capability to maintain social stabilities in Xinjiang region. Let all ethnic groups in Xinjiang rest assured. Spending of maintaining stability is going to raise."
"

同一时刻，伊犁、喀什、和田、阿克苏也举行了反恐维稳誓师大会，展示武

。警部队维护新疆稳定的坚强决心和强大能力，让新众放心。维稳费要涨了
”

Table 3: Categorization of Censored Posts

	Collective Action Potential	Loyal Dissent	Disloyal Dissent	Support of the CCP	Other
Estimated Percentage	24.36%	16.59%	17.50%	25.86%	15.70%

Source: Sina Weibo, June 12 to July 2, 2013.

In Cluster 2, posts tend to be comments on, not necessarily criticisms of, Chinese government policies and political figures. The following highlighted posts are connected with the one-child policy and the Bo Xilai scandal, respectively.

"I am a Beijinger. I am the only child in my family. I don't want to share my city with non-city residents whose families have more than one child."
"
”。我是北京人，我是独生子女，我不想和外地超生的家庭共享我的城市

"Chat with a taxi driver today while sitting in the cab. The driver suddenly said, if the Secretary (Bo Xilai) could still work, ordinary people would feel hopeful. I was surprised and looked at him. I couldn't restrain my tears. "
"
今天打的与司机闲聊，司机突然说了一句，如果书记能继续工作老百姓就有
”。盼头了，我听后吃惊的看了他一眼，然后抑制不住的热泪盈眶

Although the text clustering goes a step further beyond segmentation, it does not suffice. These two components, sorted using the PAM algorithm, only explain 26.81 percent of the point variability and share a relatively large overlap section. It is highly possible that the majority of the censored Weibo posts have significant similarities, which makes it difficult to automatically cluster data points without further content analysis.

Posts Supporting Collective Action Potential

Based on the automatic content analysis presented in Table 3, the 24.4 percent of censored posts categorized as having collective action potential suggest that collective action potential theory has its merits. The results indicate that Chinese authorities may tolerate criticism or dissent more than posts that have potential collective actions. During the data collection period from June to July 2013, there was an annual Hong Kong July 1 March, led by the Civil Human Rights Front, calling for universal suffrage. The organizer claimed 430,000 people participated the protest. The majority of

posts that indicate collective action potential by simply mentioning "Hong Kong," "July 1," or "430,000" separately were deleted instantly.

Posts Supporting State Critique Theory

Taking a deeper look at the results, however, one could find that loyal dissent and disloyal dissent share comparable weight, roughly 17 percent each of the censored dataset. Although individually they are less significant than collective action potential and support of the CCP, the combined two types of dissent account for 34 percent, which is higher than either of the other two categories. Therefore, posts on state critiques still attract censors' attention significantly regardless of the nature of dissents.

The ratio of posts in "support of the CCP" in the censored dataset was higher than expected. Given such a high rate of censoring on state critiques, one could reasonably expect to see a much lower censoring effort on posts showing regime support. Yet, automatic content analysis identified 25.9 percent of the dataset as showing support for the CCP. Although this research has not further investigated subdivisions of this category, many of these posts support the CCP's left-wing faction, associated with Maoist policy planning and nostalgia during the rule of Chongqing's Party Secretary Bo Xilai (Lagerkvist and Sundqvist 2013). However, this does not necessarily imply that the Chinese government favors the right-wing liberal faction that claims reform and democracy as its goals. For instance, other research indicates that Weibo posts about Wukan, a village where an anti-corruption protest took place and political reform was adopted at the grassroots level, are also heavily deleted (Fu, Chan, and Chau 2013; Lagerkvist and Sundqvist 2013).

Posts coded as "other" account for the least among all five categories. It is possible that posts without direct criticism against the CCP and clear collective action potential are difficult to detect and monitor both automatically and manually, and therefore result in such a low percentage.

Conclusion

The findings of this study contribute to heated discussions on Chinese social media censorship practices, and support elements of both the collective action potential theory and the state critique theory. Scholars advancing the latter theory believe that the goal of the Chinese censorship program is to suppress dissent and to maintain regime stability (Whyte 2010; Shirk 2007; Zhang et al. 2002). Gary King and other researchers have more recently proposed the collective action potential theory and rejected the state critique theory. However, in examining 26,000 censored Weibo posts collected by the University of Hong Kong, this research finds that Chinese social media censorship is instead a dynamic and comprehensive practice that deletes all Weibo posts related to collective action potential, both loyal and disloyal dissents, and polarized ideological factions.

Notwithstanding the acknowledged limitations of this study, the findings could shed light on the political environment surrounding Chinese netizens. With the government censoring this range

of posts and making stricter registration rules, observers could expect Chinese netizens to become more creative with outsmarting censors, such as by reposting snapshots of deleted posts. Netizens' use of tools besides social media to express their views, however, is unlikely to emerge. The cost of a censored post is minimal—a user can simply repost the same content or register another new account, with the worst scenario being that one's entire account is deleted. Although the Supreme People's Court's interpretation on libelous online posts could result in the post author's imprisonment, considering the number of Weibo users and daily tweets being posted, the risk to Weibo users of being detained or arrested for politically sensitive posts is low. The alternative to Internet activism, street action, is much riskier. Therefore, one could still expect economic, political, and social exchanges to continue on the Internet, despite the censorship program's intent mission to limit these interactions. The censorship program on the other hand is also expected to evolve as more sophisticated techniques emerge, such as image recognition,[4] and the likelihood that more censors would be employed, given China's growing trend towards tightening control over websites.[5] Nonetheless, it is still be too early to draw any conclusion on the "battle" between Chinese netizens and the Chinese government censorship practice.

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[4] For example, Facebook was able to use automated programing to detect adult-images from hundreds of thousands of photos users uploaded and take those pictures down. Such image-detection techniques could be applied to the China's censorship program.

[5] China is currently drafting rules that could effectively ban a Web address not approved by local authorities, which is a step towards tightening its current Internet censorship program. (Oster and Chen 2016).

Appendix: Coding Rules and Definitions

Collective Action Potential

Any tweet about an event that has the potential to cause collective action, which a) involves protest or organized crowd formation outside the Internet; b) is related to individuals who have organized or incited collective action on the ground in the past; c) is related to nationalism or nationalist sentiment that have incited protest or collective action in the past.

Loyal Dissent

Any tweet that criticizes the party's policies without directly challenging its leadership or the existing political system at large.

Disloyal Dissent

Any tweet that criticizes the party's policies and directly challenges its leadership or the existing political system at large.

Support of the CCP

Any tweet that expresses any kind of support for CCP or some parts of the party.

Other

Consists of posts that do not deliver any criticism of the CCP, including: informative messages that describe events from a neutral perspective, jokes without political content, and messages that discuss non-political topics but still include keywords associated with political issues.

Note
1. "Collective action potential" is coded as "1;" "Loyal dissent" is coded as "2;" "Disloyal dissent" is coded as "3;" "Support of the CCP" is coded as "4;" "Other" is coded as "5."
2. The only post two coders held divergent views on is about supporting Bo Xilai after Bo was held in custody. Purely supporting Bo is coded as category 4, since it shows support of the CCP's left-wing faction. However, the post also shows collective action potential by appealing to supporters of Bo to "[b]e there or be square." The two coders reached an agreement by coding it as support of the CCP.
3. CCP refers to the Chinese Communist Party.

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The Iraqi Constitutional Process

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Abstract

This paper seeks to understand the Iraqi constitutional process and the resulting document's role in the decade since its adoption in 2005. This paper argues that the constitution produced a weak federal system and failed to address divisive issues which translated into a vague and incomplete roadmap of Iraq's future. Although the Iraqi Constitution is not solely responsible for Iraq's sectarian, corrupt, and violent environment, this paper will highlight how the constitution's inadequacies have served a foundational role in Iraq's reconstruction.

Introduction

State-building is an essential component of creating a sustainable peace, yet there is no single path to becoming a viable state. Although post-war contexts are unique, best practices can ensure local ownership of the transitional process. According to academic literature on liberal internationalism and republicanism, state-building must slowly liberalize the economy and the political system so that state structures can be built to handle societal conflict (Paris 2009, 58). The process must also be inclusive and deliberative to ensure that the new state serves the entire population. Such a process creates a state that is legitimized by the people and capable of peacefully resolving conflict. Despite this understanding and lessons learned from previous experiences, state-building missions continue to prioritize brevity and tangible results that demonstrate perceived success to the international community, such as elections. Rapid liberalization introduces societal competition before a rebuilding state has the necessary institutions to manage it peacefully; thereby, impeding the population's ability to establish a collective plan for the state's future (*Id.*, 57).

As the United States sought to establish democracy in Iraq after its 2003 invasion, it ignored the theoretical understanding of state building in favor of producing quick results as exhibited by the constitutional process undertaken. As previously stated, an effective constitutional process enables a post-war society to engage in meaningful dialogue and deliberation which facilitates public engagement and reconciliation (Barnett 2006, 98, 107). However, under the pressure of a strict deadline, Iraqis could not cross sectarian lines to form a normative consensus on divisive issues such as federalism and the distribution of oil revenues. Problems during the drafting ensured that sectarian leaders could continue pursuing their interests at the expense of the nation (Jawad 2013, 22; International Crisis Group 2005, 11). The Constitution failed to create a foundation for a single, united national identity and instead, institutionalized societal divisions.

This paper seeks to understand the constitutional process and the resulting document's role in the decade since its adoption. Key provisions reflect divides in Iraqi society and grant insight into later actions and developments. Specifically, negotiations dominated by well-organized Kurds and well-represented Shiites produced a weak federal system that has left important, divisive issues unresolved and ignored input from women and minority groups. Moreover, a deficiency of legislation and empty promises of amendment have impeded the process of clarifying and enforcing these ambiguous articles. Due to these inadequacies, Iraq's reconstruction has been prone to violence and deep sectarian divide. Although the Iraqi Constitution is not solely responsible for Iraq's sectarian and corrupt environment, this paper will trace the Constitution's foundational role in preserving these features as defining elements of present-day Iraq.

History

Since the creation of the modern state of Iraq in 1920, sectarian divides, forceful unification, and interim constitutions have dominated Iraqi politics. After the fall of the Ottoman Empire, the British pieced the southern, Shiite-Arab region of Basra, and the western, Sunni-Arab region of Baghdad together to form Iraq. As the British pieced these two regions together into a new state in

1925, they added the northern province of Mosul to gain access to unexploited oil fields and wealth. However, the British previously had promised the Kurdish majority in this region their own state in exchange for support against the Ottoman Empire. Throughout modern Iraqi history, Kurds have continued to seek independence in order to preserve their identity as a group with its own customs and linguistic tradition, distinct from Arab Sunnis and Shiites in neighboring Basra and Baghdad (Anderson 2004).

In order to maintain unity between these three distinct regions, the British opted not to contest the Ottoman-era status quo in which the minority Sunni Arabs ruled over the Kurds and Shiite Arabs (Anderson 2004). To maintain this undemocratic order, those in power excluded meaningful opposition. Therefore, dissidents worked from the outside to express their discontent through violence. The government used this to justify similar methods to silence opposition (Anderson 2004). Force was further entrenched in the Iraqi political system as a violent overthrow of the monarchy transformed the country into a republic. Plagued by coups and interim constitutions, violence was normalized as a means of political change for the next half-century.

Moreover, this normalization of violence facilitated the production of a negative, national identity—defining Iraq by what it was not. Because sectarian divides constrained the nation's ability to make positive statements about what Iraq was, political leaders turned to force against minorities and foreign threats. State-building forges a sustainable peace, because it permits citizens to create a consensus and positive view of the state and their place within it (Samuels 2009, 178). However, the earliest modern Iraqi identity was anti-British and later, anti-Zionist or anti-imperialist (Anderson 2004). The constitutional process in 2005 represented an opportunity to overturn this and provide an alternative process for establishing what it meant to be Iraqi.

The Timeline of Constitutional Negotiations

When constitutional negotiations began, the timeline to complete a final draft prevented inclusive discussions of divisive issues. In March 2004, the Iraqi Governing Council adopted the Transitional Administrative Law (TAL) which outlined the process for creating a permanent constitution and government. TAL allotted Iraqis ten months to elect representatives, write a constitution, submit it to the public, and have a referendum. If the Transitional National Assembly (TNA), elected to run Iraq's interim government and draft the constitution, failed to reach an agreement by the deadline or the draft failed at referendum, the assembly would be dissolved and the process would restart (Diamond 2005, 154-155). The TAL did allow for a onetime, six-month extension; however, U.S. officials, who were more concerned with showing domestic and international critics results (i.e.: a constitution and elections) than fostering democratic values, pressured the Iraqis to disregard the extension and adhere to the TAL's strict timeline (Morrow 2005, 9). This adherence impeded the deliberative process that ensures legitimacy and compromise within negotiations, marking the great failing of the Iraqi constitutional process in creating a sustainable peace.

The expedited constitutional process enabled the TNA to ignore the Iraqi public while prioritizing American input. Democracy relies on public deliberation to mitigate societal conflict so

that it does not result in violence. However, neither the Constitution Drafting Committee nor the Outreach Unit had enough time or resources to engage Iraqis and create an understanding of what Iraq should and will be. The Committee officially began working on July 8, 2004, leaving the Committee seven weeks to draft a permanent constitution and its Outreach Unit approximately eight weeks to understand and translate the Iraqi public's attitudes.[1] The Outreach Unit did not have the resources to educate the public on the democratic process and gather their opinions (Morrow 2005, 19). Their inability to produce a report outlining Iraqi public opinion facilitated U.S. intervention in the drafting. As the deadline neared, the American Ambassador to Iraq, Zalmay Khalilzad, began arranging private meetings with the Kurdish and Shiite leaders at the U.S. embassy. In order to force compromises on contentious issues, the U.S. advocated a settlement that mirrored TAL provisions that were drafted by unelected officials and Americans (Morrow 2005, 15). As a result, the general public did not view the constitutional process as an Iraqi experience or as a legitimate social contract (Morrow 2006).

In order to assuage criticisms of the expedited process and resulting document, the U.S. added a special amendment process to the draft (Jawad 2013, 19). Article 142 of the Constitution suspended the normal amendment process so that a special committee could determine the necessary amendments to the constitution, present them to the new Council of Representatives, and send them to a popular referendum within the first four months of the new government. However, this committee was never convened in time and when the Council established another committee, Iraq's divides impeded movement on controversial issues (Jawad 2013). The Kurdish Regional Government also refused to relinquish the power to change the constitution. Despite calls from prominent Iraqi politicians like Nouri al-Maliki to amend the Constitution, the ambiguity enabled each sect to protect their own interests and identities, separate from a singular, Iraqi public good (Jawad 2013, 20).

The Structure of Constitutional Negotiations

In addition to the extremely limited amount of time, the structure of negotiations promoted sectarian interests and undermined the incorporation of diverse ideas during the deliberative process. On May 10, 2005 the TNA appointed 55 members to the Constitution Drafting Committee. Even though the members of the Committee were elected representatives from the Assembly, Sunni Arab participation was limited. Sunni Arabs had won only 6 percent of the seats in the election for the TNA even though they constituted 15 to 20 percent of the population, because the growing insurgency and general sentiment that the elections were susceptible to fraud in Sunni-Arab regions discouraged them from voting (Morrow 2005, 6). However, Sunni Arabs did signify a desire to participate in the constitutional process, and the Shiites and Kurds could not afford to completely exclude them. Therefore, the Assembly added fourteen more Sunni-Arab representatives to the

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[1] As a point of reference, the Afghan and East Timorese constitutional processes lasted approximately six to fifteen months and were widely regarded as "overly hasty." See Morrow, Jonathan. 2005. Iraq's Constitutional Process a Lost Opportunity. Washington D.C.: United States Institute of Peace.

Committee and adopted the principle of consensus on all decisions to assuage Sunni-Arab objections to the process (Jawad 2013, 10).

Although the Assembly added these unelected Sunni Arabs and adopted consensus-based decision-making, the little progress made during the Committee's deliberations was lost when the discussions shifted to a series of ad hoc meetings (Morrow 2005, 14). In these ad hoc meetings, elite Kurdish and Shiite leaders, constituting the Leadership Council, quickly and secretively negotiated ambiguous agreements that avoided serious discussion of contentious points, but served their interests as detailed in the following sections. Although the Committee did not have a protocol for engaging the public before the ad hoc meetings, the Leadership Council's meetings were not open to the Assembly or public debate (Morrow 2005, 11; Jawad 2013, 22). This structure prevented the integration of democratic values and local ownership into the draft. Kurdish leaders were able to secure constitutional measures that preserved Kurdish autonomy and enabled future secession. Moreover, the leadership's ability to organize protests within Kurdistan permitted the leaders to translate popular support into a clear mandate and leverage this support with the help of experienced, international advisers to achieve their red-line positions such as a weak central state (Morrow 2005, 13). The Shiites, on the other hand, initially lacked a clear mandate from their constituents. As their interests became clearer, the Shiite leadership was able to use their resources to mobilize their base and advance their red-line positions (Morrow 2005, 13). To protect their new power, Kurdish and Shi'ite leaders excluded Sunni Arabs, women, and minorities from the ad hoc meetings

These decisions and actions undermined the resulting document's legitimacy and failed to foster national unity that had previously been provided by force. Therefore, Iraqis ignored and manipulated its articles to their advantage in the following years. For instance, the former Prime Minister Nouri al-Maliki effectively pressured the court system to interpret vague articles about coalition building so that he maintained the premiership (Vorhees 2014). Similarly, dual Iraqi citizens, when elected to high sovereign or security positions, must relinquish their second citizenship. Iraqi officials ignored this provision and fled to the countries where they were naturalized citizens once accused of corruption (Jawad 2013, 18). The permanent constitution's lack of legitimacy contributed to an environment of impunity and corruption.

The Substance

In addition to procedural problems, substantive disagreements fostered vague language, an abundance of future legislation, and corruption. While vague language can be useful for political consensus to develop and evolve overtime, the Iraqi Constitution exceeded the necessary level of ambiguity. Sixty articles required further legislation, which still had not been passed in 2013 due to the tenuous political environment (Jawad 2013, 22). The following section will demonstrate how inability or unwillingness to resolve these issues at the drafting stage connects to present-day violence and corruption.

Federalism

Federalism was one of the most important issues during the constitutional process, requiring a consensus to establish the governance of a diverse people. A federal system was an obvious solution to accommodate regional differences in Iraq. The Kurds favored this solution, entering negotiations with the clear intent to preserve their autonomy and retain control over Kurdish-dominated territory (also known as Iraqi Kurdistan) (Diamond 2005, 164). The Kurds advocated for the ability to combine multiple provinces into a single region which would become wealthier and, later, have substantial power to secede (Stilt 2009).

The Shiites initially opposed federalism before coming to realize how it could benefit them. Shiites recognized that if individual provinces could unite to form a region, the southern portion of Iraq could unite to form a single Shiite region (Diamond 2005, 168; Jawad 2013, 12). This would grant them autonomy and assuage fears about an oppressive central government.

Sunni Arabs, however, consistently opposed federalism and desired a strong central government that only allowed autonomy to Iraqi Kurdistan (Jawad 2013, 12). Sunni Arabs saw the formation of an autonomous Shiite region as a path to partition that would leave Sunni Arabs with a small amount of territory and no oil wealth (Stilt 2009). The compressed timeline did not allow for community conversations that might have produced more moderate positions, ultimately cementing Sunni-Arab opposition to this basic principle of the new constitution.

The final draft granted regional governments the power to override federal law if it contradicted local law and was not part of the federal government's enumerated powers. For example, the Constitution does not mention the national government's ability to tax. The Kurds have argued that this means the regions retain the authority to tax (IGC 2005, 7). Furthermore, amendments to the Constitution cannot take power from the regional administrations unless they are approved by the affected region's legislative authority or a general referendum. This means the Kurds and Shiites have a veto over any amendments to the constitution (Jawad 2013, 16). Individual regions are also allowed to establish diplomatic relationships with foreign states. Despite the Constitution's hastiness, the Kurds and Shiites intentionally structured the federal government this way to counter Saddam Hussein's hyper-centralized government.

Kurdistan immediately took advantage of the new provisions at the expense of a unified state. The Kurdish Regional Government utilized Article 121, which permits regions to establish embassies and diplomatic missions to initiate agreements with foreign countries without the central government's approval, in order to become more influential than the official Iraqi diplomatic mission (Jawad 2013). When the Jordanian prime minister and, later, the Turkish foreign minister visited Iraqi Kurdistan without the central government's approval, Baghdad's anger chilled relations between the central state and those nations (Jawad 2013, 21). This example of Kurdistan's exploitation of the weak federal system at the expense of the central government characterizes a larger, chronic problem. Instead of contributing to a unified Iraqi identity, the weak federal system enables regions to define themselves in sectarian terms and advance their own interests. The central government lacks the power and authority to peacefully resolve conflicts resulting from sectarian identities.

Oil and Gas Revenues

Stemming from the federalism debate, questions over oil revenues have driven Iraqi politics and internal conflicts. Oil and gas are Iraq's main sources of revenue and the battle over how to properly distribute the wealth is rooted in Saddam Hussein's management of it. During Hussein's rule, the Kurds and Shiites received little of the revenues even though Iraq's oil and gas fields are located in their respective regions. Therefore, Shiite and Kurdish leaders saw regional control of oil and gas as reparation for the wealth that Saddam took from them (Stilt 2009). While Sunni Arabs did not oppose a more equitable distribution of oil profits, they insisted on central government control of oil and gas wealth (Jawad 2013, 13).

The Constitution needed to address this given the monetary value associated with controlling Iraq's oil and gas fields. The articles of the Constitution regarding oil and gas wealth, however, are disputed among the Iraqi sects. The Constitution states that oil and gas are "the property of all the Iraqi people in all the regions and provinces." While this phrase was intended to mean that Iraq's oil and gas belongs to the Iraqi people, its ambiguity allowed for the gas and oil of each region to belong to the citizens of that region (IGC 2005, 7). Furthermore, the Constitution states that the central government can distribute oil and gas revenue "extracted from current fields" to regions based on population and with temporary consideration of past wrongs. To the Kurds, "current fields" means the government controls only oil and gas fields that are currently being exploited. Currently known fields that are not yet being exploited, and future fields yet to be found, are under regional control and thus largely under Kurdish control (IGC 2005).

Ambiguity emerging from the phrase "extracted from current fields" enabled Iraqi Kurdistan to sign oil concessions with foreign companies for oil fields in Erbil. A frustrated central government suspended the exportation of oil from Kurdish wells and attempted to amend a flawed wealth-distribution system that gave the Kurdish Regional Government an unfair amount of the federal budget, as well as the right to fully exploit oil in their region. The resulting hostility between the Kurdish Regional and central Iraqi governments remains as both governments attempt to not only resolve the issue, but also fight the shared threat of the Islamic State (IS) (Kent 2014; Salih 2015).

This example demonstrates how the ambiguity of the Constitution has reinforced the Kurdish sectarian identity, led to confrontations with the central government, and stifled united action. Clearer language would have strengthened the central government's claim to a centralized distribution system that would incorporate Iraq's various regions into a single development plan, and invest in the well-being of all Iraqis.

Disputed Land

The Kirkuk province in Northern Iraq is contested between Arab and Kurdish Iraqis. The Kurds regard the oil-rich province as theirs with Kirkuk as the capital of Iraqi Kurdistan. Arabs regard it as a mixed province of both ethnicities. Moreover, Kurds regard parts of Nineveh and Diyala in northwestern Iraq as disputed territory that belongs to them. Cementing their ownership

over these areas positions the Kurds to maintain their wealth and development in the event of secession. The Constitution created a process to hold a census and referendum to determine if the residents of the disputed areas want to be members of Iraqi Kurdistan by the end of 2007, but it was never held. Elections in 2010 demonstrated that the Kurdish parties did not enjoy majority support in any of the disputed areas, Kurdish forces maintain a presence (Jawad 2013, 23).

Additionally, the global jihadi movement obscures contentious and local political debate. Even though foreign fighters fill the ranks of the IS, its leadership is connected to former Ba'athists who have targeted these contested cities as a means to regain past power (Sly 2015). While the Constitution is not responsible for these conflicts, its muddling of ownership disputes and the central government's inability to counter Kurdish demands contribute to the insecurity of these provinces.

National Identity

Iraq has been united only through force and negative constructions of identity throughout its history as a modern state. The new constitution provided an opportunity to begin the creation of a positive identity. Unfortunately, not only did the procedural aspects of the constitutional process fail to accomplish this, the content of the constitution highlighted Iraq's differences rather than its uniting features. Each sect viewed Iraq's national identity differently. Sunni Arabs stressed the importance of Iraq as an Arab state that was fundamental in the creation and continuation of the Arab League. Shiites felt abandoned by the Arab League during Saddam's brutal repression of their sect, so they stress an Islamic identity over an Arab one. As non-Arabs, Kurds did not want an Arab Iraq and proposed a bi-national state that acknowledged the Kurds as a legitimate nationality (Jawad 2013, 17).

The final constitution reflected these disagreements and failed to envision a single, unified identity for the new Iraqi state. The preamble emphasizes the sectarian history of the state, narrating past tragedies and divisions in a stumbling pursuit of democratic ideals. The articles continue to reflect this sectarianism. While the inclusion of the Kurdish language as an official language helped preserve Kurdish culture, Sunni Arabs viewed Kurdish insistence that the Constitution exclude a statement proclaiming that Iraq is an Arab state and part of the Arab nation as a denial of Iraq's true identity and a harbinger of partition (IGC 2005, 9).

Similarly, the Shiite insistence on an Islamic identity produced confusion among secular, minority, and women's groups about how they would be treated under the law. The Constitution included elements of Islamic law, but was vague about implementation – especially in navigating different interpretations of the law among Muslims. For instance, Article 41 declares that "Iraqis are free in their commitment to their personal status according to their religion, sect, beliefs, or choices." This means that individuals may have to submit to religious courts that could discriminate against women and forego international judicial standards. Moreover, it is not clear how cases of mixed religion or religions not recognized by the state would be handled (United States Commission on International Religious Freedom 2006). In addition to issues with personal status, Article 2 states that no laws can contradict "the established provisions of Islam." These "established provisions" are

not agreed upon, so the federal Supreme Court must decide how Islam interacts with the law. Because the Supreme Court's mandate allows for the appointment of experts in Islamic law that are not trained in civil law, Article 2 opens the possibility for the government to criminalize religious infractions (USCIRF 2006). Additionally, the dysfunctional legislative process has crippled the passage of the clarifying legislation that many of these articles required. Without a united identity or the necessary institutions to create one, Iraqis turn to sectarianism which justifies behaviors that promote violence and corruption.

<div align="center">Terrorism and de-Ba'athification</div>

In addition to the Constitution inadequately defining national identity, other substantive matters isolated and persecuted Sunni Arabs. The codification of the de-Ba'athification program in the permanent constitution as well as a very broad mandate for the central government to investigate terrorism concerned Sunni Arabs, who viewed these measures as potential sources of persecution. The de-Ba'athification mandate originates from an American law imposed on Iraq after the invasion in order to destroy Saddam Hussein's Ba'ath party (Diamond 2005, 173). However, Sunni Arabs argue that the inclusion of the de-Ba'athification law in the Constitution unfairly targets former members of the party who did no wrong. They saw de-Ba'athification as "de-Sunnification" (IGC 2005, 8). Similarly, a broad mandate in Article 7 permits the government "to combat terrorism in all its forms" including prohibiting any entity that "adopts, incites, facilitates, glorifies, promotes, or justifies racism or terrorism or accusations of being an infidel or ethnic cleansing." Without clarification on the meaning of "accusations of being an infidel," the government can use this mandate to justify silencing opposition, a tactic with precedent in Iraq (USCIRF 2006).

Sunni Arab fears regarding these articles were actualized when former Prime Minister al-Maliki began concentrating power among his Shiite allies after he almost lost the premiership in the 2010 election (BBC 2014). In order to silence Sunni Arab protests against his nepotism and misuse of Iraqi oil wealth, al-Maliki deployed special security forces and blamed the ensuing violence on alleged ties between the protestors, al-Qaeda, and the Ba'ath party (McCrummen 2011). Al-Maliki consistently used de-Ba'athification and anti-terrorism laws to arrest and imprison his opposition in special prisons known for torture. Moreover, al-Maliki's continuation of the de-Ba'athification policy barred 400,000 men from government jobs and pensions. His termination of the Sunni Awakening movement further alienated former Ba'athist and Sunni Arabs. The United States sponsored the Sunni Awakening movement to fight the insurgency in Sunni Arab regions; however, a distrustful al-Maliki pulled their funding when the United States officially withdrew from Iraq (Kirk 2014). Like the de-Ba'athification policy, this left Sunni Arabs without a source of income and isolated them from the central government.

The alienation and persecution felt by Sunni Arabs due to these policies can be linked to the rise of the IS. Despite its appeal to foreign fighters, ISIS's leadership is distinctly composed of former Iraqi officers whose experience as Ba'athists provides ISIS with military expertise and smuggling networks for their illicit oil trade (Sly 2015). Poor policies that alienated former Ba'athists from legitimate sources of income and a deliberate recruiting campaign by IS leader Abu Bakr al-

Baghdadi led them to join the IS. Attacks on contested areas such as Kirkuk demonstrate how former Ba'athists are attempting to regain the control and power they lost through de-Ba'athification and the discriminatory anti-terrorism law (Sly 2015). Because the Constitution codified these policies and enabled the government to discriminate based on sectarian identity, it provided the basic structures and environment for sectarian violence.

Conclusion

The issues that the 2005 constitutional process in Iraq needed to address stem from historical events and longstanding societal divides. The process provided Iraqis with an opportunity to engage democratic values, publicly discuss their ideas for the state's future, and begin to address the legacy of violence in Iraq. Ideally, it should have produced a document that citizens believe should be followed regardless of individual disagreement with it, while creating an environment in which conflict could be resolved peacefully and productively.

The compression of the process into just a few weeks produced a document that lacked legitimacy and a clear roadmap for Iraq's future. Timeline pressures caused American input, considered in private meetings, to be substituted for public engagement. Moreover, there was not adequate time to produce a clear expectation of the rule of law. The Leadership Council created a weak federal system that was largely to be determined and is still incomplete.

Along with its lack of legitimacy and completeness, the Constitution's ambiguity enabled sectarian identities to dominate at the expense of a functioning state that can handle security threats. In response to Saddam Hussein's hyper-centralized control, Kurdish and Shiite factions promoted their own autonomy and power. Some Sunnis including former Ba'athists, who now felt disenfranchised, sought to reassert their power by joining insurgent groups such as ISIS. The Constitution, through its missing legislation and ambiguity, lacked the ability to resolve these societal tensions in a peaceful manner.

A constitution is only one aspect of building a state and peace, but the shaky foundations of Iraq's constitution contribute to the continued violence from both the state and insurgents. Without constitutional reform, Iraq has no viable road map for overcoming its sectarian divides and violence.

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Singapore's Domestic Workers: Changing Public Attitudes

Chelsea Racelis

At midnight, she tied a blanket to the second-story window of her employer's home to escape. As she climbed down, the blanket snapped. She fell a story and a half to the ground, breaking her right leg and spraining her left. She crawled to the highway and hailed a taxi to bring her to the Burmese embassy. Personnel at the embassy called the police, who brought her to a shelter for women survivors of labor trafficking.

When I met Cho[1] in Singapore at the shelter founded by the Humanitarian Organization for Migrant Economics (HOME), her right leg was in a cast and she had a bruise under her right eye from being hit by her female employer. It was the sixth time Cho had been beaten in the eight months she had been working for this woman and her family. Her employers called her "stupid" and frequently threatened to send her back to Myanmar. She had been at the shelter for less than a week after enduring physical and emotional abuse in her employer's household. Cho is thirty-seven, and has three children back home in Myanmar.

Singapore, Asia's global city, is so often revered for its rapid development. But behind the scenes is a dark reality: Singapore is not just a success story of growth but a major destination for human trafficking.

Modern-day slavery in Singapore most severely affects migrant workers, who come in search of a better life. HOME is one of only a handful of organizations in the country fighting for migrant worker rights. These groups provide support and advocacy to the population of over 500,000 migrant workers who perform domestic labor and construction work in Singapore (Ministry of Manpower 2016). While my focus is on foreign domestic workers (from here abbreviated as FDWs), their challenges are caused by greater systematic issues that impact all migrant workers.

Live-in maids have been a part of the Singaporean household for decades, and not just for the rich. My mother grew up in the care of Filipina maids who helped my grandmother tend to a household of six children. These FDWs are mostly women from the Philippines, Indonesia, Burma, and India who come in search of wages as much as six times that of their home countries (Zweynert 2015). The almost 250,000 FDWs in Singapore today take care of children and elderly, prepare meals, and perform other tasks necessary for the upkeep of a home (Ministry of Manpower 2016). Despite this, domestic workers are often treated like servants. FDWs are required to live in their employers' homes and do not have the right to quit their jobs, cap the number of hours they work, or be provided a minimum amount of food. Employers typically prohibit them from eating meals at the same table as family members and require them to use a separate bathroom. In my aunt's house, the maid who takes care of my grandmother is considered "lucky" because she is adequately fed.

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[1] Cho is a pseudonym used to protect the identity of this foreign domestic worker.

During my three-month stay in Singapore last summer, I became aware of the prevailing notion among Singaporeans that it was necessary to hold onto FDWs' travel documents to prevent them from "running away" or "taking off with a boyfriend." Research released by the Singaporean government reported that six out of ten foreign workers were not in possession of their own passports or work permits (Office to Monitor and Combat Trafficking in Persons 2015); it is a common practice of employers to confiscate maids' documents and cellphones. At any time, employers can legally repatriate their hired workers with little to no warning. Virtually all control over FDWs' working environment lies in the hands of their employers. Their fates rest upon whether or not their employers are ethical, and employers in Singapore hardly face scrutiny from maid agencies and the government. These domestic workers are especially vulnerable in an environment where the laws, language, and culture are unfamiliar to them.

What makes the situation for FDWs in Singapore an instance of trafficking, and not just of poor labor practices? Two major factors determine this: 1) the means by which FDWs are recruited into labor, and 2) the conditions under which FDWs are subject to work. The UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, includes in its definition of human trafficking situations in which people are "recruited, transported, and transferred" by means of deception, abuse of vulnerability, and "the giving or receiving or payments or benefits" (United Nations 2000). FDWs are often coaxed into recruitment with stories of great working conditions and a more comfortable life, neither of which employment agencies make an effort to establish. In Human Rights Watch's 2006 report, "Swept Under the Rug," the organization found it common for agencies to give incomplete or false information about employment (Human Rights Watch 2006). Agents often withhold travel and employment documents from FDWs or fail to provide documents in the FDW's language, tightly controlling the flow of information. Agencies also subject women to high recruitment fees; a FDW may be indebted to her agent for the first two to eight months of employment (Human Rights Watch 2006). At the HOME shelter, I spoke to a woman who, despite working in Singapore for over a year, had not yet earned wages she could keep because of agency fees. After being placed in an abusive household, she faced additional fees for switching employers. Cho herself stayed in a life-threatening situation for eight months to pay off steep agency fees.

Singapore's constitution states that all people have the right to be free from forced labor or slavery (Constitution of the Republic of Sigapore 1965). Any labor that a person does not consent to can be considered forced labor, and this is so often the case for FDWs in Singapore. One of the women I spoke with at the shelter recounted how she had been told by her agent that she would only be caring for one family, but was later made to work 20-hour days for three different families, paying for her own transportation expenses to and from their households. She experienced frequent physical abuse and was never paid her full wages. FDWs face barriers to leaving exploitative conditions by both their employers and agents; employers withhold documents and personal belongings of FDWs, threaten or use physical violence, and deny wages. Agents can also be physically abusive, and more often than not, discourage FDWs from running away and blame them for their own harmful working conditions (Human Rights Watch 2006).

While the Singaporean government has taken major strides in the past three years to combat, regulate, and bring awareness of human trafficking, it still has a way to go in protecting foreign domestic workers. In 2011, The International Labour Organization (ILO) established Convention No. 189, otherwise known as the Domestic Workers Convention. No. 189 outlines minimum standards for labor conditions for domestic workers. Key standards include protection against abuse, harassment, and violence; normal hours of work and daily periods of rest; minimum wage; the right to keep identity and travel documents in possession; written contracts prior to travel for foreign domestic workers; and protection from abusive practices by private employment agencies (Convention Concerning Decent Work for Domestic Workers 2011). As of today, Singapore is not one of the 22 countries to ratify Convention No. 189.

Three major pieces of legislation comprise Singapore's anti-trafficking policy: the Prevention of Human Trafficking Act of 2015; the accession to the UN's Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children in September 2015; and the Ratification of the ASEAN Convention against Trafficking in Persons, Especially Women and Children in January 2016 (Association of Southeast Asian Nations 2015; Ministry of Home Affairs 2015). This legislation puts Singapore closer to complying with international standards, recognizing labor trafficking as a form of human trafficking and implementing new laws including a compulsory day off every week for FDWs, a cap on salary deductions for agency fees, and a required training for employers before hiring a FDW. However, Singapore still fails to include domestic labor in its Employment Act, merely "encouraging employers to sign an employment contract" with their FDWs (Ministry of Manpower 2015). FDWs are not allowed to form unions or collective bargaining organizations. Employers can still legally hold onto a FDW's wages. The Singaporean government fails to provide adequate infrastructure for oversight and enforcement of its own legislation. Additionally, Singapore is still a long way from protecting FDWs who may be in the country illegally, likely having obtained fake documents unknowingly through an employment agent. These FDWs are completely at the mercy of their employers and agencies, not tracked in Singapore's work permit system and subject to deportation and crippling debts.

Fixing this widespread problem is no easy task. The systematic exploitation of foreign domestic workers in Singapore is steeped in history, nationalism, and xenophobia. Creating a community in which the rights of all workers are respected will require participation from all facets of civil society. The solution to trafficked labor in Singapore is two-fold: it requires 1) expanding constitutional rights for FDWs, and 2) bringing greater awareness of labor trafficking to employers, FDWs, and the greater public.

Singapore's argument for excluding FDWs from its Employment Act is that the nature of live-in domestic help makes regulation of hours and conditions difficult. However, many governments have successfully passed legislation that extends protections to FDWs. In Hong Kong, FDWs have the right to form associations and unions, greatly increasing their awareness of their rights (Human Rights Watch 2011). Both Hong Kong and Jordan have included FDWs in their national labor laws. In South Africa, Ireland, and Trinidad and Tobago, a written contract between employer and FDW is legally required. Countries such as Uruguay have taken huge strides toward enforcement of domestic work policy by granting public authorities the right to conduct home

inspections upon receiving notice of a possible violation of labor laws (Human Rights Watch 2011). The key to strong policy change in this arena, according to Nisha Varia of Human Rights Watch, is accompanying laws with "public awareness campaigns and training of law enforcement, labor, and immigration officials" (Varia 2007).

Public awareness is perhaps the most important piece of effective social change; in Singapore, improving the lives of foreign domestic workers requires bringing the issue of labor trafficking into the public eye and changing the public's understanding of what trafficking is. Until Singaporeans understand that trafficking can happen in their homes and not just in red light districts, real change is impossible. The Singaporean government has taken major steps in the past two years, including the establishment of the Trafficking in Persons (TIP) Public Awareness Grant dedicated to giving $160,000 to civil society organizations (CSOs) for trafficking awareness campaigns (Ministry of Manpower 2016a). Employer prosecution cases have also increasingly been featured in national news media. The Ministry of Manpower has published collaterals to educate prospective migrant workers about their employment rights and resources (Ministry of Manpower 2016a).

However, this is not enough. In addition to scaling up its current efforts in news media and support of CSOs' awareness campaigns, Singapore must take major strides to shift public opinion through nationwide initiatives. It is crucial for Singapore to improve the dissemination of information to both employers and employees. The Ministry of Manpower should distribute information in places of residence and common gathering areas of FDWs, and it is imperative that these materials be available in all native languages of FDWs. Singapore should additionally launch an awareness campaign for employers, bringing to light the legal consequences of exploitative practices. Singapore's history of value-based emotional campaigns by its government makes it an effective place to launch a grassroots movement for respectful and equitable treatment of FDWs (Yeen and Yak 2013).

Singaporean attitudes must change to recognize domestic labor as work and domestic workers as employees. It is time to reshape the narrative of domestic workers, amplify their stories, and call it what it is: trafficking.

In the 2015 US Trafficking in Persons Report, Singapore remains in Tier 2 as a country that does not "fully comply with the [Trafficking Victims Protection Act's] minimum standards" (Office to Monitor and Combat Trafficking in Persons 2015). If Singapore truly wants to be a world leader, it must care for all people within its borders. Changing the landscape of human rights in Singapore will take cooperation between the Singaporean government, civil society organizations, and both local and international human rights activists to promote a culture that values the rights of all people.

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Analyzing the 2006 One Millions Signatures Campaign in a Reformist Age: Toward a Critical understanding of Legally Enforced Gender Inequality in Iran

Shireen Smalley

Abstract:

   In June of 2006, a peaceful protest was held in Haft-e Tir Square in Tehran, Iran to oppose discriminatory laws enshrined in Iran's constitution, penal code, and civil code. From this gathering, the Campaign for the Collection of One Million Signatures to Reform Discriminatory Laws Against Women (One Million Signatures Campaign) was born. This paper will critically analyze the discriminatory constitutional and legal principles opposed by the Campaign and will argue that Iranian sovereignty is dependent upon androcentric legislation that marginalizes women. This paper locates the human rights lawyers, activists and professionals who led a grassroots Campaign to transgress a gendered constitutional framework in Iran. While the movement garnered domestic and international attention during its collection period, many leaders and allies of the Campaign were arrested or forced to flee the country. The One Million Signatures Campaign was violently suppressed by the state in 2009. This paper will outline the ways in which the Campaign succeeded in challenging the dominant framework of Iranian constitutional law.

Introduction

In 1979, a coalition of forces including merchants, clerics, leftists and the intelligentsia successfully cohered to overthrow the Pahlavi shah (Abrahamian 1982). In March of 1979, the Provisional Government held a plebiscite to determine the country's new political structure and leadership. In the Iranian revolutionary discourse, the debate on state formation was extremely fraught. The violent elimination of leftists and other opposition groups allowed Ayatollah Khomeini and his allies to narrowly define the scope of future Iranian governance (Keddie 2006). Khomeini offered only two options to frame the issue of statehood, as either a green vote in favor of the Islamic Republic or a red vote against (Figure 1). The referendum resulted in "98 per cent of the voting population" voting in favor of an Islamic Republic (Paidar 1997). This electoral result became a politically symbolic mandate for future theocratic rule, and legitimized the inherent physical and ideological violence of the new Islamic Republic.

Figure 1: A green "Yes" or red "No" for the referendum on the future Islamic Republic

Following the referendum on the Islamic Republic, the next stage of state-building for the new government was the establishment of a constitution. During this process of constitutional creation, "the opposition's demand for an elected Constituent Assembly, composed of representatives of major sectors of society to revise and ratify the constitution, was rejected by Khomeini who wanted an Assembly of Experts with a limited number of appointed members" (Ibid. 227). Khomeini and his followers successfully manipulated the 1979 Assembly of Experts elections to favor Khomeini's supporters, resulting in the election of 55 hardline clerics out of a total 72 elected delegates (Schirazi 1997, 31).[1] This conservative Assembly of Experts wrote a "clerically oriented and potentially authoritarian" draft, resulting in a constitution in which "women were not given equal status or rights" (Keddie 2006, 247). Following the constitution's establishment, other discriminatory interpretations of *shari'a* then became law, including the mandating of hijab for women, the decreased age of permissible marriage for girls, the ban of women from the position of court judge, the sanctioning and even encouraging of polygamy, the valuation of female testimony

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[1] Asghar Schirazi explains how Khomeini and his followers manipulated the 1979 Assembly of Experts elections, through "the dissemination of false information," "the falsification of results" and "acts of violence directed against unwanted candidates."

as half of a man's testimony in court, the granting of immediate divorce rights for men, and others. The creation of a deliberative body comprised of conservative clerics unrepresentative of the Iranian people was one of many actions that allowed for discriminatory interpretations of Islamic law against women following the Iranian Revolution.

The unequal position of Iranian men and women was thus based on a discriminatory reading of *shari'a* that was enshrined in the founding document of the Islamic Revolution. In 2006, Iranian women resisted these interpretations of *shari'a* to fight for greater constitutional rights and equal standing with men in Iranian law. On June 12, 2006, a variety of women's rights groups gathered at Haft-e Tir Square to commemorate Iranian Women's Unity Day, the gathering from which the One Million Signatures Campaign for Equality was born.[2] Commemorating the 7th (*haft*) day in the month of *Tir,* the square was renamed following the Islamic Revolution to mark the martyrdom of several Islamic Republic Party (IRP) officials by a militant Marxist opposition group on that date. By choosing this location to commemorate an equally politicized day in Iranian national history, the Campaign organizers deliberately challenged the Islamic Republic's memory-making machine and reinserted their words into the public sphere.

To shift the public understanding of women's rights, Campaign activists published three key documents, including "a petition for legal change that was to be the instrument bearing the one million signatures; a plan that briefly defined and explained the campaign's goals and methods and sketched the duties of its various committees; and a pamphlet titled "The Effect of Laws on Women's Lives" for campaign activists to distribute as part of their efforts to elicit signatures" (Khorasani 2009). Activists circulated these collective documents to "ordinary people on the streets, in public spaces, on the metro, on buses, in parks, wherever they could be found" (Tahmasebi 2012).

However, only three years after its inception, the One Million Signatures Campaign was brutally suppressed by the state. The One Million Signatures Campaign represented a threat to the state monopoly on knowledge production, memory-making and ideological construction of citizenship. This contestation proved dangerous to the Islamic Republic's exclusive control over the meaning of legal rights, prompting the state to violently end the campaign and arrest its leaders in 2009. This is the reason why I have chosen to record the experience of the Campaign and its opposition to the Islamic Republic's androcentric legislation. This paper will analyze the ways in which the 2006 One Million Signatures Campaign for Equality successfully challenged the dominant narrative of contemporary Iranian constitutional law and will demonstrate how the Campaign skillfully negotiated their vision of legal reform in a strict theocratic regime.

Discriminatory Law in the Islamic Republic of Iran

Women's bodies have long served as vehicles for embodying patriotism, nationalism and belonging in the era of the modern nation-state (Enloe 2006, 222).[3] Beginning in the early twentieth century, Iran's Pahlavi regime instated a series of laws that pressured women to accord with Western

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[2] Also referred to as the Campaign for the Collection of One Million Signatures to Reform Discriminatory Laws Against Women.
[3] Contemporary feminist theory has produced a body of knowledge on embodied patriotism in the modern age.

values of modernity. One of these laws was the Unveiling Edict of 1936, which violently forced women to abandon headscarves and other markers of piety. Through this law, the state forced the physical bodies of women and the body politic of the Iranian nation to conform to certain standards of perceived modernity.

The problematic practice of gendering citizenship rights continues today. Following the Islamic Revolution, Ayatollah Khomeini began prescribing a system of unequal rights into law. Legally differentiating and discriminating between male and female civic rights fulfilled the Islamic Revolutionary ideology that women were propagators and protectors of the Shi'i faith, primarily as mothers of their revolutionary sons and as the backbone of the pious Muslim family rather than as revolutionary participants themselves. Instead of being equal beneficiaries of the Islamic movement, "women were praised as revolutionaries when they participated in the Revolution, afterwards they were asked to go back to their homes" (Paider 1997, 233).

What is most familiar to a Euro-American audience in this process of discriminatory legislation is the symbol of the veil—a signifier that articulates a sign of oppression and backwards religiosity when read in an Orientalist perspective.[4] Indeed, a few months after his revolution had successfully taken root, Khomeini announced a new mandatory veiling rule for women in the workplace one day before International Women's Day. An edict promulgated by the Islamic revolutionary state thus became a socio-legal policy for discriminating against women. This remains a bitterly ironic memory for many women who participated in the Islamic Revolution.

However, veiling is not a central issue in many Iranian feminists' platforms. Groups such as the One Million Signatures Campaign and other feminist constitutional scholars such as Shirin Ebadi or Mehrangiz Kar point to systemic discriminatory laws in Iran's constitution, civil code and penal code which harshly deprive women of equal rights with men under the law as areas of main concern. I will analyze two of these discriminatory laws, Article 976 of the Civil Code and Article 74 of the Penal Code, to argue that Iranian sovereignty is constructed and dependent upon discriminatory laws against women and gendered conceptions of citizenship that disadvantage women in the Islamic Republic of Iran.

Gendering Rights: Patrilineal Citizenship and the Ideal Iranian Subject

Article 976 in the Civil Code of Iran states that citizenship is given to either "those born in Iran or outside whose fathers are Iranian," which excludes a large number of "foreign" Iranians from citizenship ("Civil Code of the Islamic Republic of Iran," 1928). In this configuration of citizenship, Iranian women who marry non-Iranian men outside of Iran cannot pass on their citizenship to their children. This conforms to the ideology of the Islamic Republic as conceived by Khomeini, in which women can act as vessels of religious and national identity when upholding revolutionary ideals, but the essential quality of their "Iranian-ness" cannot be passed on if they marry outside of their nationality. By controlling who has access to citizenship and other benefits of

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[4] For example, France outlawed conspicuous religious symbols and apparel in 2004, disproportionately affecting Muslim women who wear the veil. This policy of laïcité depends upon a reading of the hijab as inherently anti-modern and anti-secular.

the state, the Islamic Republic bolsters its ability to enforce law based on discriminatory interpretations of Islamic doctrine.[5]

In fact, the Islamic Republic creates its own conception of androcentric sovereignty through gender discrimination and the selective extension of belonging to the Iranian state. Such state sovereignty is only possible by establishing an unequal relationship between men and women on both the corporeal and the national level. By formulating a gendered hierarchy of rights, as in Article 976, the law creates the sovereign state as it creates the ideal (male) citizen. As the Iranian man writ large, the state is also able to acknowledge and institutionalize parentage through the legal and seminal granting of citizenship. Limiting citizenship to the male body and its progeny allows the state to continue defining and managing its population, a key process in the creation of Iranian sovereignty (Foucault 1978, 139).[6]

In this way, discriminatory law becomes a self-constitutive and referential instrument of Iranian state sovereignty. By perpetrating violence upon the female body through discriminatory laws, an androcentric state justifies and reinforces its own sovereign legitimacy. These processes— that of referral and suspension of rights—also happen in conjunction with other foreign subjects so as to articulate a national "We" from an othered "Them." The result is the phenomenon of the "ban"—the means through which unwanted subjects are excluded from the national "We" so as to create and legitimize gendered conceptions of sovereignty and citizenship (Agamben and Raiola 1998).

One example of this articulation of sovereignty manifesting through the ban occurs in the case of Afghani refugees. Following the American invasion of Afghanistan, Afghani men and women fled to Tehran, creating an influx of refugees who were often forced into illegal, menial labor without a work permit and without adequate food or shelter. Under Article 976, the children of Iranian women and Afghani men are not eligible for Iranian citizenship and are banned from belonging to the Iranian state ("Some Iranians Still Dream of Citizenship," 2015). In fact, the Campaign writes that "in some cases a woman who marries a foreign man even loses her own Iranian citizenship" ("The Effect of Laws on Women's Lives," 2008). By excluding subjects from the purview of Iranian citizenship, patrilineal citizenship law enables the state to maintain its sovereignty through the articulation of a national Iranian in opposition to the "foreign" other.

A similar phenomenon occurs in the Iranian diaspora. While Iranian women who marry foreign men are allowed to retain their citizenship, their children are not given the option of Iranian citizenship. I myself experienced and witnessed the administrative damage done through the application of this discriminatory law. As a child of an Iranian mother and an American father, my subjectivity required bureaucratic intervention. My claim to Iranian identity demanded mediation at every administrative turn. To travel to Iran on a 45-day tourist visa in 2012, I had to visit the Iranian Interest Section in the Pakistani Embassy in Washington D.C and produce my parents' marriage certificate, my grandfather's original "letter of permission" that granted my mother the right to

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[5] While patrilineal citizenship predates the Islamic Republic to the 1934 ratification of Volume 2 of the Civil Code of Iran, I argue that Article 976 serves a unique function in promoting the Islamic Republic's gendered conception of national sovereignty.

[6] Michel Foucault argues that Western nations in the modern age generate sovereignty through biopower, the "disciplines of the body and the regulations of the population," rather than the classical governance of life and death.

marry my father, and my father's letter of conversion to Islam, among other legitimizing documents. Lastly, I needed a letter of invitation from my grandfather, the patriarch allowing me to enter the country in lieu of the state.

The documents that comprised this "archive fever" constitute my being as a situated subject both inside and outside the law, a subject at turns both recognized and unrecognizable to the Iranian state (Derrida 1996). As a liminal subject—both "Iranian" and "other" through the union of my parents—I was not "simply set outside the law and made indifferent to it but rather abandoned by it, that is, exposed and threatened on the threshold…" (Agamben and Raiola 1998, 28). As a banned subject, I am both excluded from and at the mercy of the law. Through banning undesirable subjects from attaining Iranian citizenship, the state defines Iranian women to be ideal citizens only when they marry fellow Iranian men, re-inscribing dominant androcentric understandings of citizenship and sovereignty.

Bearing Witness: Half a Man's Testimony

Article 74: Adultery, whether punishable by flogging or stoning, may be proven by the testimony of four just men or that of three just men and two just women.[7]

Article 74 of the Penal Code of Iran addresses the crime of adultery and sets the precedent of discounted testimony for men and women. For all criminal and civil trials, a woman's testimony counts as half of a man's testimony, requiring two women to testify to equal one man's testimony. For some "crimes"—such as homosexuality (*lavat*), adulterous or homosexual acts (*qazf*), drinking alcohol, lesbianism, combat against the Islamic regime (*moharebeh*), among others—a woman's testimony is not permissible, and only a man's testimony can be considered ("Islamic Republic of Iran and Penal Codes," 2011). This law violates the premise of equality supposedly ensured by Iranian citizenship[8], as well as other international documents such as the Universal Declaration of Human Rights (United Nations (UN) 2015).

Leaders in the One Million Signatures Campaign apprehended this legislated discrimination and challenged the state's position that female testimony counts as half of a man's testimony. The reinsertion of testimony and other forms of witnessing by the Campaign from marginal subjectivities into the public sphere is a democratic act. Valuing women's testimony in an administrative archive recognizes women's bodies as sites of violence and trauma, acknowledging women's experiences of legal silencing (Herman 1997; Derrida 1996). By discouraging or banning women from testifying and bearing witness, the state simultaneously subordinates women and

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[7] *Islamic Penal Code* [Islamic Republic of Iran], 28 November 1991, available at: http://www.refworld.org/docid/4d384ae32.html

[8] According to Article 20 of the Constitution of the Islamic Republic of Iran, "All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria." In his reports, Ahmed Shaheed (United Nations Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran) criticizes the Islamic criteria clause in Article 20 and Article 4 as a legal loophole for continued discrimination and marginalization of vulnerable populations, including women and religious and ethnic minorities.

controls knowledge production (Foucault 1977; UN 2014).[9] The One Million Signatures Campaign sought to restore equal witnessing capacities to Iranian women through reforming the discriminatory penal code, which must be understood as an act of resistance against hegemonic narratives and knowledge production. In 2009, the Iranian state recognized and then violently suppressed the threat against male-privileged testimony and witnessing posed by the Campaign's resistance.

Revealing the Campaign's Analytical Approach

Women have long been instrumentalized in the ideological theory of political and religious struggle in Iran. Ali Shariati is one example of a popular philosopher and political thinker whose work was adopted by Khomeini to reinforce the unequal status of women in society. Ali Shariati elevated Fatimah and Zaynab as female Shi'i proto-revolutionaries to serve as role models for young Iranian women rebelling against the shah. While the Zaynabic ideal did inspire new identities for Iranian women, the language of feminine liberation through an Islamic past has been largely co-opted by the state (Hamdar 2009). This is evident from the establishment of female vigilante groups under the young Republic such as the "Sisters of Zainab," who used the language of feminine liberation from "Western" sexual objectification to monitor other women for "minor violations of the hijab requirements" (Afary 2009, 270). The Islamic Republic thus institutionalized the language of the feminist movement to serve in a disciplinary capacity and to ultimately circumscribe women's behavior.

Given this history, it becomes easier to understand how the language of female liberation can be used by various groups to consolidate the theocratic position of the Islamic state. During the *"Enghelab-i Farhangi"* (Cultural Revolution), universities were shut down for a three-year period and purged of any non-Islamic content (Keddie 2006, 250). The Iranian government's heavy policing of university professors and intellectuals prevented a multiplicity of thought and cast any deviation from a strict patriarchal interpretation of Islamic law as secular and potentially treasonous against the Iranian state. Through academic censorship and the co-optation of the language of female liberation, the concept of feminism became a point of contention, stuck between the poles of the Zaynabic ideal and second-wave Western feminism. Iranian feminist theory is arguably caught between overt secularism and exclusive religiosity, or stuck between "instrumentalist" and "nativist" currents of thought as in Mbembé's description of "African modes of self-writing" (Mbembé and Rendall 2002). This is especially true considering Article 4 of the Iranian constitution, which stipulates that "all…laws and regulations must be based on Islamic criteria," limiting potential feminist advocacy in constitutional reform to a narrow Islamic frame. The Campaign had to overcome this ideological divide between secularism and religiosity in order to unify women against discriminatory laws enshrined in the Constitution and legal codes.

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[9] Michel Foucault, *Discipline and punish: The birth of the prison*, (New York City: Random House LLC, 1977). Female activists from oppressed ethnic groups are doubly vulnerable to state silencing (refer to footnote 34). For further reading, see Ahmed Shaheed, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, March 13, 2014.

The Islamic Republic's control over the meaning of rights along with its co-optation of feminist rhetoric necessitated that Campaign leaders first prove how women's rights transcended the imposed theoretical divide between religiosity and secularism. For example, in the case of domestic abuse, government officials and clerics rationalize high rates of violence against women by attributing such violence to abusers' unstable mental health (Khorasani 2010). By pathologizing domestic abuse, the Iranian government is effectively able to justify and obscure high rates of domestic and spousal abuse of women (Moaveni 2013). Campaign organizers apprehended the state pathology of domestic violence, recognizing domestic violence as a structural issue rooted in discriminatory laws that discount the value of women's lives (Herman 1997). Campaign organizers then advocated against Article 300 and 487 of the Penal Code,[10] revealing the violent consequences of these laws and linking legal discrimination to high rates of female suicide and abuse. By petitioning against these and other laws, Campaign leaders framed the issue of women's rights as a civic responsibility, rather than an explicitly religious or secular one. This analysis of discriminatory law, state pathology and the connection to increasing violence against women was necessary to further advocate on behalf of abused women—abused first by their attackers, and later by a judicial system that prevents women from being recognized as victims of gendered violence (Beal 1969).[11]

Recognizing the theocratic control over discourses of violence against women, Campaign organizers made a conscious decision to bridge the secular-religious ideological divide imposed by the state. Bridging this theoretical divide was a tactical decision to promote solidarity with the Campaign's cause and was the key to its successful mass-mobilization of signatories. Noushin Ahmadi Khorasani and other leaders of the campaign decided to present the movement as one transcending boundaries of religious and political identity, casting the Campaign as unidentified with divisive identity politics, ideology, age or gender. Rather, the movement's leaders insisted that the only qualification necessary to sign the petition or participate was that the discriminatory laws in question apply to the subject in question. Explicitly secular-feminist or religious claims to equality were absent, as the petition framed issues of gendered violence and discriminatory law as a human rights issue and asked "legislators to review and reform existing laws based on the government's commitments to international human-rights conventions" (Khorosani 2010, 102).

The theory, tactics and strategies employed by the Campaign successfully challenged the framework set by the dominant ideology of the state. By transcending this framework, these activists were able to avoid a purely reactionary approach and define their own terms of engagement with the state (Shaw 2001). The Campaign reframed the issue of human rights in a way that appealed to a mass target demographic—effectively, anyone who was affected by the law. In such a way, the movement was able widen its support base while also avoiding accusations of "Western" feminism or secularism from the government. The movement was also able to include a broader swath of the population, by extending the grounds for inclusion across class and ideological faultlines and inviting

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[10] Also known as the "diyeh" or blood-money laws, Article 300 and 487 of the Penal Code calculate a woman's life to be half the value of a man's life in cases where the deceased's family may seek financial remuneration from the perpetrator.

[11] This notion of the double wound draws on African-American feminist theory and experience of being doubly marginalized in a racist society and legal system. I thank Yazier Henry for developing my thinking on this subject.

men and pious women to participate in the Campaign. By reframing their movement, the leaders of the Campaign successfully strategized against the dominant narrative of Islamic feminism and secularism.

Conclusion: Discriminatory law today

Ten years after the inception of the Campaign for the Collection of One Million Signatures to Reform Discriminatory Laws Against Women, the issue of women's equality still resonates powerfully in the Iranian public sphere. Hassan Rouhani, a moderate cleric, was elected to the Iranian presidency in June of 2013 in an election spirit that portended progressivism and openness. While many leaders of the Campaign remain abroad, arrested or otherwise forced to stop campaigning, the new political context boded well for the Campaign's goals. One of the key figures of the One Million Signatures, Nasrin Sotoudeh, was released from prison in September of 2013 in what seemed to be a political goodwill gesture. However, Sotoudeh's license to practice law was later revoked by the state. In October of 2014, Sotoudeh began a daily sit-in in front of the Iranian Bar Association to protest this decision, stating that "Article 27 of Iran's Constitution recognizes the right to assemble and hold public gatherings" ("Nasrin Sotoudeh Detained for Several Hours on Human Rights Day," 2014). Sotoudeh was detained multiple times by security forces during her sit-ins, forcefully prevented from exercising her legal right to assemble.

The Campaign's fight for egalitarian law is remembered by Iranian women who participated in and supported the movement for equal legal rights, such as Nasrin Sotoudeh. The objectives set by the Campaign for legal reform of Iran's constitution, civil code, and penal code remain relevant and continue to influence the current discourse on women's rights today. For example, in March of 2016, Iran's Guardian Council "approved a bill that will see female victims of road traffic accidents paid the same compensation as men" (Wilkin 2016). This proposal was previously seen as antithetical to the Islamic interpretation of "diyeh" or blood money, and was rejected by the Guardian Council in 2008. While the bill only applies to insurance claims for car accidents, it may set a precedent for future reform of Articles 300 and 487 of the Penal Code.

However, despite this victory the Iranian government continues to rely on unequal notions of rights as established in the Constitution. The Special Rapporteur on Iran, Ahmed Shaheed, released the *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, presented to the 25th Session of the Human Rights Council in March of 2014. Shaheed's report criticizes the legislative and judicial steps taken by the supposedly moderate Islamic government, pointing to several charters released by the Rouhani administration. Rather than securing new constitutional freedoms for women or ethnic minorities, Shaheed writes that the governmental document "frames rights within the context of the current national legal framework," whereby rights are constitutionally protected "as long as they do not violate public rights or the principles of Islam" (UN 2014). The governmental definition of human and civil rights as contiguous with "the principles of Islam" allows the theocracy to continue its discriminatory legislating under the purview of Islam.

The most recent challenge to discriminatory citizenship law came in September of 2015, when 49 signatories submitted a bill to the parliament's presiding board that "would grant citizenship to the children of Iranian mothers and non-Iranian fathers," modifying Article 976 of the Iranian civil code (al-Monitor 2015). While initially garnering a favorable reception, the bill was rejected by 84 members of the parliamentary *majlis* system with 74 members in favor. According to al-Monitor, one of the key opponents of the bill was the Rouhani administration's deputy interior minister, who delivered a speech against the bill on the day before the vote was held. In addition, conservative members also opposed the more inclusive citizenship proposal, arguing that "Iran should remain Iranian" and "we must preserve Iran's holiness" (Ibid. 2015). In his 2016 report, Ahmed Shaheed noted that "opponents of the bill reportedly cited encouraging illegal migration, particularly from Afghanistan, and changes to the county's ethnic demography, among the reasons they opposed the proposed legislation" (UN 2016). Such xenophobic and religious discourse highlights the ways in which the Islamic Republic continues to "discourage the union between Iranian women and foreign nationals," in order to define the civic potential of Iranian women's bodies as valuable citizens and reproducers for the Iranian nation only when wedded to Iranian men (Bashi 2006).

The Islamic Republic and the Rouhani administration's perpetual return to Islamic conceptions of gendered citizenship to justify discriminatory law continues to set women back in their quest for equal rights. Despite its violent end by government security forces, the success of the One Million Signatures Campaign lies in the movement's challenge to the state and its exclusive ability to define women's rights in an Islamic framework. The One Million Signatures Campaign irrevocably changed the discourse of women's rights in the Islamic Republic by presenting the issue of discriminatory law as one of universal concern for all citizens and thus open to debate in the public sphere, regardless of politico-religious affiliation. According to Campaign leader Noushin Ahmadi Khorosani, "perhaps more important than collecting one million signatures was bringing 'equal rights' into the forefront of public debate" ("Where Are The Now?," 2013). The One Million Signatures Campaign serves as an important example for future campaigns, as the struggle to attain legal equality between Iranian men and women continues today.

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