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dialogue

Undergraduate Journal for Political Studies

Editor-in-Chief
Jaime Shim

Student Forum
John Goodwin Tower Center for Political Studies
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Dear Reader,

This year’s submissions to the sixth edition of our undergraduate journal reflect its title, dialogue, more than ever before. A dialogue is more than just a conversation; it is an exchange of diverse ideas or opinions with the goal of seeking deeper understanding. Our submissions cover a range of dialogue-worthy topics.

The Tower Center Student Forum sponsored and facilitated two of these papers through our policy research committees. The first is an analysis of the repercussions of U.S. actions in Iraq and the second is a comparison of women’s healthcare policies in Texas and in Denmark. Notably, half of this year’s publications focus on East Asia. This reflects the Tower Center’s growing emphasis on the region with its Sun & Star Program on Japan and East Asia.

We believe this edition of dialogue will engage and challenge readers more than any other. Each student paper presents a unique approach to history and politics, a thought-provoking research analysis, and an unconventional argument. As the Tower Center continues to expand its opportunities and increase the quality of its programs, we are proud that the Tower Center Student Forum is progressing at an equal pace. With that, we optimistically look to the future of our undergraduate journal.

Please enjoy this edition of dialogue.

Rahfin Faruk  
*Executive Director—Tower Center Student Forum*

Jaime Shim  
*Editor-in-Chief—Tower Center Student Forum*
President Rutherford B. Hayes and Gilded Age Politics

Kelsey Smith

Introduction

The Gilded Age is the period in American history between the end of Reconstruction in 1877 and the beginnings of the Progressive Era in the early 1900s. The era was named after Mark Twain’s novel “The Gilded Age: A Tale of Today,” in which he critiqued the time period for its troubling social and political problems. The Gilded Age was a time of rapid economic growth, industrialization, and urbanization. These trends allowed for both extreme wealth and immense poverty to coexist in American society. The population of the United States was simultaneously fascinated by money and yet fearful of its potential to corrupt all aspects of life. The economy was defined by a laissez faire economic system in which individuals were free to participate in the economic sphere without governmental interference. The United States, according to Jackson Lear, author of Rebirth of a Nation: The Making of Modern America, 1877-1920, was “a country lurching headlong into industrial development presented [with] myriad opportunities for the ambitious or the merely greedy.” While this era of new business seemed to encourage the accumulation of money, many were still fearful of the vast amounts of new wealth, and many more were not capable of achieving financial stability. The most recognizable business figures of this era were the so-called robber barons who created immense fortunes for themselves, such as John D. Rockefeller, Andrew Carnegie, and J.P. Morgan. The invention of the railroad system was a key component

of the Gilded Age and its expansion created monopolies and fueled the development of big business, while simultaneously providing work for poor Americans and new immigrants.

The politics and presidents of the Gilded Age are often forgotten, overlooked, or stereotyped. The Gilded Age tends to remain forgotten and misunderstood because of the rampant political corruption that overshadowed all other actions throughout the era. In most American history classes, students learn that the Gilded Age was a time of political corruption characterized by the spoils system, big business, and money. As historian Charles Calhoun explains, the name of the period itself “evokes notions of crassness, superficiality, pretense, and fraud.”  In many ways, the politics of the era were corrupt. The expanding money flow allowed for the creation of political machines that rewarded politicians’ supporters and enabled them to pay off opponents to ensure their economic gain and political success. Once in power, political leaders distributed jobs to those who had financially supported them, thus creating a perpetual cycle of money, power, and support. Furthermore, the government during the Gilded Age was deeply divided between the Democrats and the Republicans, often leading to political stalemates. Overall, the Gilded Age has been seen as a transition from the broken, corrupted, divided politics of the Civil War and Reconstruction to the modern, efficient, reformist politics of the Progressive Era.

While it is undeniable that the Gilded Age was characterized by vast political corruption, I argue that this is a misperception and an overgeneralization of the era. To prove my point, I will focus on the politics and actions of President Rutherford B. Hayes, the 19th president of the United States. I will show that President Hayes was a dedicated, active, and honest president who was compelled to accommodate to a tough political climate with the end of Reconstruction and the deep divide between the Republican and Democratic parties. Furthermore, I will demonstrate that he worked diligently and passionately to resolve the corrupted political environment through his civil service reform platform despite the corrupted actions of Congress and major political parties. Essentially, I argue that President Hayes’ years in office provide an excellent case study to show that anti-corruption and other political

actions were implemented during the Gilded Age in an attempt to make sincere progressive political changes, thus ultimately paving the way for the political developments of the modern Progressive Era.

**Historiography**

To understand the importance of this subject, one must understand the controversial historiography of the Gilded Age and how it has evolved over time. Throughout the Progressive Era and much of recent history, historians and scholars paid little to no attention to the politics of the Gilded Age, often writing the era off as an unimportant and forgettable time period in American political history between the larger, more consequential developments of the Civil War and the Progressive Era.3 According to historian Vincent DeSantis, “most historians believe that at no other time in American history was the moral and intellectual tone of political life so uniformly low nor were political contests so preoccupied with patronage.”4

Historians of the Progressive Era tended to look down upon the Gilded Age, focusing on its corruption and social inequality rather than the positive initiatives for change, such as Hayes’ civil service reforms, and these views remained in place for most of the 20th century. Since the Gilded Age has often been compared with the Progressive Era, it has tended to be overshadowed by historians’ attention to the profound reform movements and political transformations of the early 1900s. Calhoun describes the supposed stark contrast between the eras by claiming the Gilded Age has been viewed as “the post-Civil War dark ages followed by the bright light of the early twentieth century.”5 Furthermore, according to Calhoun, the presidents of the Gilded Age have been particularly criticized for their “debility and weakness, if not utter political impotence and ineptitude” and have been perceived as being “weak, isolated, and ineffectual.”6 Furthering this view, political actions throughout the Gilded Age have been almost entirely accredited

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to Congress rather than the presidency. In general, there has been little
effort to understand the politics of the late nineteenth century and little
attention has been paid to the presidents of this era and their influence
on the American political atmosphere.\(^7\) This degradation of the politics
and presidency of the Gilded Age has led to the common notion that
it was the Progressive Era that marked a fundamental, unprecedented
shift in politics toward a more active, progressive politics and a modern,
enlarged, and indispensable role of the president.

However, as I suggested previously, recent historians have begun
to reevaluate the politics of the Gilded Age and challenge longstanding
assumptions in the historical scholarship. Thus, the recent trend
in historical scholarship beginning in the late 1900s has focused on balancing the image of the Gilded Age previously entrenched by Progressive Era scholars.\(^8\) Calhoun claims that among the worst stereotypes in United States history is the concept that the Progressive Era marked a great transformation in politics and the presidency. He
asserts that the perception that “after a period of leaden inertia in the
country’s chief executives during the Gilded Age, the Progressive Era presidents wrought a profound transformation in the office, marking it
not only ‘modern’ but also the undeniable and indispensable center of
American political life ever after” is an untrue and unfair critique of the
Gilded Age presidents.\(^9\) Other historians have also begun to address the
oversimplification of the supposed contrast between the Gilded Age and
the Progressive Era, thus proving the key political figures of the Gilded
Age to be far more active, sincere, progressive, and innovative than
previously assumed. While no one dismisses the deep-seated corruption
of the Gilded Age, recent scholars, such as Calhoun, “emphasize [Gilded
Age] achievements in crisscrossing the nation with railroads, buildings
factories, and transforming the country’s local and rural economy into
a national, integrated, industrialized one.”\(^10\) Worth Robert Miller also
asserts that historians “have changed the emphasis from [corruption] to


\(^9\) Calhoun, “Reimagining the ‘Lost Men’ of the Gilded Age,” 226.

\(^10\) Calhoun, “Moving Beyond Stereotypes of the Gilded Age,” 3.
the very real fact that Gilded Age politicians and parties truly engaged the American public on fundamental issues concerning the direction of the nation and the role government should play in national life.\textsuperscript{11} The biased perspective of Progressive Era historians led to a fundamental misunderstanding of Gilded Age politics, thus leaving most political reform attempts and presidential initiatives forgotten. In contrast, historians have now begun to argue that the Gilded Age presidents laid the groundwork for the modern American presidency and that the politics of the era represented a gradual transformation toward a new sense of political activity defined by concern regarding race relations, administrative powers, civil service reforms, and economic policies.

**A Brief History of the Civil War and Reconstruction**

An understanding of the Civil War and Reconstruction politics is essential when examining the Gilded Age, since the broken politics of the mid-nineteenth century directly led to the corruption and deep party divides of the Gilded Age. The Civil War, which occurred between 1861 and 1865, threatened to tear the United States into two distinct nations with extremely different political, social, and economic ideologies. The Union and the Confederacy waged war with each other in defense of their differing views of authority, government, equality, and liberty. The Union fought for an indivisible nation with a powerful national government that upheld the concept that all men were created equal. The Confederacy, by contrast, fought for a confederation of sovereign states that would continue to allow the institution of slavery. These vastly different ideologies led to much resentment and drove a deep division between the northern Republicans and southern Democrats. After an incredibly violent and devastating war, the ideals of the Union prevailed, preserving the United States as a whole and ending the formal institution of slavery.

Reconstruction began immediately after the Civil War and lasted until 1877. The South was left in political, economic, and physical ruins and required significant assistance to rebuild itself. Reconstruction was characterized by greater federal government involvement in the governance of the southern states in attempt to implement the northern ideal of racial equality. Congress required the southern states to accept the passage of the 13th, 14th, and 15th Amendments, which ended

\textsuperscript{11} Miller, 50.
slavery and guaranteed the citizenship rights of African Americans, in order to be restored to the Union. Despite the Union’s victory during the war, white conservatives in the South refused to accept the mandates of the national government. Throughout Reconstruction, political corruption was blatant and rampant on national and state levels. For example, President Ulysses S. Grant, the last president during Reconstruction, led a scandal-ridden administration. He often turned a blind eye toward the southerners who ignored the new amendments to the Constitution. When begged by Republican political leaders to send troops to the South to reinforce the Enforcement Acts, which were intended to compel obedience to the newly ratified amendments, President Grant and his administration provided no help. Furthermore, according to historian Ari Hoogenboom, whenever a scandal plagued his presidency, Grant would “proceed to put friends before principle and carefully make certain that his implicated [administration] [would] receive] no punishment.” On the state level, legislators and politicians accepted bribes and participated in blackmail in order to pass bills. By this point in time, political corruption was so familiar to the American public that Hoogenboom claims “many Americans thought that their society was suffering from a general malaise brought on by a growing sense of immorality” within the national and state governments. Clearly, political corruption was not prevented or punished during Reconstruction.

The forceful nature of Reconstruction left many of the southern states resentful toward the North and the national government and led to deep divisions and conflicts between the Republican and Democratic parties. The South remained bitter after losing the war about being forced to abandon their fight for individual state sovereignty and the continuation of the institution of slavery. Throughout Reconstruction, the policies of the northern states were forced upon the southern states. Despite the new amendments and legislation, radical southerners still found way to work around the laws and continue to discriminate against

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15. Hoogenboom, 6.
African Americans. Southern Democrats actively and blatantly defied the 14th and 15th Amendments and were more than willing to harm, fight, or manipulate Republicans to get their way. Furthermore, the Southern Democrats, who had diligently worked toward empowering state governments, resented the large and imposing national government that was forcing the South to reform.

**Gilded Age Politics**

The politics of the Gilded Age produced interesting relationships between the president and the legislature during a difficult time in politics characterized by party politics, inter-party divisions, and sincere congressional dominance. During the Gilded Age, the Republicans and Democrats were constantly at odds with each other. Both received mass support from the public, resulting in a continuous shift in power between the two majority parties. This often created deadlock within Congress and the national government. Historian H. Wayne Morgan summarizes the two political parties of the time by stating that, “broadly speaking, the Republicans spoke for the emerging businessman-skilled labor-prosperous farmer coalition that triumphed in 1896” and that “[t]hey believed in federal economic subsidy, and a workable amount of regulation for the national interests” while the conservative, Democratic party “clung doggedly to ancient ideals of local rule - negative government that protected alleged individualism - and never understood the changes that covered American after the Civil War.”

Contrary to the contemporary Republican Party, the Republican Party during the Gilded Age was an activist party aiming toward a large, centralized national government. Furthermore, there was controversy within the Republican Party itself as some members, such as President Hayes, were far more progressive than other members. Miller claims that partisanship often devolved into “battles over meaningless issues designed to divert the masses from the very real problems of emerging industrialization”: corruption, and urbanization. The Republicans and Democrats were constantly warring with one another, thus making it nearly impossible for any legislation to be passed.

The politics of the Gilded Age were undeniably corrupted. Political

17. Hoogenboom, 19.
18. Paul, 68.
19. Morgan, vi.
20. Miller, 50.
actions centered around the spoils system and party patronage, through which federal and state office holders were essentially guaranteed lifelong tenure in exchange for making annual campaign contributions to party leaders, and government positions were filled based on the exchange of money, favors, and votes rather than the individual merit or ability of potential officeholders.\textsuperscript{21} Miller explains the spoils system as being an “effective method of securing the committed cadre of party workers necessary to organize rallies, propagandize potential supporters, and distribute ballots on election day.”\textsuperscript{22} Essentially, according to historian Ezra Paul, the national government was “an ineffective and corrupt bureaucracy whose middle and upper layers were largely the product of party patronage.”\textsuperscript{23} Many Gilded Age Americans decried the political corruption of their day but held out little hope for its resolution. As W. H. Roberts, a journalist during the late 1900s, lamented: “it is sufficient to say that corruption in politics has grown to such magnitude and assumed such gigantic proportions as to invade the sanctity of the most sacred trusts committed to the public.”\textsuperscript{24} Another journalist wrote in 1879 that there is a “great multitude who are sick of this whole machine business, and who devoutly wish that the country was rid of it” but that, “until [civil service reform] shall triumph, politics will be a trade, office-seeking a business, and everything connected with the making and the execution of the law will be – must be – tainted with corruption.”\textsuperscript{25} Yet another journalist attributed the corrupted political environment to the common view that the “government is, or may be, converted into a machine for the making of money, and that the majority, who control it for the time being, may use it for that purpose, then there springs up from the ground a host of hungry adventurers, office-seekers, and public plunderers, bent on using the power or patronage of the government

\begin{itemize}
\item \textsuperscript{21} Paul, 70.
\item \textsuperscript{22} Miller, 54.
\item \textsuperscript{23} Paul, 70.
\end{itemize}
for the enrichment of themselves.” Overall, the deep-seated political corruption was prominent within the government and disliked by the American public.

This was the divided and corrupt political environment to which President Hayes would have to adapt. Throughout Hayes’ presidency, the Democrats controlled the House of Representatives by thirteen seats during the 45th session of Congress and by nineteen seats in the 46th session of Congress. The Republicans, however, held a majority of three votes in the Senate during the 45th session, with the Democrats regaining a majority of nine votes for the remainder of Hayes’ presidency. The spoils system was a well-established institution and in full effect by the time president Hayes took office.

Rutherford B. Hayes’ Early Life and Political Career

Throughout his early life and political career, President Rutherford B. Hayes worked diligently to help reform society. Rutherford Birchard Hayes was born in Delaware, Ohio on October 4, 1882. His father died before he was born, forcing his mother to raise Hayes and his three siblings on her own. He attended multiple schools as a child but eventually enrolled at Kenyon College in Gambier, Ohio in 1838. He then enrolled in Harvard Law in 1843. Upon graduation, he began to practice law and opened his own office in northern Ohio. Hayes eventually moved his practice to Cincinnati where he married Lucy Webb. He was an avid abolitionist, often working on behalf of fugitive slaves, thus making him popular within the Republican Party. He refused the Republican nomination for a judgeship in 1856 but accepted the position of city solicitor in 1859. Hayes joined a volunteer company fighting in the Civil War and was quickly promoted to a major within the 23rd Regiment of Ohio Volunteer Infantry. He was promoted many times throughout his military career, ending with the title of brigadier.
general and brevetted major general.\textsuperscript{31}

In 1864, while serving as a soldier, Hayes was nominated to run for the House of Representatives from Ohio’s second congressional district. He refused to leave the military in order to campaign and instead wrote letters to the constituents explaining his position. His constituents understood the troublesome conditions of the war, forgave him for not campaigning, and elected him as their representative to Congress. During the 39th Congress, he voted to pass the 14th Amendment and supported the Radical Republicans Reconstruction policies to help reform the South after the Civil War and quickly grew to hate the politics of President Andrew Jackson.\textsuperscript{32} In 1866, Hayes unsuccessfully advocated for a civil service reform bill, thus proving to be an activist early on in his political career. He resigned in 1867 to campaign for governor of Ohio. While the Ohio legislature fell to the Democrats, Hayes won the gubernatorial election and actively promoted Republican politics. However, the divided government limited his governing ability, especially since the Ohio governor had no veto powers. He was reelected for a second term with the Ohio legislature falling back into the hands of the Republicans. Hayes had intended upon retiring from politics in 1872 in order to spend time with his wife and children.\textsuperscript{33} He was nominated for the House of Representatives again in 1872 but was content with losing the election to a close friend from college. In 1875, he was nominated again to resume his role as governor of Ohio. He returned to the governorship, thus gaining increasing popularity within the Republican Party.\textsuperscript{34} The party’s overwhelming support positioned him as one of the top candidates for the Republican nomination for the presidency.\textsuperscript{35}

\textbf{A Presidential Candidate}

As a presidential candidate, Hayes remained humble through the election process and actively promoted his reformist ideals and his dedication to civil service reforms throughout his campaign. Once Hayes was inaugurated as the governor of Ohio, his campaign for the

\textsuperscript{31} Morgan, 10.
\textsuperscript{32} Hoogenboom, 10.
\textsuperscript{33} Hoogenboom, 10-11.
\textsuperscript{34} Hoogenboom, 11.
\textsuperscript{35} Mark Wahlgren Summers, \textit{The Era of Good Stealings} (New York: Oxford University Press, 1993), 90.
presidential nomination quickly gained support. Hayes’ modesty was apparent during the entire process and, according to Hoogenboom, he “neither encouraged his supporters nor meddled with their efforts to organize on his behalf.”  Hayes easily won the nomination at the Ohio Republican Convention. In a letter he wrote on April 2, 1876 to his dear friend Guy M. Byran, Hayes humbly stated:

I am now at the end of one stage of this political business. Without word or act of mine, the Ohio convention with absolute unanimity instructed for me. This, of course, is a gratifying endorsement. I have rather discouraged “the Hayes movement” from the first. I now would be glad to be satisfactorily out of it. But I suppose I shall continue a silent looker-on.

Nationally, his main competitor was James Blaine of Maine, who had the majority of the Republican Party’s support. While the first balloting for the nomination held Blaine in the majority, allegations of scandal began to spread about Blaine while Hayes’ reputation remained untainted. These reputations ultimately ended up swaying many votes. By the end of the campaign, Hayes won the Republican Party election by five votes and Blaine graciously supported Hayes’ nomination.

Hayes’ letter of acceptance detailed his goals for a potential presidency. He explicitly approved the Republican Party platform, promised not to run for reelection, and guaranteed the South that he would aid its transition from the aftermath of the Civil War and Reconstruction to participation in normal national politics. The majority of his letter centered on the need for civil service reform and the demolition of the spoils system. Hayes wrote the following:

The old rule, the true rule, that honesty, capacity and fidelity constitute the only real qualifications for office, and that there is no other claim, gave place to the idea that party services were to be chiefly considered. All parties, in practice, have adopted

37. Rutherford B. Hayes to Guy M. Bryan, Columbus, Ohio, April 2, 1876, in The Diary and Letters of Rutherford B. Hayes, Nineteenth President of the United States, ed. Charles Richard Williams (Ohio: Ohio State Archeological and Historical Society, 1922), 311.
38. Hoogenboom, 15.
39. Hoogenboom, 16.
this system. It has been essentially modified since its first introduction. It has not, however, been improved.\textsuperscript{40}

Furthermore, Hayes nicely summed up his platform with the closing paragraph of his acceptance letter by summarizing:

With a civil service organized upon a system which will secure purity, experience, efficiency, and economy, a strict regard for the public welfare, solely in appointments, and the speedy, thorough and unsparing prosecution and punishment of all public officers who betray official trusts; with a sound currency; with education unsectarian and free to all; with simplicity and frugality in public and private affairs; and with a fraternal spirit of harmony pervading the people of all sections and classes, we may reasonably hope that the second century of our existence as a Nation will, by the blessing of God, be pre-eminent as “an era of good feeling,” and a period of progress, prosperity, and happiness.\textsuperscript{41}

Clearly, Hayes had every intention of being an active, dedicated, and passionate president who sought to end the spoils system, aid the South, and help American society in all necessary aspects.

**The Election of 1876 and The Compromise of 1877**

The election of 1876, a controversial political battle between Hayes, the Republican candidate, and Samuel J. Tilden, the Democratic candidate, is often used to depict the beginning of Gilded Age politics as being marked by manipulation and corruption. This election and subsequent compromise are often the only important historical events associated with President Hayes, overshadowing the important reform efforts he made throughout his presidency. However, the election was far less scandalous than it initially appeared and was simply the result of a congressional commission that determined the president. The resulting compromise was a continuation of Hayes’ attempts to aid the South with recovering from the Civil War and transition into a normal period of more stable politics after Reconstruction.

\textsuperscript{40} Rutherford B. Hayes to Republican National Committee, Columbus Ohio, July 8, 1876, in *Letters and Messages of Rutherford B. Hayes, President of the United States Together with Letter of Acceptance and Inaugural Address* (Washington, 1881), 5.

\textsuperscript{41} Rutherford B. Hayes to Republican National Committee, Columbus Ohio, July 8, 1876, in *Letters and Messages of Rutherford B. Hayes*, 7-8.
The first returns of the popular vote determined Tilden to be the winner and eager newspapers quickly pronounced him the 19th president of the United States.\footnote{Joseph M. Rogers, “How Hayes Became President,” \textit{McClure’s Magazine} XXIII, no. 1 (May 1904): 76.} Hayes himself was skeptical of the election, as he wrote in his diary on October 22 that “another danger is imminent - a contested result.”\footnote{Rutherford B. Hayes, October 22, 1876, in \textit{The Diary and Letters of Rutherford B. Hayes}, 374.} On the night of November 7th and the early morning of November 8th, after weeks of tallying the polls, telegraphers informed both national parties’ headquarters that it appeared that Tilden had won the election by a vast amount. From this, Democrats were comfortable in assuming that Tilden had received more than 200 electoral votes, a substantial amount more than the 185 needed to win the election. At this time, the votes from Florida, South Carolina, and Louisiana had yet to be counted. Together, they could allocate the 19 electoral votes Hayes needed to win the majority.\footnote{Michael F. Holt, \textit{By One Vote: The Disputed Presidential Election of 1876} (Kansas: University Press of Kansas, 2008), 172.} Oregon, too, had yet to be counted. Quickly, Republicans sent messages to the Republican leaders of these states. Michael F. Holt, a historian and author of \textit{By One Vote: The Disputed Presidential Election of 1876}, claims the messages contained only two brief sentences that urged “with your state sure for Hayes, he is elected. Hold your states.”\footnote{Holt, 173.} Ultimately, Tilden did not receive a majority of votes from the Electoral College. The states in question were Republican dominated but were often controlled by Democrats through corruption and violence. Thus, an Electoral College controversy quickly arose with the Democrats and Republicans alike attempting to sway and tamper with the allocation of votes. To avoid any further delay, Congress created an Electoral Commission made up of five senators, five members of the House, and five Supreme Court Justices.\footnote{Rogers, 76.} Congress had intended to create a commission with seven Republicans, seven Democrats, and one neutral member in order to come to an unbiased, final decision. However, the Commission ended up casting eight Republican votes and seven Democratic votes, with most of the members voting along their party lines to elect Hayes as the
next President. Several Democratic senators refused to vote on the Commission’s decisions and threatened a filibuster, thus prolonging the political deadlock and debate.

However, the deadlock of the contested election was finally broken through a compromise between Hayes and the Southern Democrats that is known as the Compromise of 1877. The compromise declared that Southern Democrats would acknowledge Hayes as president as long as he met certain demands. According to Morgan, the points of contention were as follows:

A Republican president would remove federal soldiers from Louisiana and South Carolina, the last remaining “unredeemed” states, and recognize local rule; as part of a long-term program, Republicans would extend federal patronage to the South, construct levee and harbor improvements, help complete the Texas and Pacific Railroad, and welcome the South into national life; southern politicians would not obstruct certain Republican programs, and would help elect Garfield speaker of the House, obey the Constitution [including the newly ratified 13th, 14th, and 15th amendments], and guarantee Negroes civil rights.

President Hayes was the first president since the Civil War to preside over the United States as a seemingly whole, unified nation. The Civil War had divided the nation into two halves and Reconstruction had forced Republican, northern ideals upon the southern states, resulting in harsh feelings and severe resentment between the two parties. The compromise marked a shift in American politics from the pre-Civil War fragmentation and division of the United States to the unified modern nation. While this was a great shift in American history, it began out of a controversial, corrupted election. Calhoun explains that, “in the grossest form the story states that Hayes abandoned reconstruction of the South and protection of the former slaves in order to secure his seat as president.”

While the compromise was intended to reunify the nation, it did so at the expense of racial justice and equality. However, in his diary on February 18, 1877, President Hayes explained his sentiments and goals for the South by writing that “[his] course [was]

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47. Rogers, 76.
a firm assertion and maintenance of the rights of the colored people of the South according to the Thirteenth, Fourteenth, and Fifteenth Amendments, coupled with a readiness to recognize all Southern people, without regard to past political conduct, who [would] now go with [him] heartily and in good faith in support of these principles. Thus, it is necessary to highlight that President Hayes explicitly agreed to the compromise with the understanding that the South would abide by the Civil War Amendments, thus suggesting he did not ignore the issue of racial injustice, but momentarily valued the reunification of the nation more.

It is of the upmost importance to understand that the Gilded Age began with a seemingly corrupt presidential election, a theme that would permeate the rest of the era and eventually come to define the time period. However, this election also shows that President Hayes actively worked to combat corruption. While the election initially appears corrupt, in reality, Reconstruction was already ending since the Democrats had already regained a majority in most of the southern states. Thus, Hayes merely responded to the South’s demands to end Reconstruction by withdrawing the few troops remaining in the South. Historian Mark Wahlgren Summers explains that any potential corruption “if such it was, was one of the kinds most widely accepted and defended in that day: a partisanship” that worked for the betterment of the system. Essentially, this means that Hayes’ actions were not corrupted, but rather meant to help end the deep party divisions between the Republicans and Democrats.

Calhoun explains that from the very beginning of the election Hayes had asserted that “he would favor a restoration of ‘local government’ in the South, but that southerners must pledge to uphold the parts of the Constitution ‘that are no less than the parts that are old,’ that is, the civil rights amendments.” This shows that even this controversial election that is often described as being corrupted and manipulated has a story explaining the need for such an agreement and thus proves that Hayes did not merely change his stance on the South to gain the vote, but rather followed through with the plan to aid the South that he promoted at the

51. Summers, 288.
outset of the election. The controversial election of 1877 essentially provides a starting point for examining Hayes’ presidency as he always strove to lead in an active, fair manner with the interests of the nation in mind.

**Inaugural Address**

President Hayes was officially declared the winner of the Presidential election at 4:20 A.M. on March 2, 1877. The Senate had assembled and announced that Hayes and his Vice Presidential candidate, Wheeler, had won the election in the Electoral College, 185 votes to 184 votes. President Hayes’ election resonated well in the press and the public. An article in the New York Times in 1877 declared that “Governor Hayes’ name [was] upon everybody’s lips and there [was] no doubt that the inauguration ceremonies of the President-elect [would] be conducted with as much enthusiasm and general satisfaction as [had] characterized any previous inaugural ceremonies.” Another journalist, again writing for the New York Times, declared that Hayes’ brief speech at his inauguration “[was] likely to meet with approval throughout the country” and, furthermore, that his message was “perfectly patriotic; it [was] free from narrowness and partisan bias; it [was] enlightened; and it [was] independent.” President Hayes’ inaugural address resonated with the American public and gave people hope that his administration would not be extraordinarily patrician and would work diligently toward ending political corruption.

On Monday, March 5, 1877, Hayes delivered his Inaugural Address to the people of the United States. Reiterating the major points of his acceptance letter, Hayes declared that he would focus his administration on reforming the South, improving education, resolving the currency question, and most prominently, focusing on civil service reforms. In addressing the end of federal Reconstruction, Hayes declared that “the evils which [were] afflict[ing] the Southern States c[ould] only be removed or remedied by the united and harmonious efforts of both races.

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53. Hoogenboom, 50.


He promised to do so in accordance with the agreements made in the Great Compromise, and stated, “I am sincerely anxious to use every legitimate influence in favor of honest and efficient local self-government as the true resource of those States for the promotion of the contentment and prosperity of their citizens.” This statement reveals that Hayes sought to help reform the South in an effort to have the local and state governments work toward protecting the rights of all citizens in a legitimate manner. Essentially, he endowed the Southern Democrats with the power they so desired while simultaneously holding them accountable for honest and efficient governmental policies. About civil service reforms, Hayes proclaimed the following:

I ask the attention of the public to the paramount necessity of reform in our civil service --a reform not merely as to certain abuses and practices of so-called official patronage which have come to have the sanction of usage in the several Departments of our Government, but a change in the system of appointment itself; a reform that shall be thorough, radical, and complete; a return to the principles and practices of the founders of the Government.

By this assertion, Hayes meant that his administration would take the appointments of governmental offices seriously, only appointing those who were worthy of the position based on their merit rather than wealth of party association. Furthermore, the founders of the United States’ government, which he so clearly alluded to, believed that partisanship needed to be countered so that ambitions countered ambitions amongst political leaders, such that legislation and actions would not be for the benefit of one party, but rather for the benefit of the entire people. According to a newspaper article from March 22, 1877, Hayes’ Inaugural Address was “met with an almost unanimous concurrence from all shades of political opinions, North and South.” He clearly outlined his intentions for his time in office. He presented himself as a president willing and eager to improve the current state of

56. Rutherford B. Hayes, Inaugural Address, March 5, 1877, in Letters and Messages of Rutherford B. Hayes, 13.
57. Hayes, Inaugural Address, 13.
political affairs through constitutional means.

**Civil Service Reform**

Throughout the entire election process, Hayes had dedicated much of his campaign toward the effort to reform the civil service. This, arguably, was the most important issue to President Hayes during a time of immense political corruption. Hayes’ passion for civil service reform stands out as the best example of his continuous efforts to change politics throughout his presidency rather than merely allowing Congress to control the government and do as it pleased. He devoted much of his inaugural address to articulating his ambitions and goals for the civil service system and the general appointment process. Furthermore, President Hayes “called for a system in which federal appointments would be made solely on the basis of candidates’ qualifications, in which employees would be guaranteed tenure given their competence and honesty, and in which departmental officials would be free from partisan influence.”  

President Hayes declared that a government officer should “be secure in his tenure as long as his personal character remained untarnished, and the performance of his duties satisfactory.”  

As a civil service reformer, President Hayes understood the spoils system and patronage to be unbefitting for the government and actively promoted the need to abolish the spoils system, to appoint worthy, qualified people to public offices, and to grant tenure in order to ensure an end to partisanship. Since civil service reform was his passion, he conducted a highly publicized campaign against the spoils system and patronage and enlightened the public on the issues of corruption. He constantly reiterated the need for anti-corruption legislation in letters, speeches, declarations, and his annual message to Congress, thus leaving the general public wary of political officials and critical of governmental corruption. For instance, Paul quotes Hayes during his first annual message to Congress on December 3, 1877, as proclaiming the following:

> The organization of the civil service... has for a number of years attracted more and more of the public attention... I have fully believed these declarations and demands [for reform] to be the expression of a sincere conviction of the intelligent masses of

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60. Paul, 71.  
61. Hayes, Inaugural Address, 14.  
62. Miller, 54.
the people upon the subject, and that they should be recognized and followed by earnest and prompt action on the part of the legislative and executive departments of the government, in pursuance of the purpose indicated.\textsuperscript{63}

Unlike his predecessors, President Hayes only sought to fill vacant federal positions and only wished to dismiss those government employees who were incompetent and unsatisfactorily fulfilling their duties. Hayes wished to appoint the important federal positions himself, rather than adhering to party allegiance. While he remained conscious of his party affiliation, Hayes sought to end appointments solely based on political consideration. Writing in his diary on April 22, 1877, Hayes proclaimed that “we must limit and narrow the area of patronage. We must diminish the evils of office-seeking. We must stop interference of federal officers with elections. We must be relieved of congressional dictation as to appointments.”\textsuperscript{64} Miller asserts that President Hayes “made major inroads against the spoils system by insisting that certain positions were too important to allow senators that courtesy of naming the recipient.”\textsuperscript{65} His selection of cabinet members proves how dedicated he was to appoint members based on merit rather than party alliance.

Hayes embodied his ideals for governmental appointments with the selection of his presidential cabinet. He appointed William A. Wheeler as his vice president and appointed William M. Evarts, a lawyer who had extensive experience in foreign affairs, as secretary of state. In a highly controversial decision, he appointed Carl Schurz as the secretary of the interior. Schurz had been an avid and dedicated campaigner for Hayes on both the state and national levels. However, he was loathed by other Republican Party members for attempting to prevent Grant from taking a second term in office. Next, Hayes attempted to appoint General Joseph E. Johnston, a southern Democrat, as the secretary of war; however, this selection proved to be highly controversial and failed to be passed. Hayes then appointed George W. McCrary to the position. Next, he appointed David M. Key, a Southern Democrat, as postmaster general. Finally, he appointed John Sherman as his secretary of the treasury, Charles Devens as his attorney general, and Richard

\begin{itemize}
  \item[63.] Paul, 71.
  \item[64.] Rutherford B. Hayes, April 22, 1877, in \textit{The Diary and Letters of Rutherford B. Hayes}, 430.
  \item[65.] Miller, 54.
\end{itemize}
W. Thompson as his secretary of the navy.\textsuperscript{66} Hayes purposefully chose not to offer cabinet positions to those whom he had competed with for the Republican nomination or their associates and also did not appoint any of Grant’s cabinet members.\textsuperscript{67} His bold tactics and refusal to confer with previous administrators led to hostility toward Hayes within the Republican Party. His appointments were controversial at the time because they were not the expected appointments, which led to opposition from the Republican leaders of Congress.

Furthermore, President Hayes actively attempted to counter the divided, deadlocked politics of Congress to further his political reforms. He made innovative use of the public’s opinion and sentiment to force members of Congress into action. He also used the public’s opinion to limit Congress’ ability to pass corrupted legislation. However, if he was unable to persuade Congress, which happened quite often, he resorted to the veto power to discourage and prevent Congress from passing unwanted, potentially corrupted legislation.\textsuperscript{68} His most useful tactics, however, were far less drastic measures, such as sending congressmen notes that advanced or rejected arguments for particular bills, blatantly dropping hints at different social gatherings, mobilizing and encourage approval or disapproval of pending legislation, and, of course, casually threatening with his veto power.\textsuperscript{69} Furthermore, as a previous governor and congressman himself, President Hayes understood how congressional politics worked and was able to use his past experience to his advantage in forming alliances and attempting to further his politics.

However, while Hayes actively worked to enact civil service reforms and persuade Congress to pass legislation, he constantly met great opposition from Congress and corrupt party leaders. According to historian Vincent Desantis, it is obvious that the most detrimental and important constraint on Hayes’ plan “was the sharp contest between the parties and the failure of either to have control of the national government for any appreciable length of time.”\textsuperscript{70} While the divided Congress had trouble agreeing upon legislation, Hayes’ intended program for the South and for civil service reform caused a deep divide.

\textsuperscript{66} Hoogenboom, 52-53.
\textsuperscript{67} Hoogenboom, 51.
\textsuperscript{68} Paul, 69.
\textsuperscript{69} Paul, 69.
\textsuperscript{70} DeSantis, 555.
within his own Republican Party. Hayes was often unable to persuade his fellow Republicans, let alone the opposing Democrats, to enact civil service reforms that went against their own narrow-minded political interests. Despite the difficulties he faced in passing legislation, Hayes still managed to take some steps to eliminate political corruption. In his diary on August 6, 1878, Hayes commented on his own efforts:

It is plain that the Civil Service reform has made some progress. 1. No assessments on office-holders are now allowed. If it is charged in any case, the officer concerned hastens to deny it. Even the enemies of reform in the party now give it up. 2. Office-holders have in great degree ceased to interfere in party management. If accused of it, they deny it. 3. Appointments are no longer regarded as belonging to Congressmen. 4. No relatives are appointed to office by the President. 5. No misconduct of any sort, no corruption in office, is covered up by the Administration. All officers understand that a betrayal of trust will lead “to speedy, unsparing, and thorough prosecution and punishment.” 6. Appointments less partisan than any time before since [J. Q.] Adams’ time. 7. No partisan Service required of any public officer.

According to Paul, President Hayes ended his term as president by using his last annual message to Congress “to make a passionate appeal for enactment of legislation requiring that hiring of federal bureaucrats be based on candidates’ performances on competitive evaluations.”

During his presidency, Hayes lost support from his fellow Republicans for becoming too proactive with his attempted civil service reforms. Many politicians were blinded by their own self-interest and unable to see the corrupted atmosphere surrounding them. Hayes wrote about this conundrum in his diary on February 14, 1879. He proclaimed, “impressed with the vital importance of good administration in all departments of government, I must do the best I can unaided by public opinion, and opposed in and out of Congress by a large part of the most

71. DeSantis, 556.
72. Rutherford B. Hayes, Columbus, Ohio, August 6, 1878, in The Diary and Letters of Rutherford B. Hayes, 495.
73. Paul, 72-73.
powerful men in my party.” A journalist writing retrospectively in 1915 claimed, “that time has justified those features of [Hayes’] policy which brought the immediate wrath of a large section of his own party heavily upon his head.”

While he might not have successfully passed legislation during his time in office, Hayes paved the way for future civil service reform laws, most notably the Pendleton Act of 1883. Paul asserts that “the administrative and personnel regulations that were implemented during his tenure constituted a significant precedent, as well as political impetus, for the Pendleton Act of 1883.” This important act essentially created a bipartisan Civil Service Commission. The Commission administered a system of competitive exams and set professional standards for all new federal employees. Furthermore, the Pendleton Act ended the practice of requiring federal bureaucrats to contribute financially to campaigns. While the act originally only applied to approximately ten percent of federal positions, it marked a milestone in the Congressional passage of anti-corruption legislation.

**Why Is He Forgotten?**

President Hayes will never be considered one of the great presidents, but according to historian Hans L. Trefousse, “he managed to serve out his originally disputed term without scandal and with considerable competence. He deserves to be remembered.” President Hayes is typically a forgotten American president since he was understandably only capable of accomplishing very minimal reforms during his presidency. While he had high aspirations and goals, he was unable to achieve them due to congressional corruption and deadlock. A journalist during the Gilded Age describes Hayes’ struggles by stating, “it is quite possible that the President has not done so much as we expected of him toward a reform in the civil service, but it should be remembered in his favor, or as partly an explanation of the fact, that he has to fight

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76. Paul, 73.
77. Paul, 73.
78. Trefousse, 2.
every step of the way.” Frankly, under the controversial conditions of party politics and patronage, it is amazing President Hayes was capable of accomplishing all that he did. Furthermore, Hayes was easily over shadowed by his successor, President Garfield, who was quickly assassinated after his inauguration, thus leaving news sources and the public focused on a scandalous murder and a new president rather than on the accomplishments of Hayes’ previous administration.

**Conclusion:**

I have attempted to show that the Gilded Age does not receive the credit it is due. While it was undoubtedly a time of political corruption, the United States underwent a period of profound transformation toward a more progressive, reformist society that would remain throughout the following century. While Hayes never completed his mission to reform the civil service system, Paul argues that “a strong case can be made that he did succeed in bringing to a close the vicious cycle of presidential weakness and congressional dominance” that had defined the office of his predecessors. Hayes was president during a time of diminished presidential prestige, support, and authority and had to compromise his efforts with a stubbornly divided Congress. President Hayes entered office at a point in time when corruption and the spoils system were in full swing, thus forcing him to work under severe circumstances and limitations that are often overlooked and under-appreciated. He sought to encourage change to the best of his abilities and he implemented tools, such as influencing public opinion, implementing his power to veto, and selecting a well-qualified cabinet to overcome the limitations and boundaries of the era’s political corruption. President Hayes’ time in office exemplifies the reform efforts made by leading politicians throughout the Gilded Age despite the rampant political corruption. The Progressive Era, which immediately followed the Gilded Age, has been characterized as a time of rampant anti-corruption action and its progressive politics have long been juxtaposed against Gilded Age politics. The policies, politics, and legislation of this turn of the century era found its base within President Hayes’ diligent anti-corruption efforts. Rutherford B. Hayes was not a lackadaisical, inefficient, and narrow-minded office holder, but rather an active reformer who sought

80. Paul, 83.
81. DeSantis, 556.
to fundamentally change the political atmosphere of the Gilded Age and greatly influenced further eras like the Progressive Era.
Research Committee
Introduction:

Everyone has their own story about how about how they found about it. An American child sitting in her 5th grade class for the famous birds and the bees lecture to a another child discussing where babies come from on the playground. Some were told that waiting until marriage is the only option. In the Untied States, these stories vary across schools, states, and cultures. In contrast in Denmark, a child starts their sex education journey in kindergarten.

Denmark and the Untied States are both industrialized western countries. Both nations have high literacy rates and access to health care; however, Denmark has a significantly lower teenage birth rate than the United States. In Denmark, a country with one of the lowest teenage birth rates, 0.04% of teens aged 15-19 gave birth in 2013 compared to 2.94% in the United States (“Trends” 2013). What causes this discrepancy? While we are aware that cultural and socioeconomic factors may play a role, our research focuses on how educational policy contributes to teenage birth rates in Denmark and the United States. We will examine health education in Denmark and the United States in order to analyze how health education policies impact teenage birth rates.

Sex Education Policy in the United States:

Sex education in the United States varies largely from state to state, and there are no national laws mandating sex education in schools. Of the schools that do provide sex education, the topics may include how to say “no” to sex, contraception, how to prevent HIV/AIDS, and
STDs (Martinez 2010). However, some states have chosen to emphasize abstinence as the best method of birth control, and may not discuss other forms of contraception. Teen pregnancy and birth rates are very high in the United States, and so it is necessary to examine the type of sex education being offered throughout the country, and the correlation with sexual behavior and teen pregnancy. Several studies have collected information on sex education among teenagers in the United States and examined the relationship between sex education and outcomes such as teen pregnancy and STDs.

From 2006-2008, the National Survey of Family Growth collected data on sex education in the United States among 15 to 19 year olds. It looked into what ages the teenagers had received formal sex education, if any, and what topics were covered. Formal sex education was defined as received at school, church, a community center, or other place. The survey found that 96% of females and 97% of males had received some sort of sex education before the age of 18 years old (Martinez 2010). The majority of teenagers in this study reported receiving sex education in middle school, which includes grades six through eight. On the topics of how to say no to sex, methods of birth control, STDs, and how to prevent HIV/AIDS, the percentage of males receiving this education in middle school was 57%, 52%, 55%, and 54%, respectively (Martinez 2010). This was 57%, 46%, 53%, and 50%, respectively, for women (Martinez 2010). While this study shows that most teenagers are receiving sex education in the four previously mentioned topics by the time they enter high school, it does not examine the quality of this education.

Sex education is a controversial topic in the United States due to some schools emphasizing abstinence as the best method of birth control, with some only teaching abstinence and no other methods of contraception. A study by Stanger-Hall using data from 48 states found a positive correlation between increased emphasis on abstinence education and teenage pregnancy and birth rates (2011). Another study using data from the 2002 National Survey of Family Growth looked at abstinence-only versus comprehensive sex education and its relationship with the initiation of sexual activity and teen pregnancy. This study found that abstinence-only education did not delay the initiation of sexual activity or reduce the risk teen pregnancy or STDs (Kohler 2008). Additionally, comprehensive sex education was found to be associated with a reduced risk of teen pregnancy as compared to no
sex education or abstinence-only education (Kohler 2008). Data from the 2002 National Survey of Family Growth was used again to look at the relationship between sexual education and the type of contraception use at coital debut. While there was not an association between type of formal sex education and contraception use, there was an association between abstinence-only messaging and use of a less reliable method of contraception at coitalarche (Isley 2010).

The type of sexual education received by teenagers has a significant impact on future sexual activity. Several studies have found correlations between the type of education and teen pregnancy. Teen pregnancy is a major public health concern, especially as the rates are very high in the United States as compared to other countries. Thus it is important to evaluate sexual education in the United States and how it can be improved.

While the United States does not have very many national policies regarding sex education in public schools, for years the federal government has provided funding for these programs. In 1981 President Reagan’s administration was the first to dedicate a large amount of tax dollars to sex education programs. Because of his conservative background, Reagan only funded abstinence-only-until-marriage programs. Future presidents continued this pattern of funding and between 1996 and 2009 funding for abstinence only programs increased exponentially (SIECUS brief history). President Obama was the first president to not follow this trend. He cut abstinence-only funding by two-thirds and dedicated new funds to his Teen Pregnancy Prevention Initiative, which funds comprehensive and medically accurate sex education programs. Comprehensive sex education was also funded through the Personal Responsibility Education Program, which is a provision of the Affordable Care Act of 2010 (SIECUS brief history). Although federal funding for abstinence-only programs remained very high until 2010, many states, such as New Hampshire, Vermont, and Massachusetts, had moved away from abstinence-only sex education by that time (SIECUS sexuality policies by state).

Despite the changing trends in sex education in many states some states are more reluctant to change. For example, Texas continues to remain the model for abstinence-only programs. Texas has received the most abstinence-only federal funding, and 94% of its school districts exclusively teach abstinence-until-marriage in their health classes (TFN
Apart from mandating that Texas schools teach abstinence, there is very little instruction on how to go about this. Therefore, Texas school districts decide when and how to teach sex education in their classrooms. In a comprehensive 2009 survey conducted by the Texas Freedom Network Education Fund, researchers found that most of these districts employ abstinence-only programs that rely on undocumented “facts”, religious messages, inadequate information about STDs, little to no information about human sexual anatomy, and exaggerated negative information about the effectiveness of other forms of contraceptives (Sex Ed Report).

A 2007 federal survey of abstinence-only sex education programs revealed that students that participated in these programs were just as likely to engage in sexual intercourse at the same age as students not enrolled in these programs. Furthermore, the study found that students in abstinence-only programs were just as likely to engage in unprotected sex as those not in a sex education program (Mathematica study). Because the majority of Texas youth participate in abstinence-only-until-marriage programs, it is no surprise that the teen birth rate in Texas is so high.

The previously mentioned survey conducted by the Texas Freedom Network Education Fund reveals other negative aspects of abstinence-only-until-marriage sex education. Besides simply failing to promote abstinence among the adolescent population, these programs also negatively affect the emotional health of their students. Many programs utilized in Texas schools teach that premarital sex is evil and often leads to cervical cancer, divorce, infertility, poverty, and death (Sex Ed Report 28). The message that having sex means getting sexually transmitted diseases and dying combined with the message that contraceptives have very high failure rates lead students “to dismiss the risk message as propaganda” (Sex Ed Report 27). In other words, using fear and intimidation as tactics to prevent teens from having sex does not work. Many abstinence-only programs not only vilify premarital sex, but also those who engage in it. In the curriculum of one such program, sexually active adolescents are said to lack self-control and morals while abstinent teens are morally superior (Sex Ed Report 30). Furthermore, sexually active youth are portrayed as “damaged goods” with no hope of a normal, healthy future (Sex Ed Report 31). These messages have a negative impact on the fragile emotional state of developing adolescents and demonize students for engaging in an act that many Americans
consider a normal part of adulthood.

While the above evidence indicates that adolescent Texans are not benefiting in any positive way from the current state of sex education, one has trouble finding an effective method of teaching students about sex and sexuality in a nation as morally and religiously diverse as the United States. In his study of sex education in America, Josh Corngold of the University of Tulsa reveals the pitfalls of four of the most common approaches to teaching students about sex. He claims the “outright avoidance” approach is simply irresponsible in an age where families do not always talk to their teens about sex and sexually transmitted diseases such as HIV and HPV are common (Corngold 464). The “plumbing and prevention” approach teaches students the science behind sex, including anatomy, reproduction, and disease prevention. However, it leaves teens to find information about the emotional side of sex from outside sources, such as their peers, the Internet, and the sexually saturated media (Corngold 464-465). In the “value neutral” method of teaching adolescents about sex, educators present a wide variety of topics and the different moral views of each. While this may seem like a good strategy, it is almost impossible for a teacher to use totally impartial wording in his or her lessons. Furthermore, it is irresponsible to give a completely unbiased view of topics such as pedophilia (Corngold 466-468). Finally, Corngold critiques a “morally univocal” approach to sex education, which is the category abstinence-only programs fall under. His criticism of this approach is very similar to the evidence cited in the above paragraphs (Corngold 469-470).

Teen Pregnancy in the United States:

Compared to all other industrialized nations, the United States is struggling to control adolescent pregnancy with a current rate of 68.7 pregnancies for every 1000 American girls age 15-19 (“Trends” 2013). Although this is the national rate of teen pregnancy, it is difficult to generalize statistics for a nation as diverse as the U.S. For example, the rate of adolescent pregnancy varies widely from state to state. New Mexico has the highest rate at 93 pregnancies for every 1000 girls, and New Hampshire has the lowest rate at 33 pregnancies for every 1000 girls (“50-State” 2013). While this variation is likely attributed to the different policies on sex education in each state, factors such as race and socioeconomic status also affect the rates. The rates of teen pregnancy are higher for Hispanic American and African American teens than for Caucasian teens (“50-State” 2013). Unfortunately, these trends based
on race are due to a decades long cycle of teen childbearing, because children born to adolescent mothers are more likely to become pregnant as teenagers themselves (Basch 2011).

Although the rate of teen pregnancy in the United States is very high, the teen birth rate is roughly half of that at 29.4 births for every 1000 teens age 15-19 (“Trends” 2013). This number differs because of spontaneous miscarriages and abortions. However, the abortion rate is only 18 abortions for every 1000 females age 15-19 (“Teen Abortions” 2013). While lack of availability of safe abortions and their stigmatization could be affecting this statistic, it is significant to note that only about a fourth of adolescent pregnancies are terminated.

While these numbers may seem very high even for the US, teen childbearing has actually decreased significantly since its peak in 1957 when it was 96 births for every 1000 girls age 15-19 (Boonstra 2002). Every year the teen birth rate continues to decrease for all age groups and races. However, as the birth rate among adolescents has declined, the rate of teen births to unwed mothers has increased significantly (Boonstra 2002). This suggests that the culture surrounding teens and childbearing in the United States is changing. Furthermore, after rising and leveling off in the 1970’s and 1980’s, the teen abortion rate has also been decreasing in recent decades. Therefore, this declining birth rate must be due to fewer teens becoming pregnant rather than an increased rate of abortion, which many may have wrongly assumed (Boonstra 2002).

Because the teen birth rate has decreased primarily because the teen pregnancy rate has decreased, it is interesting to note what has caused the teen pregnancy rate to decrease. While many conservative Americans would argue that the rates have gone down due to abstaining from sex, in reality the decrease is due to better access to sexual education, increased use of contraceptives, and delayed initiation of intercourse (Basch 2011). Besides abstaining from sex, the use of contraceptives is the most effective way to prevent unwanted pregnancy, but American teens are not likely to always use them effectively due to lack of education and access (Basch 2011). For example, condoms are only distributed in fewer than 5% of US high schools (Basch 2011). Although studies show that American teens are making better decisions about sex, roadblocks such as these make it difficult to make good decisions.
Even though the attitude towards teens and their sexuality is slowly changing, there is still a lack of education available to allow teens to make safe and smart decisions about sex and childbearing. If young women were better educated about their bodies and how to practice safe sex, they would be more empowered in their personal lives. By depriving teens, both female and male, of adequate sex education, the United States is ensuring that the teen pregnancy and birth rates remain higher than those of other industrialized nations.

**Sex education in Denmark**

Unlike in the United States, in 1970 a national mandate was made requiring sexual education within Danish schools (Graugaard, 2004). A committee was formed in order to provide guidelines for its implementation. Previous to the mandate there was a presence of sexual education. It was introduced in the 1930's as a topic of hygiene. Due to the nature of the mandate it was met with opposition from parents. A suit was filed against the Danish government and in 1976 the case was taken to the European Court of human rights. The court ruled in favor of the government and the mandate remains in place today and parents are not allowed to opt their children out of the education. In 1991 a new curriculum for sex education was introduced by the Ministry of Education (Wellings, 2006). The curriculum integrated sexual education into human health. Additionally, it became mandatory for all children in primary school and the first few years of high school (Wellings, 2006).

Today, sexual education in Denmark is reflective of the geographical and social climate. Being that it is a small country there is no variation from state to state such as is seen in the United States. Socially, there is a relaxed atmosphere regarding sexuality. The religious and moral stigma that are associated with sexual activity in the United States is much less prevalent due to the predominately secular culture. There is more of an emphasis on individual choice for men and women involving sexuality (Francoeur). Without these barriers, sexual education is widely available. Ninety-six percent of boys and girls have received sexual education in school. Forty-three percent of those boys and girls said the education was relevant and sufficient.

Unlike the US, teenage pregnancy is not a widespread public health epidemic in Denmark. According to data from 2007, Denmark has one of the lowest teenage birth rates across industrialized nations (“Teen Birth Rates”). Data gathered in 2012 shows that there were only 4.54
births per 1000 females aged 15-19 ("Foedsler 1973" 2012). Since 1973, induced abortions before the twelfth week of pregnancy have been legal in Denmark. In 2008, the teenage abortion rate was 17.69 abortions per 1,000 women (Knudsen 1997).

In Denmark, sexual education is introduced to students between the ages of 12 and 13. The education is provided in a biological and Danish perspective and covers a wide range of topics. The topics covered include contraception, pregnancy, STI’s, and puberty (Graugaard, 2004). Information regarding feelings, relationships, and other coming of age issues are also discussed. How the information is presented is widely variable. As mentioned previously local authorities have much of the decision making power. Due to this policy, schools, and even individual teachers, have autonomy in its presentation (Wellings, 2006). Some methods used are peer to peer education, formal class lessons, and other supplementary programs (DFPA). Most classrooms use a combination of the methods. Within Denmark there are also external organizations that provide supplementary sexual education for teens. The Danish Family Planning Association created a hotline for teenagers to call in 1992 (DFPA). The hotline provides basic sexual health information free of charge. Social media campaigns and internet counseling have also been implemented within the country.

Sexual education is widely available to the youth in several different forms, as mentioned previously. In the United States there is a fair amount of opposition to the availability of accurate and comprehensive sexual education. This sort of opposition is not generally seen within Denmark. There are many factors that could explain this difference. One of which being the social environment within Denmark. Demographically, Denmark is a fairly homogeneous population. In 2012, 86.9% of the population was of Danish descent (STAT Bank). Due to this there are far fewer religious and ethnic minority groups to accommodate when considering policy than when creating policy in the U.S. Another component contributing to the relaxed environment regarding sexual education is the secular culture. Although 79.1% of the population are a member of the Church of Denmark, a Lutheran church, the culture is still considered to be secular (STAT Bank, 2013). Many Danes do not attend church regularly. There has also been a decline in membership over the past few years. This trend has been seen throughout Scandinavia. It is important to note that it is possible that some in the population may identify as fairly religious but it is a more private aspect of their lives.
The secular culture contributes to widely available sexual education. There is less religious fear and decreased stigmatization that acts as an obstacle as in the United States. These and several other factors allow for the comprehensive education that takes place in Denmark.

**Teen Pregnancy in Denmark**

In contrast to the United States, teenage pregnancy is not a widespread public health epidemic in Denmark, or the rest of Scandinavia. According to data from 2007, Denmark has one of the lowest teenage birth rates across industrialized nations (The National Campaign). Data gathered in 2012 shows that there were only 4.54 births per 1000 females aged 15-19 (Statens Serum Institut, 2012). Induced abortions are a valid and safe option for teenage girls who find themselves pregnant in Denmark, where induced abortions before the twelfth week of pregnancy have been legal since 1973. In 2008, the teenage abortion rate was 17.69 abortions per 1,000 women (Statens Serum Institut, 2012). After the twelfth week of pregnancy, it is necessary for the pregnant woman to gain permission to continue with the abortion, but the procedure is still legal. Teenage girls over the age of eighteen who are Danish nationals can receive an abortion at no cost to them with the use of their CPR card, enabling them a free and secure option regarding their unplanned pregnancy. Girls under the age of eighteen require a parent or guardian’s consent to go through with the procedure. In Denmark, one in six known pregnancies is terminated by an induced abortion (European Journal of Public Health, 2007). This number is lower than Sweden, England and the United States.

The rate of abortions in Denmark varies slightly across Denmark, depending on several factors. Being a non-Danish national, being under nineteen years of age and being a student all correspond to an increased likelihood of terminating an unplanned pregnancy with an abortion. (European Journal of Public Health, 2007). Compounding these factors - such as being a teenager and a non-Danish national increase the likelihood for abortion even further. Non-Danish nationals are not eligible for health care in Denmark with the exception of Emergency care. Inequalities can therefore be seen between Danish national teenagers who become pregnant versus their non-Danish national counterparts.

Typically, teenage pregnancies in Denmark result from contraceptive failure, rather than lack of contraception use (Cambridge University Press, 2002). This finding indicates that teenagers in Denmark are
knowledgeable about contraception and contraceptive use and are putting this knowledge to practice by utilizing contraception. In 2002, ninety five percent of teenage women who had had sexual intercourse had used some form of contraception during that sexual encounter (Journal of Biosocial Medicine, 2002).

**Conclusion**

Sexual education and teenage pregnancy rates vary wildly between Denmark and the United States. The United States, which has one of the highest teen pregnancy rates in the industrialized world, considers teenage pregnancy to be a public health epidemic that officials are desperately scrambling to control. In contrast, Denmark boasts one of the lowest teenage pregnancy rates across all industrialized countries. Denmark, a country with a small and homogenous population, has required mandatory, comprehensive sexual education for all youth since 1976. Most teenagers today in Denmark are utilizing some type of contraceptive, and the teenage pregnancies that do result are due to contraceptive failure, rather than lack of knowledge. In contrast the United States has a vast and diverse culture, which relies on each individual state to create and maintain laws regarding sexual education. This in turn, leads to lack of knowledge regarding sex and sexual education in some states, where abstinence only sexual education is taught. Despite studies showing this kind of sexual education is not effective at curbing teenage pregnancy, the lack of structure in the United States sexual education system allows for it.

The relationship between sex education and teenage pregnancy is just one of the many fragmented pieces of the multifactorial problem that is teenage pregnancy. The data exemplifies that a clear correlation exists between more comprehensive sexual education and lower teenage pregnancy rates. It is essential to note that correlation between the two does not equal causation. While the comprehensive and mandatory sexual education requirement in Denmark is associated with lower teenage pregnancy rates than the United States, which varies widely regarding sexual education, the sexual education differences between the two countries is not solely responsible for their respective teenage pregnancy rates. The homogenous culture and relatively small population in Denmark enables a uniform opportunity to get a comprehensive sexual education. In contrast, the concepts of state sovereignty and the “melting pot” in the United States make it impossible for all young people to receive the same standard of sexual education. Other tiers of inequality
exist between the two countries that may also play a large role in regard to their respective teenage pregnancy and birth rates. Denmark has an equitable distribution of wealth, while the United States is infamous for having one of the largest wealth distributions in the world. While there are another factors besides merely health education policy, we believe that the United States can learn from Denmark. Learning from Denmark, policy makers can develop meaningful health education policy that will be a step in the right direction for teenage birth rates.

**Works Cited**


THE ISLAMIC STATE AND ITS BATTLE FOR IRAQ

Sumer Wachtendorf

INTRODUCTION

Be careful what you get yourself into. Be even more careful getting out of something once you have decided to get into it.¹ These are life lessons from former U.S. Ambassador to Iraq, Ryan Crocker. These words also characterize the Iraq War. The U.S. should have been careful when it decided to invade Iraq in 2003, and even more careful when it decided to pull U.S. troops out in 2011. U.S. actions in Iraq had many unforeseen and lasting consequences. One such consequence was the empowering of groups like the Islamic State (IS)*. In this article, I will discuss the history of the IS including how the Iraq War affected and empowered the group. I will argue that U.S. actions in Iraq not only did not stop groups like this from coming to power, but in fact enhanced the conditions for such groups to gain traction. Given that the IS has declared itself a state, I will conclude by examining what comprises a threat to a nation-state like the United States and whether the IS poses a threat to U.S. national security and interests.


* I have chosen to use the name the Islamic State because that is the name the group calls itself. Calling the group the Islamic State does not empower them in any way just like allowing North Korea’s name to be The Democratic Republic of North Korea does not make the state democratic.
What Is the Islamic State and How Did the Iraq War Empower It?

1999-2003

Despite the popular perception that the group that calls itself the Islamic State emerged and rapidly rose to power this past year, the group actually began to take shape sixteen years ago in Afghanistan. In 1999, its founder, Abu Mus‘ab al-Zarqawi, established a training camp with the money and permission of al-Qaeda. From this training camp he founded his own jihadi group which he named Jund al-Sham. Despite the fact that Jund al-Sham was established with the permission of al-Qaeda and in the territory of the Taliban, the group was a different entity, even back then. As early as 1999, al-Qaeda (AQ) realized that al-Zarqawi’s group was ideologically different, stemming from its desire to establish its own social structure, rather than simply preparing recruits for battle like AQ... Since it’s existence more than 15 years ago, al-Zarqawi’s group has made its mission one of building an Islamic state, or caliphate, while AQ was focused on fighting “against the global establishment in the form of states.”

Soon after the creation of his original group, al-Zarqawi rechristened the group Jama‘at al-Tawhid wa al’Jihad (JTWJ). It was this group that fled to Iraq after the U.S.-led invasion into Afghanistan in 2001. Al-Zarqawi always had his eyes on Iraq. He needed Mosul to recreate an event in Islamic history where Mosul was used to launch a campaign to “liberate the al-Aqsa mosque from the Crusades.” Al-Zarqawi viewed Mosul as essential to his ultimate goal of building his Islamic state. Therefore, Al-Zarqawi moved into Iraq after the fall of the Islamic Emirate in Afghanistan, and began strengthening his group. He was

6. (Further referred to as ‘Lister’)
4. CTC, 11.
5. CTC, 11.
7. CTC, 12.
operating out of a small base in Biyara when the U.S. forces arrived in Iraq in March 2003.\textsuperscript{8}

\textbf{Timeline of Name Changes and Leaders}\textsuperscript{†}

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>The group is founded in Afghanistan by Abu Mus’ab al-Zarqawi and named Jund al-Sham</td>
</tr>
<tr>
<td>1999/2000</td>
<td>A few months after founding, the group’s name is changed to Jama’at al-Tawhid wa al’Jihad (JTWJ)</td>
</tr>
<tr>
<td>September/October 2004</td>
<td>Al-Zarqawi renames the group al-Qaeda in Iraq and pledges allegiance to Osama bin Ladin</td>
</tr>
<tr>
<td>January 2006</td>
<td>AQI merges with five other Iraq based insurgent groups and rebrands itself Majlis Shura al-Mujahideen (MSM)</td>
</tr>
<tr>
<td>October/November 2006</td>
<td>The group is renamed the Islamic State in Iraq (ISI) after al-Zarqawi dies and the group is taken over by Abu Hamza and Abu Umar</td>
</tr>
<tr>
<td>April 2010</td>
<td>Abu Hamza and Abu Umar are killed in a U.S. airstrike</td>
</tr>
<tr>
<td>May 2010</td>
<td>Abu Bakr al-Baghdadi assumes leadership of the group</td>
</tr>
<tr>
<td>2011</td>
<td>The group moves into Syria and renames itself the Islamic State in Iraq and Syria (ISIS)</td>
</tr>
<tr>
<td>April 2013</td>
<td>ISIS merges with Jabhat al-Nusra (JN) and renames itself the Islamic State in Iraq and the Levant (ISIL)</td>
</tr>
<tr>
<td>June 2014</td>
<td>The group announces that it is a caliphate with al-Baghdadi as its caliph. The group is renamed the Islamic State (IS)</td>
</tr>
</tbody>
</table>

\textsuperscript{8} Lister, 7.

\textsuperscript{†} Many of these names and dates are contested and differ from source to source. I have put together the timeline that I think best describes the evolution of IS from the various sources I utilized.
On March 20, 2003 U.S. troops entered into Iraq with a “half-baked” war plan. The plan was not well thought through for two reasons: it lacked complete planning for Iraqi society post-U.S. invasion, and it lacked sufficient strategy to combat insurgent activities directed against U.S. troops. The effort’s lack of a depth of understanding of Iraq itself and how groups like AQI operated led to costly mistakes for the U.S. military and diplomatic strategy in Iraq.

The objective to remove Saddam Hussein and achieve a regime change stopped short of setting out a plan for what to do once that objective was attained. The U.S. government failed to consider the devastating effects of dismantling an entire military and political structure. At the time of invasion, Saddam Hussein’s army had somewhere between 300,000 and 350,000 troops. This entire army was dismantled by Paul Bremer, Presidential Envoy in Iraq, in May 2003 immediately after the fall of Saddam Hussein. When these men were dismissed from the military they took their weapons and military training home with them. Furthermore, they had no job, no perceived future, and blamed the Americans for their bleak prospects. Not only did Bremer, with Washington’s blessing, decide to dismantle the Iraqi army, but he also decided to ban the ruling Ba’ath party and to remove these experienced members from the bureaucracy. This strategy of “breaking” the Iraqi state only served to dramatically increase sectarian conflict that had previously not existed in Iraq. Saddam Hussein’s government had been secular in nature and functioned solely as a dictatorship rather than as a power struggle between differing groups. He “promoted loyalists and brutally eliminat[ed] his opponents, regardless of sects or ethnicity.”

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11. Priyanka Boghani, “The Iraq War’s Key Players: Where are They Now?” Frontline (July 29, 2014). (further referred to as Boghani)
15. CTC, 21.
When the U.S. invaded and removed Hussein, sectarianism was greatly increased as the U.S. divided the Iraqi state into regions run by Shi’as, Sunnis, Kurds, and other minorities. Furthermore, sectarianism was introduced officially for the first time into the Iraqi government. The new constitution differentiated between the sects, further breaking down the Iraqi state rather than uniting it. The Arab Sunnis ended up bearing the blunt of this sectarianism because the Shi’ites, who were placed into power by the U.S., blamed the Sunnis for the treatment they had received under Hussein. The creation of a demographic map divided along sectarian lines also increased the sectarian rivalry as people were forced to relocate into special areas. This further divided the people and presented a problem when the Sunnis refused to work with Iraqi Shi’a government forces. Iraq’s Sunnis believed the Shi’ite militias to be puppets of Iran—a Shi’ite majority country—and therefore resisted them when they tried to force their displacement. This disaffection experienced by the Sunnis was exploited by al-Qaeda in Iraq (AQI), as Iraq descended into a civil war.

Because the stated U.S. goal of regime change lacked a detailed plan for after the regime toppled, the U.S. depicted itself as “liberators rather than occupiers.” This characterization led the “military commanders to operate in a hands off way” because they did not have a goal past liberating and did not think their presence in Iraq would last for very long. When the U.S. invaded Iraq, it was under the guise that it would be a quick victory and a quick exit. As a result, the “failure to act after we displaced the regime created a power vacuum, which others immediately tried to fill.” One of the groups that stepped in to fill this vacuum was AQI/ISI. As a result, the sectarianism, created by incomplete war planning by the U.S. government produced and enhanced the conditions that allowed AQI/ISI and other insurgent groups to grow and thrive during the first few years of the war.

Thus, the problems created by an incomplete plan for the war in Iraq were exacerbated by the insufficient understanding of terrorism and insurgency and how to combat them on the ground in Iraq. This

16. CTC, 21.
17. CTC, 21.
18. CTC, 21.
19. Ricks, 151.
20. Ricks, 151.
left the US incapable of achieving victory against a group like AQI/ISI. The initial war strategy of "a very conventional campaign" not only failed by helping "create the conditions for the difficult occupation that followed," but it also created more of a problem than a solution by fostering an environment in which the insurgents/terrorists thrived.

In the initial approach to the War in Iraq, the U.S. failed to evaluate and truly understand its enemy. As a result, the U.S. used an outdated and inappropriate war strategy for an enemy that did not fit the conventional profile. This strategy failed severely and almost cost the U.S. the war. The original strategy planned for the U.S. troops to roll in with their big tanks, shiny guns, and use brute force to stomp the enemy into the ground, thereby winning the war. This did not work. Using brute force alone and focusing simply on killing insurgents only created more insurgents. One reason for this was because the brute force was applied carelessly which led to collateral damage, especially with the deaths of innocents.

Another ill-thought-out part of the initial U.S. strategy was the use of, Forward Operating Bases (FOBs). During the beginning of the war, U.S. troops would camp out on these big, remote bases and only leave them in tanks and other protective vehicles. This strategy was deemed best at first because it appeared to protect more American lives. Holing up on bases was safer than walking the streets of Iraq. However, this approach increased the legitimacy and power of the insurgents, by making the U.S. forces appear to be "running scared." Furthermore, it ceded power to the insurgents because the U.S. troops would only patrol the streets for a few hours a day, leaving the insurgents to rule the streets for the rest of the time. Therefore, this strategy was ineffective in combating the insurgents.

Under the initial war plan, Iraq became caught in a civil war due to the sectarian conflict created by the invasion and incomplete U.S. policies for managing the civil situation in Iraq. Consequently, an insurgency emerged for which the U.S. had an insufficient response.

21. Ricks, 115.
The initial conventional warfare tactics of the U.S. only empowered and strengthened these insurgents. The initial incomplete and insufficient war plan almost cost the U.S. the war.\textsuperscript{25} Although, the U.S. changed strategies, the consequences of the initial war plan could not be completely eradicated, and more trouble awaited the U.S. and the region.

**Changing Feet: A New Strategy**

The U.S. invasion of Iraq created the sectarian violence that allowed for the eruption of a civil war in Iraq. Insurgent and terrorist groups like AQI/ISI exploited these conditions to come to power, and used the blunders of the U.S. military in their initial campaign to gain more power. However, in 2007\textsuperscript{26}, the U.S. military developed a new strategy, the Surge, which proved very effective and basically destroyed the insurgent groups, including the precursor to the IS.

The Surge strategy was able to exploit the conditions that were created, in part, by the insurgents themselves. The brutal tactics that the insurgents favored helped lead to its undoing because these actions resulted in defectors. AQ/ISI gained people and power by exploiting the disaffection of the Sunnis under the new Shi’a dominated government of Iraq.\textsuperscript{27} However, the cruelty of the group and their terror tactics applied against Sunni as well as Shi’a victims, led some Sunni tribes to align with the Americans in order to rid Iraq of AQI/ISI. This movement became known as the Anbar Awakening because it started in the Anbar province of Iraq, and those who joined were called the Sons of Iraq.\textsuperscript{28} When General Petraeus was appointed Commanding General of the Multi-National Forces in Iraq, he chose to use this shift in Sunni allegiance to the Americans’ advantage.

By addressing two of the most significant factors that had pushed the Sunnis into the arms of AQI/ISI in the first place, Petraeus developed a most effective strategy for U.S. troops. He first arranged to pay the Sunnis, and second, to give them a role in their government.\textsuperscript{29} The Sunnis had felt disaffected and marginalized by the de-Ba’athification of Iraq carried out under Bremer in 2003. They had lost jobs, power

\textsuperscript{25} The Gamble, 8.
\textsuperscript{26} The Gamble, 127.
\textsuperscript{27} Boghani.
\textsuperscript{28} Boghani.
\textsuperscript{29} Boghani.
and prestige because of the dismantling of the army. These Sunnis had turned to AQI as an alternative to the state when they deemed it had failed them. Then in late 2006, they turned to the U.S. when they deemed AQI had failed them as well.30

Another effective change Petraeus made was the change in military strategy. Eventually, the military realized, in the words of one lieutenant, “you can’t kill your way out of this kind of war.”31 Prior to the Surge, the military’s strategy to put down the civil unrest with brute force had simply created more enemies. According to Australian army Lt. Col. David Kilcullen, Petraeus led “a counterrevolution in military affairs,” in an effort to stop the slow demise of the U.S. strategy in Iraq.32

First, Petraeus moved the U.S. forces from the FOBs that were isolated from the people into smaller posts located within Iraqi neighborhoods.33 This allowed the U.S. military to better protect the people and the neighborhoods from the insurgents. Furthermore, it put the soldiers in close proximity to the citizens in order to better facilitate relationships. Getting to know the Iraqi people was a very important factor to the new strategy. “The people are the objective, so the task is to figure out how to ‘win’ them.”34 Winning over the people required engaging them and building relationships — something that could not be done on isolated bases.

Second, Petreaus changed the focus of U.S. strategy. The previous strategy had been simply to kill insurgents. This idea was premised on the fact that dead insurgents can no longer threaten U.S. soldiers. However, the U.S. military learned the hard way that they could not kill every single insurgent. Furthermore, by making killing every insurgent its goal, the U.S. inadvertently enabled the recruitment of more insurgents, because the careless, brute-force tactic adopted to kill insurgents, killed innocents as well. This radicalized more Iraqis. According to Capt. Jim Keirsey, “...a poor shot—one that hits an innocent person or leads to collateral damage—is worse than not shooting at all”35

31. The Gamble, 162.
32. The Gamble, 163.
33. The Gamble, 165.
34. The Gamble, 15.
35. The Gamble, 168.
The new strategy adopted the advice that defense expert, Andrew Krepinevich, had published in an essay in Foreign Affairs magazine. He wrote, “rather than focusing on killing insurgents, they should concentrate on providing security and opportunity to the Iraqi people.”

This strategy proved very effective in bringing the people of Iraq into the ambit of the U.S. presence in Iraq, and led to their opposition to AQI/ISI. Using the people of Iraq to fight the insurgency proved very successful. It is estimated that the insurgent group “lost 95% of its strength” during the Surge. Furthermore, the Surge “helped reverse the downward spiral towards civil war and wrest the initiative from the enemies of the new Iraq.” However, success would not last for long. There was once again a change in strategy, but it was not a change for the better.

**Cutting Off the Feet: U.S. Troops Pull Out**

Barack Obama ran for President of the United States on the promise of bringing U.S. troops home from Iraq. He vocally advocated a change in policy throughout his campaign. Only a month into office, he announced “we are going to bring this war to an end.” Obama and his administration did bring the troops home, but in the wise words of Ambassador Ryan Crocker, “withdrawing your troops from the field doesn’t end a war.”

The Surge put a band-aid on the situation in Iraq by suppressing the civil war. However, the Surge strategy of engaging the people of Iraq was only truly beneficial in fighting AQI. It did not address the quintessential need to create a “stable, unified, and democratic Iraq.” The strategy of cutting deals with Sunni insurgents and Shi’ite militias resulted in an unsustainable situation where the US military found itself in the position of needing to be in Iraq for many years to keep former enemies from turning on each other. There needed to be a strategy following the Surge in order to prevent the civil war from reoccurring. Unfortunately, the U.S. pulled out before it could develop the next step of such a strategy. Many inside the government were calling for

36. The Gamble, 16.
37. CTC, 79.
38. The Gamble, 295.
40. Crocker.
41. The Gamble, 224.
42. The Gamble, 272.
and prepared to carry out a strategy of nation building that was never employed. Despite the fact that there was waning public interest in continuing to remain engaged in Iraq, many of the experts in the region and strategists who had served in Iraq warned of the consequences of a total U.S. pull out. Sadly, many of those warnings already have come true.

Here is a sample of a few of the warnings: 1) If the Sunnis “feel spurned by the electoral process, they have not only alternatives, but the means to pursue them. Considerable Ba’ath resources remain available to support an attempt to regain what they see as their right to govern Iraq.” Navy Reserve Lt. Cdr. Jon Lindsay; 2) “Years after such a pullout, the U.S. military eventually would have to return to fight another war or impose peace on chaos.” Anthony Cordesman, CSIS Defense Analyst; 3) Pulling out of Iraq could lead to a regional war; 4) “If Iraq falls apart, I think it will impact the entire region in an unbelievable way. If the problems are not solved, I believe the consequence is the whole region up in flames.” Sadi Othman, aide to Petraeus; 5) “If the Sunni insurgents are disenfranchised by the Government of Iraq, guess what? It’s game on—they’re back to attacking again.” U.S. Military Intelligence Officer.

David Kilcullen may have said it best: “just because you invade a country stupidly doesn’t mean you have to leave it stupidly.” The U.S.-led invasion created the conditions for the insurgency that began in Iraq, and the initial war strategy only enhanced the conditions the insurgency needed to grow and flourish. While the Surge strategy was effective in countering the insurgency and even destroying it, the U.S. changed tactics yet again, and unfortunately did not heed Kilcullen’s words. As a result, the U.S. exit, like its entrance, benefited the insurgency by bringing back the conditions conducive to civil war and thus creating a vacuum that the insurgent group, the IS, was able to fill.

43. The Gamble, 311.
44. The Gamble, 315.
45. The Gamble, 57.
46. The Gamble, 151.
47. The Gamble, 264.
Enabling Other Feet: ISIS During the War in Iraq

Iraq’s insurgency officially began in August 2003, five months after the U.S.-led invasion. It was started by al-Zarqawi’s group, JTWF, when they detonated a car bomb outside of Jordan’s embassy in Baghdad. This initial attack was followed by two others within three weeks of each other. One on the UN Assistance Mission in Iraq and another on the Shi’ite Imam Ali Mosque in Najaf. The group used these three events to announce the start of the insurgency. These three initial attacks were important because they revealed al-Zarqawi’s main targets: “his traditional enemy of Jordan, the international community, and the Shia.” Zarqawi’s ultimate strategy was to “undermine occupying forces while simultaneously sparking a sectarian conflict.” He wanted to exploit the chaos in order to present his group as the “defender of the Sunni community” and bring about the creation of his Islamic state.

During the first few years of the war, while the U.S. was implementing a faulty war strategy, al-Zarqawi was quite successful in reaching these goals. He was able to exploit the conditions of the civil war that broke out and the blunders of the U.S. As mentioned in the previous section, he was able to get the Sunni tribes to align with his group by exploiting their feelings of disenfranchisement from the new Iraqi government. By stepping up attacks, intimidating enemies by kidnapping and beheading foreign hostages, and building extensive international recruitment networks, the group JTWF became a prominent insurgent group in Iraq. In September 2004, al-Zarqawi renamed the group AQI (also referred to as al-Qaeda in Mesopotamia) and pledged allegiance to Osama Bin Laden.

However, The AQI and AQ core have never been a cohesive group. As discussed above, since the creation of al-Zarqawi’s group in 1999 the relationship between it and AQ core has been tumultuous. There has always been a difference in strategy and in priorities. AQ core did not like how AQI killed significant numbers of Shia civilians in their terror attacks. “While Zarqawi thought society had been corrupted and needed cleansing through terrifying violence, al-Qaeda insisted on combating

49. Lister, 7.
50. Lister, 7.
51. Lister, 7.
52. Lister, 8.
“apostate” regimes and avoiding, where possible, damaging the image of the jihadi project.”

Despite the rocky relationship with AQ core, AQI was still able to gain prominence in Iraq and win the support of many other Iraq-based insurgent groups. In January 2006, AQI rebranded itself once again when it merged with five other groups to form Majlis Shura al-Mujahideen (MSM). MSM was different from AQI because it was focused on strengthening Iraq’s jihadi insurgency. While AQI was focused on fighting the West, who they perceived as enemies of Islam, MSM began to look inwards and focus solely on Iraq. Al-Zarqawi was killed five months after MSM was formed and was replaced by Abu Hamza al-Muhajir. By the end of the same year, in November of 2006 MSM morphed yet again to become the Islamic State in Iraq (ISI). The ISI was different from MSM because the group established a government cabinet. This is more evidence that since the beginning, the group started by Zarqawi in 1999, has always been focused on building a social structure and establishing an Islamic state, and Abu Hamza al-Muhajir shared Zarqawi’s vision for the future.

During the first few years of the Iraq war, ISI was successful and grew in power. In fact, the group reached its peak in strength in 2006/7 during the bitterest sectarian conflict of the war. At that point in time, “insurgent group transformed into a military-political actor responsible for governing territory.” However, the group’s success of controlling territory and building government structures also made it weak. This weakness became apparent when the Iraqi people rejected the ISI structures in favor of the American counterinsurgency strategy. In effect, the Surge and the counterinsurgency strategy employed by the U.S. military effectively degraded the ISI. Members said they felt “lost in the desert and in a closed circle.” However, once the U.S. forces started to scale down and prepare for a total pull-out, the group rose to power once again. “Even before U.S. forces left Iraq in 2011, ISIS was

53. Lister, 8.
54. Lister, 8.
55. Lister, 8.
56. Boghani.
57. Lister, 9.
58. Lister, 9.
59. Boghani.
forging a professional military force, stirring up Sunni unrest, mounting nationwide bombing campaigns, and killing Iraqi officials.”  

While the group was coming back into power, Abu Hamza and another prominent leader of ISI, Abu Umar, were killed by U.S. and Iraq forces in 2010. At that time Abu Bakr al-Baghdadi became the leader of ISI, and he has remained in power ever since.  

**Recovery and the Syrian Civil War 2010-2014**

While the Surge had basically destroyed ISI, the decrease in U.S. troops from 2009 to 2011 and eventually the full pull-out of U.S. combat forces afforded ISI the opportunity to recover and regrow. Their confidence and local recruitment increased as power and responsibility shifted onto Iraqi Security Forces as the U.S. forces departed Iraq. In addition, the departure of the Americans allowed for sectarian conflict to arise once again. ISI did not hesitate to exploit these political and social divisions to its advantage, especially recruiting Sunnis who had become disappointed with Iraqi Prime Minister Nouri al-Maliki’s Shi’a-led government. In addition, at this time, ISI moved its headquarters to Mosul. With this move also came a “re-centralization of leadership with power focused around Baghdadi.”

During the Iraq War, thirty-four of ISI’s forty-two most senior officials had been killed or captured. During the Surge, therefore, recruitment was very difficult, and very few of the senior officials were sufficiently replaced. Consequently, when the Surge was over and ISI had regained some power, the group embarked on a campaign called “Breaking the Walls” This 12-month campaign began in July 2012 with the intended purpose of freeing members of ISI that had been captured and imprisoned. ISI launched 8 attacks on Iraqi prisons over the next year with the grand finale being an attack on Abu Ghraib on

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61. CTC, 20.
62. Lister, 10.
63. Lister, 10.
64. Lister, 10.
65. CTC, 38.
66. Lister, 11.
July 21, 2013. This final attack allowed an estimated 500 prisoners to escape.  

At the successful conclusion of its “Breaking the Walls” campaign, ISI embarked on a new campaign, called “Operation Soldier’s Harvest.” This new operation focused on attacking and intimidating security forces in order to decrease their ability and confidence. This was accomplished through intense intelligence gathering and as part of a larger strategy to defeat security forces and take over territories. This strategy proved successful with the takeover of Mosul. The group had been preparing—carrying out small attacks to degrade the Iraqi Security Forces and instill fear—for the battle of Mosul for over a year before they actually captured the city. ISI had focused on undermining and degrading the security forces in order to weaken them for battle. Winning Mosul solidified ISI’s fast return to growth and power in Iraq. ISI’s expansion into Syria took the group to a whole other level.

In the spring of 2011 what has come to be called the Arab Spring made its way into Syria. This “awakening” of Arabs to their political rights led the Syrian Sunnis to rise up against their oppressive government, run by President Bashar al-Assad, an Alawite Muslim, a minority off shoot of Shi’ism. Historically the Alawites have been prosecuted by the Sunni majority. Right now the Alawite minority is in power in Syria, where the population is majority Sunni. Although the civil war is more about political reasons than religious, this has caused some problems, like the opposition of the IS to Assad. The government retaliated against the peaceful protests and uprisings with severe brutality and slaughter of some unarmed protestors, leading to an all-out civil war in Syria. The Syrian government’s brutality pushed the Syrian Sunnis into the arms of the al-Qaeda-linked Nusra Front and the newly-rebranded ISI: the Islamic State in Iraq and Syria, or ISIS. The failure of the U.S. to intervene and assist a moderate opposition to Assad in Syria, caused the Sunnis to feel like they had nowhere else to turn, but to extremist groups

67. Lister, 12.
68. Lister, 12.
70. Glyn Brian Williams, “The Rise of the ISIS Terrorist Army in Iraq and Syria: How Did we Get Here?” History News Network (2014). (further referred to as Williams*)
like the ISIS. This in turn strengthened the ISIS as it grew in numbers. The group used the chaos in Syria to hasten its growth.

In April 2013, al-Baghdadi changed the name of his group to the Islamic State of Iraq and the Levant (ISIL). He changed the name when he declared a merger between his group (ISIS) and Jabhat al-Nusra (JN) in Syria. The members of JN had fought alongside the ISI in Iraq and their move to Syria was initially funded by the ISI. The leader of JN however rejected the merger and declared allegiance to AQ. AQ officially annulled the merger and therefore the very concept of the ISIS. This intra-terrorist-group dispute culminated in a bloody conclusion in December 2013 when ISIL kidnapped and killed al-Hadrami, the leader of JN in the Syrian province of al-Raqqa. According to al-Baghdadi, the changes in the name of the group occurred to reflect the group’s higher level of development and nobility of aspiration. At this point ISIL had reached a nadir of confidence because it was able to exploit “the militant landscape in Syria” and thereby become more powerful than before. With no terrorist group threatening it, and no legitimate state posing any obstacles to its growth, ISIL was “allowed to metastasize into something very, very new and very, very different,” while it was in Syria fighting Assad’s forces. Syria’s civil war gave ISIS the safe haven to develop the strength and momentum it needed to return to Iraq when the time was right.

Since the departure of U.S. troops in 2011, Prime Minister Maliki and his government had been inadvertently laying the groundwork for the IS return to Iraq. Maliki’s Shi’a government stopped paying the Sons of Iraq soon after the Americans left, because they viewed Sunni groups as a threat to their Shi’a government due to the al-Qaeda and the

71. Williams.
72. Lister, 13.
§ The name changes do reflect ambition as each successive name change has represented a large area of territory. The Islamic State in Iraq was just Iraq. The Islamic State in Iraq and Syria now included Syria. The Islamic State in Iraq and the Levant now includes the historical area of the Levant which includes Israel, Lebanon, part of Syria, and western Jordan. The Islamic State now has no specific limitations as far as territory.
73. CTC.
74. CTC.
75. Boghani.
Bā’ath party connections. The same Sunnis that had aligned with the Americans and Iraqi government to fight AQI were now being denied the benefits they had been promised, which did not bode well for a stable future for Iraq.

Maliki’s actions caused the civil war in Iraq to restart by fueling the sectarianism and by going after prominent Sunni politicians, former Ba’athists, and any other critics. Furthermore, when the Arab Spring made its way into Iraq in December 2012, Maliki cracked down hard on the Sunni protestors. He had the protest camps dismantled and many Sunnis were killed in the process. The protestors responded vehemently to Maliki’s use of force against protestors, ultimately expelling the government forces from the Anbar province. By marginalizing the Sunnis, Maliki confirmed to many that peaceful protest would not work. The Sunnis had “given up on a peaceful solution with the Maliki government and turned against the government forces.” By the time ISIL re-entered Iraq, the conditions for serious sectarian violence and a renewal of terror had been set. ISIL simply used these conditions to its favor.

The Islamic State Today

Is the Islamic State a State?

At some point in the middle of 2014, the Islamic State came onto the radar of the general public around the world, despite the fact that it had been around for 15 years in some form or other. Bolstered by its territorial gains and violent wins in Iraq and Syria at the end of 2013 and into 2014, the ISIL officially rebranded itself once again in June of 2014. The ISIL’s spokesman, Abu Muhammad al-Adnani, claimed that the group had met all the requirements of statehood, and renamed the group the Islamic State, full stop, establishing an Islamic caliphate with Abu Bakr al-Baghdadi as the caliph. Despite their claims to the contrary, the Islamic State is not actually a state. According to

76. Boghani.
77. The Rise of ISIS, Television, Frontline PBS, 2014. (further referred to as “The Rise of ISIS”)
78. Boghani.
79. CTC, 23.
80. CTC, 20-21.
81. The Rise of ISIS.
82. CTC.
the Montevideo Convention on the Rights and Duties of States, a treaty signed at the International Conference of American States in Montevideo, Uruguay in 1933 a “state as a person of international law should possess the following qualifications: a) a permanent population; b) a defined territory; c) government; and d) capacity to enter into relations with the other states.”83 When one applies this definition to the IS, it is clear that the insurgent group is not a state. The argument can be made that the group has a permanent population, a defined territory, and a government, but it clearly lacks the final criteria of international recognition. Therefore, the IS is not a state, but instead, an insurgent group using terrorist tactics in an attempt to become a state.

The IS is a very unique entity that defies categorization. The group has characteristics of both an insurgent group and a terrorist group. An insurgency is defined as “a struggle between a nonruling group and the ruling authorities in which the nonruling group uses political resources and violence and is a protracted political-military activity that uses irregular military forces.”84 Under this definition, the IS is an insurgency because they hope to bring about the end of the government in Baghdad.85 However, the group is employing terrorist methods as well. Terrorism is “violence used for a political/religious objective, in order to affect an intended audience, and thereby to alter an issue of public policy.”86 According to this definition the IS is also a terrorist organization. The IS has an intended audience: the Shia and other Muslim apostates.† The objectives of IS are both religious and political. One objective is the establishment of a true Islamic government: the realization of a new Caliphate to replace the Caliphate that ended with the demise of the Ottoman Empire. Second, IS employs terror and violence to achieve their goals. They have killed Sunnis, Shias, Americans, Japanese, Jordanians, Egyptians, and various groups of Middle Eastern Christians. Several of these brutal murders have been captured on video and released by the IS in a slick media effort to intimidate and frighten people. Therefore, the

† Apostate: a person who renounces a religious or political belief or principle.
IS is clearly an insurgency, but one that uses terrorist tactics in an effort to establish a Caliphate or religious Islamic state.

**Who Joins the IS?**

The IS has become such a successful insurgency group in part because its membership is comprised of three very important groups: former leaders within Saddam Hussein’s regime, local Sunni Tribes, and foreign recruits. First, former members of Saddam Hussein’s army (dismantled by the U.S.) and former members of Saddam’s Ba’athist party (removed from power by the U.S.) have joined the IS. These men are skilled in military training, experienced in running a state, and by virtue of surviving the Iraq war, the most battle-hardened.\(^ {87}\) Their expertise is the most significant factor contributing to the IS’s rapid success and consolidation of power.\(^ {88}\) In short, these men have military training and know how to run a government. They are fueling the rise of the IS.

However, as mentioned previously, the Iraqi Ba’athists were a largely secular regime, under Saddam Hussein. Because they do not subscribe to the same religious ideology as the founders of the IS, the current alliance is deemed a temporary “marriage of convenience” which lacks cohesion and could easily fall apart. The Ba’athists are motivated less by religious fervor than by finding a path back into the power they enjoyed in Iraq during the regime of Hussein until 2003. By working with former Iraqi leaders, the IS attains “military expertise, a network of connections, and people who truly know Iraq.”\(^ {89}\) Both groups agree that Sunni leadership must be restored in Iraq, and that shared goal keeps the two groups working together for now. Only time will tell if this imperfect alliance will last.

A second group that comprises the current IS are the Sunni tribes in the area, this mirrors the early years in the Iraq War when the insurgency targeting the American military presence was fueled by the support of Sunni tribal leaders. The IS is once again relying on the support of tribal

\(^{87}\) *The Rise of ISIS.*  
\(^{89}\) Breslow.
leaders. Although this relationship benefits and strengthens the IS right now, it is inherently weak because these Sunni tribal leaders are aligning themselves with the IS more as a last resort than anything else. The Sunni tribes oppose the government of Assad in Syria, and they had hoped to overturn that leadership simply through peaceful protests. When that failed, the tribes turned to the IS as a last resort. The tribes’ alliance with the IS is also one of convenience driven by opposition to their government, combined with a lack of other options. If a better alternative to the IS arose, the tribal leaders would probably choose it, much as they did during the Surge in the Iraq War.

A third major group who have fueled the rise of the IS are foreign fighters. The IS has benefited tremendously from the thousands of foreign fighters that have swelled their ranks since the chaos in Syria started. There are believed to be “more than 12,000 foreign fighters from at least 81 countries stationed in Syria alone.” These foreign fighters provide manpower to utilize in combat, and many even have skills that can be utilized in the running of a government.

The success of the IS thus far is a “result of detailed planning by people who know Iraq well, have prior experience training, and are able to manage an organization with discipline and secrecy.” This can be attributed in large part to the former Ba’athists, former soldiers of Saddam’s army, supportive Sunni tribal leaders, and an influx of passionate foreign fighters.

**Financing**

One cannot write about the IS, without discussing its largely successful and fruitful financing methods. Without the appropriate financing, the members discussed above, would be less interested in and attracted to the IS mission. The group makes approximately $2 million
per day by smuggling oil from Iraq and Syria. The group has also become very profitable through the kidnaping of and holding hostages for ransom. Furthermore, the IS exploits agriculture, cotton, water, and electricity for profit. They have seized these facilities and services and are selling them as the government rather than private owners in order to make a profit. The group also gained control of the main bank in Mosul when they captured the city. Robbing the bank provided them with approximately $400 million. In addition, the IS members have sold art and antiques that they steal when they capture territory. Furthermore, an often-overlooked source of revenue is the acquisition of American military weapons by IS. A lot of these weapons were formerly in the possession of the Iraqi Security Forces that the U.S. helped train during the Iraqi War. When the ISF laid down their weapons and ran in the summer of 2014, the IS took possession of the military equipment that was left behind. This saves IS money by providing them with sophisticated weapons that they did not have to purchase.

In addition to padding their pockets through various forms of theft, the IS has developed a tax system like a traditional government would. They tax trucks carrying food and electronics across their territory, and they charge a zakat—a tax required under the pillars of Islam. Thus the IS has shown that they are quite capable of acquiring and making money. This is a strength for the group in more ways than one. Not only can the group remain operational in carrying out its attacks, but it can also offer large salaries to recruits, and it can provide goods and services to the people living within its territory. These factors have contributed to the group’s appeal.

**Appeal**

In the words of Ambassador Larry Napper, former co-leader of the Iraq Governance Assessment Team from March-July 2008, “success
breeds success.” There is no question that the success of the IS to date makes the group very appealing. They have demonstrated results. They have shown military expertise by capturing large swaths of territory within Iraq and Syria. They have demonstrated the ability to hold this territory and provide the citizens with the services of a state. Furthermore, no other terrorist group has ever boasted the numbers that the IS does. All of this is extremely appealing to potential recruits.

The group is appealing to Sunni Muslims who have been marginalized, unemployed, and seek to a return to their normal lives. The IS is “cutting down trees, organizing road repairs, securing electricity for their citizens, and protecting against theft.” Furthermore, the IS is providing salaries to its members. “Syrians join ISIS for money, simply because they can afford to pay salaries.” The IS is largely appealing because it provides the same services of a nation-state to its citizens. It is supplying electricity, water, gas supplies, food, capping rents, free public transportation, healthcare, vaccinations, establishing soup kitchens, launching police forces, and opening and operating schools. Money changes everything and this group has a lot of it.

The IS also appeals to recruits by casting itself as a better alternative to the repressive, violent, sectarian regimes that have been in place in the region. Even secular, moderate, educated people are joining the group because it offers protection from those regimes. The provision of these services appeals to some citizens in the region who have come to view the IS as a viable alternative to their former governments. The IS is seen as a viable alternative despite their violence because the former government “officials of Iraq and Syria were all too often associated with corruption and misgovernment.” This reduces the negative reaction of the Sunni population to the mass murder and brutal violence being

103. Interview with Larry Napper (2014).
106. Lister, 24.
107. Lister, 28.
108. Lister, 28.
109. The Rise of ISIS.
used by the IS on what they perceive as their former oppressors.\textsuperscript{110} As a result, the IS despite its brutality is better than anything else the Sunnis have so they view it as a viable alternative. Right now the IS is able to provide these services and present itself as a viable alternative of government because of its significant financial assets. If the group were to run out of money, however, the provision of these services would likely cease, and the people living under IS rule would probably be less accepting of the group’s leadership.\textsuperscript{111} As a result, the provision of these services is both a strength and a weakness. This appeal can be lost.

Another significant factor is the religious dynamism of the group. The IS’s most fundamental claim is the establishment of a caliphate. This concept holds broad resonance among Muslims because “the last caliphate - that of the Ottomans - was officially abolished 90 years ago...yet in a 2006 Gallup survey of Muslims living in Egypt, Morocco, Indonesia and Pakistan, two-thirds of respondents said they supported the goal of “unifying all Islamic countries” into a new caliphate.”\textsuperscript{112} The IS has “established the most successful and feared caliphate in recent history.”\textsuperscript{113} This alone is bringing in a significant amount of recruits. Although many may not agree with the IS’s interpretation of the caliphate—“the historical entity governed by Islamic law and tradition—it is a powerful one, even among more secular-minded Muslims.”\textsuperscript{114} For example, Baghdadi’s speech on July 4, 2014 in the mosque in Mosul resulted in an influx of recruits because of the enormous religious appeal. No one had ever done that before, not even Osama bin Ladin. It was an illustration that this group is doing something different, which appealed to Muslims worldwide.\textsuperscript{115}

In addition, the group has a very specific interpretation of Islam. Though this interpretation is not appealing to all Muslims, it does appeal to many Muslims, especially the Sunnis. Basically, the group espouses

\begin{itemize}
  \item[110.] Barrett.
  \item[111.] Collins.
  \item[112.] BBC, “What’s the Appeal of a Caliphate,” (2014).
  \item[113.] Sunny Hundal, “The Real Threat from the Islamic State is to Muslims, not the West,” \emph{ALJAZEERA} (2014) (further referenced as ‘Hundal’)
  \item[114.] Shadi Hamid, “The Roots of the Islamic State’s Appeal,” \emph{The Atlantic} (2014).
  \item[115.] \emph{The Rise of ISIS}.
\end{itemize}
“the Prophetic methodology,” which essentially “means following the prophecy and example of Muhammad, in punctilious detail.” This interpretation requires complete “rejection of any innovation since the times of the Prophet.” This includes Shi’ism, Sufism, and basically anyone or anything that does not adhere to their interpretation of Islam. The IS justifies its excessive use of violence with this interpretation because the group uses this interpretation to justify the reproduction of early Islam’s norms of war. This includes the brutal practices that most modern Muslims reject—slavery, crucifixion, and beheadings. These practices are reserved for the enemies of Islam. The IS is deciding who these enemies are and “cherry-picking” from the Koran what they want and need to justify this use of brutal violence. Although this religious stance appeals to some Muslims, it does not appeal to all, especially the Shi’ia who are being mass targeted by the IS, and those who view the IS’s use of brutal violence as atrocious and anti-Islamic. Therefore, the religious fervor of the group can be a strength in attracting some supporters but also a weakness in pushing others away.

**What does the IS want?**

The ultimate goal of the Islamic State is the establishment of an Islamic caliphate. They believe the current “world order to be illegitimate and seek to redraw today’s world map and create a global Islamic state, a caliphate, akin to that which predates the modern state system.” The group therefore, does not recognize existing borders. Which explains why they erased the borders between Iraq and Syria. The IS wants to gain power and control. Al-Baghdadi claimed that the day is coming “when the Muslim will walk everywhere as master.” They hope to control more than just the immediate region.

Furthermore, in its goal to build the caliphate, the IS seeks to “improve

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117. Wood.
118. Wood.
119. CTC, 29-30.
120. CTC, 18.
121. CTC, 27.
122. *The Rise of ISIS.*
123. CTC, 28.
the piety of Sunni Muslims” in order to build the government around them. They hope to do this through their “prophetic methodology.” They want to cleanse the Muslim population of anyone who does not conform to their interpretation of Islam. They want a return to the time of the prophet.

Although, as discussed above, the IS appeals broadly to locals as well as foreigners, there are many problems inherent within its appeal. Each of its strengths also holds a weakness that can be exploited. The coalition of nations trying to determine how to thwart the appeal and growth of the IS must consider how to exploit each these weaknesses to determine successful policy options going forward.

**What is a Threat and does the IS Pose One to the United States?**

**Differences between AQ, Taliban, and the IS**

There are many similarities between the IS and groups we have seen before, like al-Qaeda and the Taliban. However, there are significant differences that must be considered if one truly wants to understand the group and how to address this new threat. The popular story is that al-Qaeda disowned the IS because it was “too radical,” but this is not completely accurate. As mentioned throughout this article, since the beginning of the IS in 1999, there have been evident differences between the IS and AQ which finally led to their division. First, AQ never sought to establish a caliphate, but instead, bin Laden saw his goal as preparing the way for a caliphate. Consequently, this led to a fundamental difference in strategy between the two. AQ’s primary focus became attacking the West in order to get rid of the enemies of Islam so a caliphate could eventually be established. In contrast, the IS sees its primary goal as establishing a caliphate first and then seeking to overthrow the West.

Because the IS primarily wants to cleanse the Muslim world in order to establish a caliphate, the group has employed violence and brute force differently than AQ. AQ used violence narrowly and only against specific groups because AQ “sought to maintain good relations with other jihadi groups, Islamic movements, religious scholars, and the Muslim people

124. Harkin.
125. CTC, 30-31.
in general.” 127 In contrast, the IS applies brute force broadly and mainly against other Muslims because it believes its mission is to eject infidels and apostates from the region. 128 Both groups are brutal and violent, but they differ in their objectives and strategy.

The IS also shares some similarities with the Taliban. Like the IS, the Taliban sought the establishment of government as well, but with more limited territorial goals than the IS. The Taliban does not seek territory outside of Afghanistan. Its narrow territorial scope sets it apart from the IS, as does its application of violence. The Taliban has no problem using violence against foreign invaders and colonialists, but it uses violence against its citizens very narrowly. This distinguishes it from the IS who employs violence very broadly. 129 In conclusion, the IS is different from both AQ and the Taliban because of its ambitious goals, strategy, and its broad use of violence. These factors make the IS a fundamentally different threat from what the region has seen before. 130

**Defining a Threat**

When deciding whether or not something is a threat to the U.S. and if it should respond, policy makers generally employ a scale for evaluating such situations. At one end is casus belli, defined as something that forces the United States’s hand and requires a response. In cases of casus belli, the question of American retaliation is not if, but how and when. The terrorist attacks on 9/11 are an example of this. 131 On the other end of the scale is what Janine Davidson calls an “offense to our humanity.” 132 This reason for U.S. response and involvement is best illustrated by a humanitarian crisis or moral purpose. This type of military contingency is elective – meaning the U.S. does not have to intervene, but does so by choice. “In practice America has intervened a lot for this reason. So what I call ‘offense to our humanity’ can be seen as in the national interest when it comes to using American military force.” 133 Casus Belli and “offense to our humanity” are two ends of the spectrum, and the U.S. has chosen to get involved in crises around the world for reasons

127. CTC, 30-31.
128. CTC, 29-31.
129. CTC, 32.
130. CTC, 34.
131. Janine Davidson interview (2015). (further referenced as ‘Davidson’)
132. Davidson.
133. Davidson.
that fall in-between these two as well.

Right now the rise of IS is an “in-between” crisis. The group has not carried out an attack like 9/11 which would force the U.S. to respond directly and immediately (casus belli), but intervention against the IS is not purely elective either. If left alone, based on its growth and current trajectory, the group could pose a real and significant threat to the U.S. and its national security. Furthermore, there are moral reasons to get involved. The beheading of two American journalists, the burning of the Jordanian pilot, the murder of American aid worker Kayla Mueller, the mass murder of 21 Egyptian Christians, the mass murder of Shi’ia Muslims, and the attack on Iraqi Yazidis illustrate some of the most egregious acts of the IS. This scale for evaluating threats to U.S. national security that runs from acts of war to elective engagement gives policy makers a way to evaluate the pros and cons for U.S. involvement in a given crisis. However, to determine whether the U.S. should get involved in fighting the IS requires an evaluation of the specific threat that the IS brings to U.S. national interest and national security.

**Why the IS is a Threat**

To assess the threat that the IS poses, one must look at the intentions, capabilities, and limitations of the group. In this section, I will evaluate the group’s intentions, capabilities and limitations to illustrate that the IS is a threat to the U.S. First and foremost, it is a threat to the region and our national interests there, but I believe that it also represents a direct threat to the U.S. homeland.

**Intent**

The IS’s main intention is to establish an Islamic caliphate across a broad swath of territory. This is a threat to the U.S. national interest because this goal of the IS seeks to upend the international world order by erasing internationally recognized borders and eliminating sovereign states. Just as the IS erased the border between Iraq and Syria, the group desires to do that to more borders throughout the region. This will continue to destabilize the region in general and some U.S. allies in particular, presenting a direct threat to the region, and an indirect threat to the United States. At this point in time, the group poses the greatest threat to the people in the region. They have focused on cleansing the Muslim world of apostates by killing Muslims and non-Muslims—basically anyone who does not believe their interpretation of Islam. However, it is important to keep in mind that the group has killed far,
far more Iraqis than, any other group, including Americans.\textsuperscript{134}

In the words of General Dempsey current Chairman of the Joint Chiefs of Staff, “Long term if they achieve the Islamic state that they have declared then absolutely it will be a threat initially to Europe probably, and ultimately to us.”\textsuperscript{135}

The threat that the IS poses to the region is compounded by the resources that would fall under IS control if they realize their immediate territorial goals. If the IS eventually conquers the large swath of territory it seeks in the Middle East, they would hold a large percentage of the world’s oil supply. This is a threat to the U.S. as well because a rogue state, opposed to the U.S., would control such an important and valuable resource.

Furthermore, the IS has presented itself “as a superior alternative to al-Qaeda in controlling territory, governing populations, and posing a threat to enemies both near and far. Thus far, however, it has failed to eclipse its competition in directly attacking the “far enemy.”\textsuperscript{136} In an effort to assert its superiority to AQ, many believe that the IS will eventually carry out an attack on the West. The leader of the IS, Baghdadi, has said they “shall conquer Rome and seize the earth.”\textsuperscript{137} The group has also communicated its desire to fly the black flag of ISIS over the White House.\textsuperscript{138} This would be a direct threat to the United States and would present the U.S. with a casus belli.

While the IS has the intent to be a threat to the national interests and national security of the U.S., it must also be capable of carrying out these intentions to truly be a threat.

**Capabilities**

“They are far stronger, they are far more numerous, they have thousands who hold foreign passports, and require no visas to get into the United States or other western countries. They are well funded, they are battle hardened and they are

\textsuperscript{134} Hundal.  
\textsuperscript{135} The Rise of ISIS.  
\textsuperscript{136} Lister, 36.  
\textsuperscript{137} CTC, 18.  
\textsuperscript{138} Robert Hein, “The Big Questions on ISIS.” *Brookings Up Front* (2014). (further referenced as ‘Hein’)}
well armed. And they now control more territory than bin Laden ever did. They have the security, they have the safety to plan their next set of operations and they are a messianic movement. Believe me, they are planning those operations.\textsuperscript{139}

--The Honorable Ryan Crocker, Former Ambassador to Iraq

First, the IS has shown that it is capable of acquiring territory by employing violent force against foreigners, Shi’ia Muslims, and even Sunni Muslims.\textsuperscript{140} In addition, the IS has shown that it is capable of erasing state borders without much resistance, as it did with the Iraq-Syria border. Thus the group has moved beyond intent to demonstrating its capability to acquire territory and change borders. This enhances the threat that the group poses.

Second, the group has illustrated that not only can it gain control of this territory, but that it can hold onto and defend such territory. In addition, it can effectively provide services to its citizens in this conquered territory. As discussed above, the group provides all the basic services that a nation state does. This represents a threat because it makes the IS sustainable and appealing to potential recruits. This will make the IS harder to eliminate.

Third, it has shown that it is capable of carrying out advanced military operations. The group is well organized for the execution of violence and conducts operations not just to achieve victory in a particular battle, but also in an effort to “prime the battlefield” in places where it eventually hopes to attain victory. As mentioned earlier the group did this to capture Mosul. One measure of an insurgent group’s strength and capability is the number of military operations the group is able to execute. Between November 2011 and May 2014 the IS carried out 19,000 operations.\textsuperscript{141} Therefore, the IS has exhibited that it is capable of relentless attacks to achieve its goals. By showing that it is “capable of designing and implementing a multi-stage strategy aimed at engendering a chaotic power vacuum into which it can enter,”\textsuperscript{142} the IS has illustrated that it is a military threat, capable of achieving its goal of acquiring territory.

\textsuperscript{139} Boghani.
\textsuperscript{140} CTC, 29-30.
\textsuperscript{141} CTC, 37.
\textsuperscript{142} Lister, 19.
One reason for the success of the IS in the military arena is attributable to the vast number of foreign fighters the group has attracted. The group is capable of luring thousands of foreign fighters by running a successful propaganda machine that encourages people all over the world to self-radicalize and join the IS.\textsuperscript{143} The foreign fighters represent a distinct threat to the U.S. because these foreign fighters have valid passports to Western nations. If their home nations do not know that their citizens have self-radicalized and left for territories controlled by the IS, then these citizens can easily return to their home countries to carry out terrorist attacks on behalf of the IS. Furthermore, the propaganda of the IS is available on the World Wide Web, which has already resulted in the self-radicalization of people in Western nations who then carry out terrorist attacks in their own cities, such as the violent shooting at the Charlie Hebdo publication in Paris earlier this year. The capability of the IS in running a successful propaganda machine is a further threat to the United States.

Fourth, the group has proven its ability to brutally kill anyone who opposes it. The IS is obviously capable of moving through the region and murdering Muslims and non-Muslims alike. Furthermore, the IS has shown that it is capable of using these brutal murders to its advantage. The videos the IS has published to intimidate enemies and exhibit strength have successfully contributed to the recruitment more supporters.

Fifth, the IS is more than capable of turning their terror tactics on the U.S. or other Western nations. “Suicide bombers are not the most tactically advanced weapons, but their utility has been demonstrated.”\textsuperscript{144} It is not that difficult to gain access to C4 or other explosives, and there are endless “soft targets.”* Although it is harder to carry out an attack like the ones on 9/11, the hijackers then illustrated that an attack on that scale was not that difficult to execute.

Although, this does not represent a direct threat to the U.S.’s national security, it does represent a threat to its humanity because innocents are being murdered. Furthermore, these murders can have ripple effects that could threaten the U.S.’s national interests.

Therefore, the IS has the intent to carry out an attack on the West, as

\textsuperscript{143} Barrett.
\textsuperscript{144} Hein.
well as the capability—especially with its success in radicalizing home-
grown terrorists. This demonstrates the intent and the capability of the
IS to threaten U.S. national interests and national security, as well as
that of other Western nations. However, there are limitations on the IS’s
strength and capability which I discuss below.

**Limitations**

In this section I define limitations as weaknesses—factors about the
group that can be exploited to keep it from achieving its goals. The most
significant limitation on IS strength and capability, is the “coalition of
nations committed to defeating the group.” The coalition airstrikes
have driven the group underground which has made it harder for the
IS to move men and move materials. In addition, the airstrikes
have boosted the moral of the opposing Iraqis while simultaneously
demoralizing the IS. Another limitation of the airstrikes is that they
keep the IS tied up in the region. By forcing the IS into a defensive
posture where it must focus on staying alive, the coalition has limited
the ability of the IS to plan and execute foreign attacks. Lastly, and
perhaps most importantly, the airstrikes have made it almost impossible
for the group to carry out its mission of running a state and providing
regular services to its citizens. The ability of the IS to provide services
and act like a state had been gaining it support in the areas it controls
as well as appealing to outsiders, helping recruitment. Having control
of territory has been a fundamental priority for the IS in its effort to
establish an Islamic state. It not only allows them to provide services
to its people, but it also provides a safe haven for the group to plan
attacks and to martial the resources needed to carry out attacks. The
inability of the group to continue to provide these services weakens it.
There have already been reports that the IS is having trouble providing
some services. In addition, the leaders have to remain hidden in order
to protect themselves from airstrikes and rivals—Iraqi Security Forces,
Peshmerga, etc. This seriously hinders their ability to run a state.

Another weakness the IS faces is the financial challenge of

145. Hein.
146. Barrett.
147. Barrett.
148. CTC, 69.
149. Sarah Childress, Chris Amico, and Evan Wexler, “Who Runs the Islamic
maintaining a level of wealth which gives it the ability to repair military vehicles, pay generous salaries, and continue to run a propaganda machine that attracts recruits, in addition to providing the services mentioned above. Due to the coalition airstrikes, “[t]hey’ve gone from being the world’s richest terrorist organization to the world’s poorest state.”\textsuperscript{150} The failure to maintain the right level of wealth and provide services could lead to the group’s demise.

Another inherent weakness of the group that will limit its strength and capability is its broad, brutal use of violence. While this tactic does recruit some people who support this type of behavior\textsuperscript{151}, it also creates enemies of the IS. For example, the brutal video of the burning of the Jordanian pilot resulted in Jordan taking a stronger stance against the IS and the Jordanian people shifting their opposition to the coalition airstrikes to support. In addition, the murder of more Muslims than any other group also creates more enemies of the IS within the Muslim community. Many Muslims do not interpret Islam the way the IS does, and do not support the brutal murder of Shi’ia and Sunnis alike. More enemies means more opposition which can weaken the group.

Another limitation that the IS faces is the strong resolve of other nations in the region to counter the expansion of the IS. The group did not face much resistance in Syria and Iraq because they are both dysfunctional, weak states. In contrast, countries like Saudi Arabia, Iran, Jordan, etc. are stronger states that do not want their sovereignty threatened or their states taken over by the IS. These countries will give the IS more significant resistance than they faced in Iraq and Syria. According to James Jeffrey, the IS’s “early successes were largely due to foe’s ineptitudes.”\textsuperscript{152} Therefore, they will be limited by stronger opposition.

Furthermore, the IS’s use of foreign fighters is growing limited. The U.S. and other countries have become very good at monitoring individuals that travel to these countries, and arresting them when they return home. Although the danger of fighters returning unnoticed and carrying out an attack is real, the U.S. and other Western nations do

\textsuperscript{150} CTC, 65.
\textsuperscript{151} CTC, 70.
have the ability to mitigate the threat. In addition, the number of foreign recruits who return home has historically been low. Many die in the combat zones; some choose to stay and fight; while those who return either disavow the movement or are prevented from carrying out attacks by the actions of law enforcement or intelligence services. Therefore, even though the IS has recruited foreign fighters in unprecedented numbers, this strength is limited and can be exploited, thus mitigating the threat of the IS.

In conclusion, although the group does have the intent and the capability to expand its territory and its objectives, it is bracketed by real limitations. The US and the West can exploit the inherent limitations and weaknesses to prevent the IS from achieving its goals. Understanding and analyzing these myriad of elements essential to the IS and how it operates is essential as policy makers decide what actions, if any, to take against the group.

**Conclusion: The War for Iraq**

Understanding the history and evolution of the group that calls itself the Islamic State is an important first step when deciding how to deal with the IS. It is also extremely important to understand the fundamental nature of the group, and that it is not merely a terrorist group. This group has been around for several years. It has shown its ability to persevere, morph and use outside circumstances to its advantage. It has exploited the chaos in Iraq and Syria to its distinct advantage. With the Surge, the U.S. simply put a band-aid on the problems it unleashed with the U.S. invasion of Iraq. This led to a temporary fix of the situation, but as soon as we left the IS ripped the band-aid off. The Sunnis had been willing to work with the U.S. as long as they saw progress, but they stopped seeing progress and turned back to the insurgents. “As Kilcullen had observed, we shouldn’t blame the Iraqi officer who cuts deals with insurgents to keep his family alive, we should fix a system that can’t protect his family and so forces him into such arrangements.” When a state is strong it can control and prevent sectarian conflicts and civil

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155. The Gamble, 240.
156. The Gamble, 264.
war—thus eliminating conditions that allow for insurgencies to arise.\textsuperscript{157} When deciding how to address the threat that the IS poses, the U.S. should not just put another band-aid on it. Instead the U.S. should seek to pursue policies that will facilitate the healing of these weak states and the elimination of the conditions that allow for groups like the IS to rise to power.

\textsuperscript{157} Boghani.
EAST ASIAN POLITICS
Red-Handed: Assessing the Depths of Chinese Economic Espionage

Alexander Hoskins

It is no secret that China is a hotbed of Intellectual Property (IP) theft. Tourists around the world flock to China’s markets for high quality counterfeit goods, streets abound with peddlers of DVDs of movies that have not even hit theaters, and Chinese hackers consistently make international news for targeting and exploiting databases of the US government and major international firms. Despite this popularly held belief indicted China as the world’s largest IP thief, the indictment gets messy when we try to separate Chinese actors from China. While it is clear that a fair amount of IP theft is conducted in China, the picture gets muddled when we try to see who exactly is pulling the strings behind these criminal acts. Is the Chinese government waging the same war as the international community against perpetrators of IP theft, or does the evidence catch China red-handed?

What is Economic Espionage?

Before we can understand the evidence pointing to the Chinese government’s (herein referred to as “China’s”) involvement in these activities, we need to set our definitions straight. The term “economic espionage” (EE) conjures images of high-tech gadgets and spy craft; but in actuality, the practice has been around for centuries. EE, despite the modern connotations of its latter half, is just “covert actions intended to eliminate market advantages,” a technique familiar to any business owner facing stiff competition from an innovative counterpart.1 Strictly speaking, EE carries a somewhat more severe connotation; beyond the

act of simply stealing trade secrets or undercutting the competition, EE is the systematic misappropriation of “trade secrets belonging to citizens of one country in order to benefit another country, to include the unlawful taking [and use] of proprietary information by anyone not lawfully entitled to it.” Beyond mere theft of trade secrets, EE pits one country against the business of another country (i.e. China targeting IBM), unlawfully acquiring proprietary information for the explicit purpose of furthering the “strategic initiatives of a sovereign state,” or harm the victimized nation.

EE is on the rise. The United States recently equated the threat of EE to US companies to the threat of nuclear war with North Korea. Globalization is proving to be the accelerant on the fires of EE, with the digital and communication revolutions bringing American corporations into a new plane of vulnerability. Chief among the dangers globalization has brought to victims of EE is the ability to access company data networks and computer systems remotely. Economic spies used to have to physically engage their target to acquire the proprietary information sought but that physical requirement has been almost completely removed with remote access to these networks, such as through the Internet.

Furthermore, as companies have become more successful, they have made themselves bigger targets for competitor nations. Given the central role that innovation and IP have played in the rise of many of these corporate giants, foreign demand has skyrocketed for their secrets of success. Of equal importance is the growing role that IP and proprietary information plays in the current corporate landscape. As IP becomes more and more crucial to corporate success, foreign nations increase their EE efforts to seize those properties and remove the competitive advantage of the innovator. As globalization brings the world closer

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together and breaks down physical barriers to communication and access, the rising success of IP provides foreign competitor nations with an easily-targetable assets to steal a share of the profits.

**EE, IE, and Competitive Intelligence Gathering**

Two important distinctions must be made when considering EE. The first is between economic and industrial espionage (IE), with the primary difference being the aggressing agent. With EE, the aggressor is a state. States often have access to tremendous resources that vastly enhance the effectiveness of their espionage efforts (which is why it is so common). Unlike independent actors, a state has the authority and resources to conduct activities such as wiretapping, searching public/private properties, inspecting materials entering and exiting the state, and concealing measures of espionage implementation.\(^9\) IE, on the other hand, is aggression by an independent actor, such as a business competitor. If Samsung were to spy on Apple to steal some type of trade secret, that would be an instance of IE; however if China were to spy on Apple (an American company) to acquire trade secrets that would somehow benefit China as a state, then that would constitute EE.

The second important distinction to make is between EE and competitive intelligence gathering (CIG). CIG is the lawful acquisition of proprietary information or any other information/materials, which might garner a market advantage. CIG is a viable market practice and used by almost all corporations.\(^{10}\) When many people hear EE, they often confuse it with CIG, but unlike EE, CIG’s collection methods are entirely legal (although the ethics can sometimes be questionable). CIG utilizes legitimate sources and inferences to acquire corporate intelligence, whereas EE violates clear legal boundaries to acquire a competitive advantage.\(^{11}\)

**The Crater of EE**

EE can have a major impact on the international community in a myriad of ways. In the most immediate sense, Chinese counterfeiting of legitimate goods hurts the companies who own those intellectual properties. When Chinese demand for those legitimate properties

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is satisfied internally with counterfeit goods, those companies lose substantial potential profits. However, that illegally satisfied demand is not confined to China. Chinese counterfeits and pirated materials are consumed globally, illegitimately satisfying an international demand and stealing the profits from the legitimate supplier. As profits decline, companies are less able to employ the citizens of their host country. This was the case of Solarworld, which had to shut down one of its plants in response to Chinese competitors acquiring its IP through EE then flooding the markets with cheaper versions of their product. EE has a direct effect on the companies from which IP is illegally seized.

Regarding international effects, a major trade deficit currently exists between China and the US. Many argue that the mass consumption of counterfeit goods by the Chinese population satiates the demand that would otherwise legitimately be supplied by the US. In other words, the trade deficit could be greatly assuaged if China purchased legitimate goods from its trading partners, rather than counterfeiting the products domestically. Not only are trade deficits a major source of ire for the host countries of targeted industries, but by the very nature of EE the victimized company ultimately loses a productive and competitive asset. For countries like the US, who derive an increasing percentage of their GDP from companies whose competitiveness and strength are substantially based on intellectual properties, EE can be potentially devastating to domestic economies, altering the international (economic) power balance. In 2013, the United States reported $300 billion in lost profit from Chinese IP theft, claiming that 80% of the total IP theft from US firms originated in China. EE may seem as trivial as an off-brand handbag, but its cumulative effects can be internationally shattering.

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The Motivation to Spy

Before delving into the specific methods and practices of China’s EE, we first need to understand why China would engage in such a globally harmful practice. What is it about China that motivates them to so rampantly engage in EE? First and foremost, China is extremely unsatisfied with its current economic position: an international supply of cheap manual labor and rampant industrialism. The population issues, suicides (associated with working conditions and low quality of life), and the debilitating pollution have pushed China to make a drastic course correction regarding its economic place in the world. China is attempting to solidify itself as an international technological powerhouse and leader in technology by investing heavily in its State-Owned Enterprises (SOEs). It hopes to achieve this in part by drastically reducing its dependence on foreign technologies by replacing foreign supply with domestic supply (making foreign technology into Chinese technology). Of course, there is no better way to replace foreign technologies than to replicate them. And there is no faster, and more efficient, way to replicate these technologies than to seize them (EE). The Chinese hope that by stealing Western intellectual properties and innovations and injecting them with state funding via their SOEs, they can eliminate the West’s primary advantage of IP holdings.

The desire (and methodology) to acquire Western intellectual properties and use them in SOEs is only part of the picture. The obvious question is “why does China not simply come up with its own popular inventions?” There are a number of factors at play that prevent the Chinese from doing exactly this sort of innovation which has led to so much strength and success in the West. Chinese society places a far greater emphasis on “practical utility” than the vital type of abstract thinking critical to the innovative process.

The majority of China’s educational system is focused on a standardized exam taken in high-school (高考), the results of which

determine a student’s college and academic major. Starting in high school, the curriculum almost exclusively stresses rote memorization in preparation for this exam (over the creative and analytical thinking stressed in Western education systems). This pattern begins as early as Kindergarten, where one student describes how her teacher scolded a student for drawing the sun slightly different than other students. Adhering to common standards, thinking inside the box, rote memorization, and a lack of exploration are the hallmarks of the Chinese education system.22 Far more value is placed on concrete achievements and results than paradigm shifts and unique perspectives.23 This is a major motivator behind the Chinese push to send its students to Western schools and universities, with the hopes that they will return and bring with them the kind of Western creative and analytical thinking that produce the valuable innovation China so desperately needs.

This aversion to creative, abstract thinking is reflected in neuropsychological comparisons of Westerners and Chinese populations. Studies show that not only do Westerners view things substantially more holistically than the far more analytical than their Chinese counterparts, but that there may in fact be a genetic predisposition for narrower thinking and a cognitive conformity bias in Chinese people (as opposed to Western genetic predispositions to the opposite). Without individualism, creativity is unlikely to flourish. This issue of creativity may be linked to the Chinese language, which maps ideas onto specific characters and words. This is significantly different than Western languages, which stress a seemingly unending number combination of syllables and letters. This Western style of speech and writing is far more conducive to abstract expression and creativity than the limited and rigorously structured system of Chinese communication.24

Whatever the cause for this lack of domestic innovation may be, the bottom line is that economic growth is not moving fast enough without it. It seems that China is resorting to the fastest methods of competitive-asset-acquisition possible (a trend reflected in increased activity of EE originating from China). By seizing intellectual properties through EE as rapidly as possible, particularly in the technology and manufacturing sector, China hopes to take as many shortcuts as possible to modernize

22. Yajian Zhao, interview by author, Dallas, TX, November 24, 2014.
its economy and catch up with the West. 25 “If you can steal rather than innovate, you save years.” 26

**Types of EE: A Litany of Chinese Activity**

Chinese pirated goods constitute a roughly $20 billion industry, securing China’s position as “one of the world’s largest producers of counterfeit goods.” 27 US Customs and Border patrols seize more counterfeits produced in China than from any other country, with Chinese counterfeits alone making up 53% of all seizures in 2010. The practice is so rampant than an estimated 15-20% of all products made in China are counterfeits (8% of China’s total GDP). 28

EE is one type of transnational crime, but there are many types of EE to exploit the many types of IP. These intellectual properties can be copyrights, trademarks, patents, or trade secrets, and the theft of any of these by a foreign government constitutes EE. 29 Following an examination of Chinese theft of these properties, we will proceed to a more general overview of the methods the Chinese government employs to execute these seizures

**Copyrights**

A copyright is any “original work of authorship,” the ownership of which translates to the exclusive rights to “reproduce, distribute, and publicly display or perform the copyrighted work, as well as to prepare derivative pieces based on the original copyrighted work.” 30, 31 The majority of the street-level Chinese EE is copyright theft, with the largest copyright market being movies and software.

The Motion Picture Association recognizes multiple methods of film piracy, ranging from optical disc piracy (termed “hard goods”) to internet film piracy (“soft goods”), and the full realm of possible piracy

in between. 85-90% of all media sold in China is pirated, resulting in losses exceeding $2.5 billion to the authors of the copyright. The factories producing the optical discs used as a medium of pirated copyright sale are all licensed by the Chinese government and operated in close cooperation with the street vendors selling the pirated copies. Chinese Triad groups derive a substantial portion of their profits from the transnational sale of these pirated films. This rampant film piracy comes as no surprise, however, given that current World Trade Organization (WTO) terms only allow 20 foreign films to be legally imported into China every year. This digital piracy is not limited to films, however, as the optical disc factories also support the piracy of computer software, with pirated software constituting roughly 78% of all software sold in China (losses of $7.8 billion to the copyright authors).

**Trademarks**

A trademark, another type of IP targeted by EE, is “any symbol, word, name, device, or combination used to identify products, services, or their producers in order for consumers to distinguish their sources.” Unlike other intellectual properties, which require relatively great effort to acquire, trademarks are the easiest IP to acquire and exploit. Street vendors and illicit markets are lined with counterfeited products all bearing famous trademarks like “Nike” and “Apple,” many of which may have come from those companies’ actual factories. In China, given that trademarks are published and so widely available and advertised, it would seem like trademark theft is a victimless crime. The trademark, however, is a carefully cultivated symbol of quality and brand identity. The company holding that trademark invested vast resources into cultivating that trademark. As such, it is a valuable commodity that can offer a market advantage over competitors. In the Beijing Silk Market, a prime example of trademark theft, Chinese counterfeiters produce purses, wallets, scarves, and other visually similar/identical products to their designer counterparts, then sell them for drastically lower prices.

34. McIlwain, “Intellectual Property Theft and Organized Crime,” 19
reduced prices than their counterparts. While the consumer may be well aware that it is a counterfeit, their demand is largely driven by the trademark designer logos.

**Patents**

Patents are another type of IP, and they introduce a lethal element to EE. A patent is any protected “product, process, composition of matter, or improvement.”

Patent theft feeds two major counterfeit markets: pharmaceuticals and automobile/aircraft parts. Considering the pharmaceutical market, Chinese counterfeits account for 30% of global counterfeit/unofficial pharmaceuticals. While some of the pharmaceuticals counterfeited in Chinese markets are morally negligible (a placebo Viagra is not going to kill you), Chinese counterfeit pharmaceuticals accounted for roughly 200,000 deaths in China in 2001.

Unlike counterfeit scarves or movies, consumers of counterfeit pharmaceuticals often need the genuine products to survive. As these counterfeits have no regulation or testing, there is nothing stopping counterfeiterers from selling rat poison as aspirin, or powdered sugar as diabetes medicine.

Not only do counterfeit pharmaceuticals raise serious public health questions from Chinese EE, but so do counterfeit automobile and aircraft parts. China often reverse-engineers these parts domestically: a practice costing the automobile industry $12 billion annually. Similarly with the danger of counterfeit pharmaceuticals, there is no channels of regulation or testing of counterfeit automobile parts, and consumers sometimes find that their black market brake pads are, in fact, filled with grass or sawdust. In 1989, a Norwegian airline crashed as a result of faulty equipment—which was later discovered to be counterfeited—and this was not the first time. With an estimated 2% of the aircraft parts sold annually believed to be counterfeit and China being the US’s 5th largest supplier of aircraft parts, the issue of counterfeits and IP theft is very much a matter of life and death.

**Trade Secrets**

The final type of IP targeted by EE is also the most broad: trade secrets. Trade secrets are widely defined as anything with “independent

economic value” that companies keep secret, covering a wide range of intellectual properties and assets that confer a substantial market advantage.\footnote{Liu, “The Criminal Enforcement of Intellectual Property Rights in China,” 139.} Trade secrets can include client databases, general business practices, trade agreement (both actual and planned), and anything else that a company derives value from that it protects as secret. One particular target of Chinese EE has been information on negotiations of business and political firms. Often operating as reporters, Chinese hackers commonly target negotiation tactics and plans of major corporations in an effort to exploit their strategies in future negotiations and business deals. Chinese spies have also attacked institutions that are known to influence both political and economic policy regarding China.\footnote{Segal, “The Code Not Taken,” 38-41.} For every type of IP, there is a niche of Chinese EE to target and exploit it.
### Table 1 – IP Categorization

<table>
<thead>
<tr>
<th>Type of IP</th>
<th>Definition</th>
<th>Examples</th>
<th>IPC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copyright</td>
<td>Any original work of authorship</td>
<td>- Movies</td>
<td>The majority of small-scale IPC is the sale of counterfeit DVDs and software</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Software</td>
<td></td>
</tr>
<tr>
<td>Trademark</td>
<td>Any symbol, word, name, device, or combination used to identify products, services, or their producers in order for consumers to distinguish their sources</td>
<td>- Apple’s apple</td>
<td>Production of counterfeit products bearing a trademark, either as a knockoff (low-quality) or super-copy (virtually indistinguishable from original)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Nike’s swoosh</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Louis Vuitton’s LV</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Burberry’s tartan</td>
<td></td>
</tr>
<tr>
<td>Patent</td>
<td>Any protected product, process, composition of matter, or improvement</td>
<td>- Pharmaceuticals</td>
<td>Production of counterfeit pharmaceuticals and automobile/ aircraft parts of drastically varying quality</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Aircraft parts</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Automobile parts</td>
<td></td>
</tr>
<tr>
<td>Trade Secret</td>
<td>Anything with independent economic value that companies keep secret</td>
<td>- Client databases</td>
<td>Chinese hackers routinely target and exploit negotiation strategies and potential business deals and contracts</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Business practices</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Negotiation tactics</td>
<td></td>
</tr>
</tbody>
</table>

### Tools of the Trade

While it is clear that China is after IP, their methodology is not so apparent. Not all EE is conducted through cyber attacks, and there is no black market warehouse off the coast of Hong Kong where Chinese officials can fill moneybags with documents. There is an ideology and a methodology behind Chinese EE, and understanding of the big picture is critical to understanding China’s full role in all of its IP activities.
**“Buckets of Sand”**

The initial school of thought examining Chinese espionage activities assumed that China took an approach referred to as the “thousand grains of sand.” This assumption held that while other nations conducted espionage by sneaking “onto the beach” under cover of darkness and scooping up buckets of “sand” (IP and associated data) for later analysis, the Chinese instead brought thousands of its citizens to the beach in broad daylight. Instead of scooping up buckets and sand and sneaking off with them for later analysis, the Chinese would simply roll up their towels after a day of sunbathing and return home. When they did, they would shake out their towels, resulting in thousands of grains of sand from all over the beach, resulting in far more knowledge than any covert buckets ever would. The general assumption with this school of thought would be that China was deploying hundreds of thousands of citizens to the United States and other Western countries, with each citizen gathering a small piece (or “grain”) of information (seemingly harmlessly so) that would contribute to a vast “sand pile” when they returned to China (and “shook out the towel”). Not only did this approach steal the same about of sand in broad daylight, but it gather a far broader sample of sand, thus providing a better picture of the “beach.” This approach implied a general lack of intent, rather focusing on random selection, seeing every Chinese citizen abroad as an asset.  

While this approach fits with the widespread distribution of Chinese citizens in technological and manufacturing firms abroad, it ultimately neglected the intelligence-driven aspect of Chinese EE we have observed. For example, Dongfang Chung, who was charged with taking the trade secrets he had learned from his employment at Boeing and providing them to China, was in fact tasked by China ahead of time to collect these trade secrets; he did not just haphazardly shake out his towel from his trip to Boeing beach on China’s doorstep. In the case of Chi Mak (another Chinese economic spy convicted of attempted IP theft) documents were found in his home that showed China’s direct instruction to immerse himself in certain areas of expertise and return that knowledge for the Chinese government. China does not just solicit its citizens with a general request to return home with IP, it actively

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seeks out anyone who may be a valuable asset and directs them to conduct EE.  

**Institutions**

The Chinese government accomplishes this EE utilizing a number of methodologies, the first of which is institutions. China maintains roughly one hundred various institutions with a collective aim of acquiring foreign IP and returning it to China through a variety of means. The first of these such institutions are the Foreign Talent Recruitment Offices, which maintain databases of individuals who may be exploitable to some degree for IP seizure. One such office, the State Administration for Foreign Experts Affairs (SAFEA), exports native talent and imports foreign talent for the purposes of foreign IP collection. The focus of these efforts is not to increase China’s understanding of science and technology or bring new creativity and ways of thinking (as is the case with sending Chinese students to universities abroad), but the direct acquisition of practical results and technologies. One of these recruitment offices reached out to US citizens Noshir Gowadia, a former employee of Northrop Grumman, and brought him to China to provide his knowledge of intellectual properties regarding military technologies. These programs and offices specialize in seeking out these foreign and domestic experts and deploying/collection them to serve as EE agents.  

Another example of one of these institutions is the Ministry of Science and Technology (MOST), which is dedicated to increasing China’s scientific and technological resources and investments, specifically via the transfer for foreign technology to China. They accomplish this through the hundreds of Technology Transfer Centers located throughout China, such as the Shanghai new High Technology Service Center, whose mission it is to convert acquired foreign “technologies” into Chinese technologies, often via recreation.  

The Ministry of Education is another such institution furthering the Chinese practice of EE, though not nearly as directly as SAFEA or MOST. The Ministry operates programs such as “Spring Light,” which offers substantial bonuses and incentive programs to Chinese citizens

employed in the science, technology, engineering, and mathematics sectors to return to China and “render services to the country.” Through these various institutions, China directly conducts EE through its careful management of human resources, expertise, and IP acquisition.

**Blackmail**

A second method the Chinese use to conduct EE is blackmail. Chinese officials will often target experts in a certain field or employees they know will possess a critical degree of IP and blackmail them in order to force them to surrender said expertise or property. A common tactic employed by the Chinese is the “honey trap,” in which Chinese officials will directly trick targeted individuals into engaging in affairs and other illicit activities while being recorded. Officials then threaten to expose the individuals unless they help the Chinese government. This was the case with US citizen Gregg Bergersen, whom the Chinese government threatened with the exposition of his affair and gambling problem. Often Chinese officials will employ or recruit prostitutes in Western hotels in China to trap these targets, or just have the prostitutes drug the targets then go through their things. Surveillance isn’t difficult, as it is not unusual for hotel rooms to be thoroughly bugged.48

**Bribery**

Beyond elaborate schemes like honey traps, Chinese officials are not above bribery (as was the case with US citizens Glenn Duffie Shriver, whom the Chinese paid to be a mole at the CIA or department of state).49 Where bribery isn’t necessary, officials will often appeal to the nationalism of US-employed Chinese citizens and their families, who often have ties to parts of companies full of invaluable trade secrets.50

**Deception & Disguise**

Targets do not always know when they are being targeted. Chinese officials can approach targets under the auspices of professors or admirers and ask seemingly harmless questions, as was the case with Peter Lee.

In 1985, Lee was approached by a man claiming to be from the Chinese Academy of Engineering Physics, lamenting over how few resources his department had and how difficult it was for him to conduct research. Lee opened up to the man about his research on nuclear detonation simulations without even realizing what he was doing, leaving no trace of espionage.\textsuperscript{51} In other instances, officials can pose as employees or actually take positions at companies with the sole intent of infiltrating social networks and exploiting “co-workers” without them having any idea. Once these officials get the information they want, they publish it and completely disappear, destroying the competitive value of the information before the company has any idea it was stolen.\textsuperscript{52}

\textbf{Cyber}

These methods of deception and disguise are especially prevalent in the last Chinese method of EE: cyber espionage. Cyber espionage confers the unique advantages of increased anonymity, remote access, and reduced costs (no need to maintain a network of spies and handlers, just a single hacker).\textsuperscript{53} Cyber EE attacks are unique in that they can occur both internally (as is required with the aforementioned methods) and externally. Internal examples usually involve an insider gaining access to an electronic database containing IP and copying the information onto a removable storage device or remote server (as was the case with David Lee and Valspar paints in 2008, Meng Hong and DuPont Chemicals’s OLEDs in 2009, and Xiangdong Yu and 4,000 of Ford Motors’s documents in 2009).\textsuperscript{54}

Remote cyber attacks are a growing trend in Chinese cyber EE. The most publicized of these attacks was the January 2010 attack on Google (and about twenty others), which resulted in the theft of numerous intellectual properties to which Google attributed significant economic advantage.\textsuperscript{55} Security firms like McAfee have reported thousands of computers and networks of major oil, gas, petrochemical, and infrastructural companies infected by Chinese actors.\textsuperscript{56} These

\begin{itemize}
\item \textsuperscript{51} Hannas, Mulvenon, and Puglisi. \textit{Asian Security Studies}, 193-194.
\item \textsuperscript{52} Carlton, “Industrial Espionage,” 19.
\item \textsuperscript{53} Hannas, Mulvenon, and Puglisi. \textit{Asian Security Studies}, 219.
\item \textsuperscript{54} Hannas, Mulvenon, and Puglisi. \textit{Asian Security Studies}, 221.
\item \textsuperscript{55} Segal, “The Code Not Taken,” 41.
\item \textsuperscript{56} Hannas, Mulvenon, and Puglisi. \textit{Asian Security Studies}, 221.
\end{itemize}
attacks often originate using the same principles of deception in previous methods. Often a hacker will access the employee database of a company and pick one member of a department. The hacker will then create an email address using that member’s name (i.e. “smith@rmaill.com”) and send a “phishing” email, which contains a seemingly innocuous invitation to click some link or open some program. That program (often a disguised executable program file), when opened, will then give the hacker access to the member’s computer, and potentially the company’s entire network of IP. These operations are often highly unsophisticated and sloppy, but are incredibly effective to the untrained and curious. Cyber espionage is a growing threat to companies given its anonymity, ease, and potential destruction.


Table 2 – Chinese IPC Methods

<table>
<thead>
<tr>
<th>Method</th>
<th>Use</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutions</td>
<td>Utilizing existing government institutions to support the exploitation of foreign IP</td>
<td>- SAFEA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- MOST</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- MOE</td>
</tr>
<tr>
<td>Blackmail</td>
<td>Obtaining damaging information about foreigners and using the potential disclosure of that information as leverage to reveal secreted IP or open vulnerabilities to attack and exploitation</td>
<td>- Filming foreigners with prostitutes</td>
</tr>
<tr>
<td>Deception/</td>
<td>Purposely concealing identity/intent in order to trick foreigners into revealing secreted IP or open vulnerabilities to attack and exploitation</td>
<td>- Pretending to be a professor to disarm foreigners into revealing research</td>
</tr>
<tr>
<td>Disguise</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cyber Attack</td>
<td>Remote computer-based attacks designed to infiltrate foreign computer networks with the intent to gather IP or harm those networks</td>
<td>- Phishing emails with malware links</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- PLA Unit 61398</td>
</tr>
</tbody>
</table>

**Why EE is so Hard to Stop**

EE is unlike other transnational crimes in both the scope and nature of the attacker and the stolen property. We will begin with an examination how IP makes EE so hard to stop, and then turn to the specific Chinese impediments to stamping out EE.

**Intangible IP**

Arguably the biggest difficulty with combatting IP theft is the nature of IP itself. Unlike other properties, such as physical money or a piece of art, IP is intangible information. As such, it can be copied an unlimited
amount of times, often without the owner ever knowing. For example, logging onto your boss’s computer and copying the file containing the secret recipe to the company’s best-selling product can be done in a matter of seconds, and it leaves virtually no indication that a copy was ever made. Even beyond digital copying and information theft, the very nature of information makes it incredibly easy to steal; once an individual possesses the information, that individual theoretically can never give it back. Once that information is out in the open, it can’t be reclaimed. This was the case with Lucent Technologies: Once the FBI moved on three Chinese citizens suspected of stealing information to sell to PathStar, a Chinese company, they had already sent the information off, and it could never be retrieved without PathStar having it.

Anonymity

Anonymity is another major hurdle in stopping IP theft. As is especially the case with cyber EE, the attacker can almost completely hide their trail. If your company’s servers are hit by a Chinese attacker and millions in IP are stolen, but you don’t even know the identity of the hacker, you don’t even have the name of someone to extradite to try to build a case against. Remote access has amplified the benefits of anonymity to hackers, particularly across international borders. Attackers therefore have a huge advantage, as it’s incredibly easy for them to get in and out of a company’s network, but relatively impossible to track them, especially if the investigation is after the fact. Usually these attacks occur so quickly that by the time we even realize something is gone, the IP is already being put to use elsewhere.

Technological Innovation

While EE may not be new to companies, the contemporary methods certainly are. With the ever-advancing evolution of technology, the development of new methods to infiltrate and exploit companies is

evolving beyond the capacity of those companies to deal with the threat.\textsuperscript{65} Especially when that development is funded by a state like China, the pace of development simply obliterates any potential escalated response by companies. Further hindering IP protection, companies stand a far better chance defending themselves than relying on legislation, as the law is far slower than business in catching up with new technologies.\textsuperscript{66} The pace of technology is simply too fast, especially with state funding, for either individual companies or the law to keep up.

**Chinese Legislative Ineptitude**

Beyond the inherent difficulties of blocking EE, China’s legislative system creates nightmares for foreign firms. Despite its strong SOE-focused agenda and its engagement in EE, China does possess and (to some extent) uphold anti-EE legislation. The most up-front obstacle to eradicating EE and IP theft in China is its lack of transparency, making any substantial or informed criticisms into China’s legislative process extremely difficult.\textsuperscript{67} This is no surprise given that the majority of China’s IP legislation was basically transplanted from the West without much consideration for existing Chinese infrastructure or society. As such, there is a dire lack of societal willingness and administrative support to enforce any actual violation of IP rights or conduct of EE.\textsuperscript{68}

Looking more closely at the legislation in place, what exists is fraught with problems. The Chinese Trademark Law does not even consider most IP theft to be a crime; copyright and patent infringements are not regarded as criminal offenses. Article 59 of the Law differentiates between trademark infringement and crimes, referring to instances in which “the case is so serious as to constitute a crime.”\textsuperscript{69} In other words, IP theft is only a crime when it is serious, and then really only when it is a trademark. None of this is helped by the fact that the seriousness of these infringements (the measures of whether or not they are crimes) are based off of profit: If the offender profits less than $6,000 from the infringement, it is not a crime.\textsuperscript{70} This stipulation allowing those who show less than $6,000 in profit from IP theft reflects the general attitude

\textsuperscript{65} Crescenzi and Snyder. “Intellectual Capital and Economic Espionage,” 247.
\textsuperscript{66} Crane, “In the Company of Spies,” 138.
\textsuperscript{67} Kanji, “Paper Dragon,” 1272.
\textsuperscript{68} Liu, “The Criminal Enforcement of Intellectual Property Rights in China,” 142.
\textsuperscript{69} Kanji, “Paper Dragon,” 1275.
\textsuperscript{70} Kanji, “Paper Dragon,” 1274-1275.
that IP theft is not even a crime.

For those whose IP thefts are serious enough to constitute criminal activity, the trial process further aids them in resuming their illicit practices. Most of the judicial personnel in China’s legal system are not educated enough to deal with the often complex and technical cases of IP theft, so they can be thrown out or tried without any comprehensive understanding of the facts of the case. For those who are actually sentenced, the penalty is rarely more than three years in prison, with more lenient sentences for individuals (over companies) and strict restrictions on how much these thieves can be fined. While China does, in fact, have legislative measures to hide behind when accused of allowing IP theft, they are totally ineffective and reflect a society that totally disagrees with and refuses to support them.

**Denial**

As if this weren’t enough evidence of China’s engagement in and support of EE, their responses to accusations of EE border on melodramatic, with officials often nearly indicting themselves in their grand counter-accusations and outright denials of anything ever having to do with EE. The general policy of the government in response to these accusations is threefold: “Admit nothing, Deny everything, Make vigorous counter-accusations.” When anyone accuses the Chinese government of such activity, they denounce those accusations as “irresponsible speculation without a shred of evidence,” insist that they have never engaged in anything remotely related to “cybertheft of trade secrets,” then accuse the US of EE, claiming to have “mountains of data” against us. The overly-dramatic denials and swift counter-accusations indicate an overly-defensive response, suggesting guilt. These denials prove nothing, while over-the-top denials raise suspicion.

75. “U.S. Filed Economic Espionage Charges Against Chinese Military Hackers.”
Table 3 – Barriers to Stopping EE in China

<table>
<thead>
<tr>
<th>Barrier</th>
<th>Explanation</th>
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<tr>
<td>Nature of IP</td>
<td>- IP is not a physical entity that can be guarded and kept, but is rather intangible, infinitely</td>
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<tr>
<td></td>
<td>replicable, and nearly impossible to “get back.”</td>
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<td></td>
<td>- Globalization has made international IP more and more available and vulnerable</td>
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<tr>
<td>Anonymity</td>
<td>- Chinese Cyber attacks are notoriously difficult to track and prosecute</td>
</tr>
<tr>
<td>Technological Innovation</td>
<td>- Technology is evolving too quickly for foreign firms to adapt to China’s technological evolution and dynamism</td>
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<tr>
<td>Legislative Ineptitude</td>
<td>- Judges and courts are unable to comprehend or deal with IPC</td>
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<td></td>
<td>- Punitive measures against IPCs are insufficient deterrents</td>
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<tr>
<td>Denial</td>
<td>- China refuses to acknowledge or discuss their involvement in EE</td>
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So How Messy Does China Get?

Having detailed the state of EE and China’s activities therein, we are presented with some conflicting data. On the one hand, we have a country desperate to strengthen its SOEs in pursuit of international strength, with repeated instances of EE and overly-suspicious denials of such activity. On the other hand, China does maintain legislation against IP theft, which it does sometimes enforce, and the instances of EE for which we have evidence only make up a portion of the counterfeit market. Given the evidence for and against China’s involvement in EE and theft of foreign IP, how messy do China’s hands really get?

The overall picture of Chinese activity in this field of transnational crime points to a gradient of Chinese involvement, proportional to the scale and industry of the crime. For small-scale IP infringements (movies and scarves) that primarily benefit local communities, Chinese involvement is distant but supportive (a sort of IE supported, but not directed, by China). For large-scale IP violations targeting major foreign corporations and military equipment, Chinese involvement is full-scale EE, with the Chinese government not only directing, but running the operation.
Large-Scale IPC – Chinese EE

We begin with the obvious latter – the clear-cut, no-questions examples of Chinese EE. The general trend observed with these instances is the scope and content: anything large-scale or applicable to the military demonstrates pretty damning evidence against China. These cases are almost all conducted by the People’s Liberation Army (PLA) in the cyber EE realm. The PLA’s cyber commander is under the full control and has access to the full resources of the Chinese Communist Party, which, unlike in the US, calls the shots of the entire country.77

According to reports by security firms, there are more than twenty Advanced, Persistent Threat (APT) groups operating under Chinese support and funding.78 The report finds ample data suggesting that the most prominent of these groups, APT1, is actually PLA Unit 61398, a cyber espionage unit. Two of APT1’s four networks are housed in PLA compounds, which are believed to be the compounds of 61398.79 Moving down the list of evidence, any searches on Chinese government networks for “61398” yield absolutely no results, pointing strongly to government efforts to keep the unit’s operations a secret. If the unit truly didn’t exist, the government would have no reason to erase all entries on the government network and some of the speculation regarding the network would show up. Seized memos from the network supplier of the supposed 61398 compound, China Telecom, reveal that the facilities are outfitted with unusually state-of-the-art fiber optic networks and other features commonly associated with national defense. According to Li Bingbing, a claimed former operative of 61398, has confirmed that the personnel classification requirements for assignment to 61398 include expertise in operating systems, digital signals, network security, covert communications, and the English language, all in fitting with the operations of APT1.80

The vast majority of APT1’s data were stolen from the United States, with over 100TB from American firms. The type of data included product development specifications, systems designs, products manuals, trade agreements, business strategies, and partnership details

77. APT1: Exposing One of China’s Cyber Espionage Units, 7.
80. APT1: Exposing One of China’s Cyber Espionage Units, 7-16.
– a smorgasbord of IP.\textsuperscript{81} While it’s not clear as to everything APT1 has stolen, as the degree of anonymity is heightened by the fact that most of these attacks occurred after the report began its investigation, the parallels between APT1 and 61398 suggest beyond a reasonable doubt that the two are one in the same.\textsuperscript{82} Beyond the 61398 example (arguably the most publicized example), the catalog of cases against agents of Chinese EE in seizure of missile schematics, jet blueprints, naval ship development plans, and other military and advanced technologies is endless.\textsuperscript{83} With such strong evidence convicting China is EE aimed at military and advanced technologies, we move to the other areas of EE to get to the puzzle of the extent of Chinese involvement.

**Small-Scale IPC – Chinese-Supported IE**

Given the clear involvement of the Chinese government in EE targeting military technologies and other intellectual properties aimed at major corporations (such as energy and high technology), what exactly is the Chinese government’s involvement in other areas of EE? Areas of IP theft and EE on a smaller scale (in terms of contribution to China’s strength, as opposed to military and advanced technological might), include the Beijing Silk Markets (trademark/patent theft) and film piracy (copyright theft). In the case of these smaller-scale markets, the involvement of the Chinese government is far less evident. We don’t have examples of Chinese officials approaching movie editors in hotels to blackmail them, or bribing fashion designers with millions to learn how the new Hermes scarves are made, yet those markets still exist and thrive in China. Ultimately, the following factors point to Chinese support of these small-scale IPCs.

**China cannot/does not produce its own IP**

As is mentioned above, an examination of Chinese culture indicates that the Chinese population places far greater value on conformity and copying at critical developmental stages, hampering creative thinking and the critical innovative “outside-the-box” thinking required for IP generation. While this trend in thinking is likely decreasing with increase youth exposure to a greater variety of culture and ways of looking at the world (an effort bolstered by China’s push to send its students abroad), they have not had the luxury of such creativity that results in

\textsuperscript{81} Lee, “Cyber Kleptomanics,” 74-75.
\textsuperscript{82} APT1: Exposing One of China’s Cyber Espionage Units, 25.
\textsuperscript{83} Segal, “The Code Not Taken,” 38.
monumentally profitable IP in the past few decades. This creative deficit leaves China with no other option but to “emulate” such innovation, by legal and illegal means, to salvage itself from being a third-world factory.

**IPC is the cheapest, easiest, and most harmless way to hurt foreign competition**

Relatively speaking, small-scale IPC is incredibly cheap. In the realm of DVD piracy, the costs and risks are low, while the profits are high. Getting into the film piracy business is easier than getting into any legitimate business. With the global availability of technology in the modern world, virtually anybody can purchase a $100 DVD burner and a computer with internet access and, within an hour or two, have the means to set up a modest pirated film production line. With the movie companies themselves doing the advertising for the product, all a film pirate has to do is obtain a copy of the movie itself, which is remarkably easy given the simplicity of internet torrenting sites and DVD copiers. RAND illustrates the absurdly high profit margins by comparing the cost of a CD ($0.35) with the average selling price of that CD containing a pirated movie ($3.50). The profit margins of upwards of 1,000% of initial investment are criminally high. If the low entry costs and high profits weren’t enough, the risks of engaging in film piracy are an even bigger selling point for entry into film piracy. In the US, for example, first-time film pirates usually receive probation as a reprimand, with prison sentencing rare. In France, film piracy punishments pale in comparison to other illicit activities such as drug sales, with prison sentences as low as 2 years (compared to drugs’ 10 years) and fines as low as $150,000 (compared to drugs’ $7.5 million). 84

RAND’s examination of the factors promoting entry into the film piracy business are not only simple, logical, and compelling, but backed with real-world data illustrating the ease of this IPC industry.

**IPC supports local communities**

Looking to legislative evidence for EE in these markets, “companies recognized as good citizens may enjoy favorable treatment in IP protection enforcement.”85 In other words, foreigners who complain that counterfeitters are stealing their IP are, in theory, less likely to

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receive support than someone who goes to the government and says that their business is less able to help the local community because of local counterfeiting operations. It would seem that the Chinese government is willing to allow IP theft, only so long as it doesn’t harm the community (and to a greater extent, China). Smaller-scale IPCs bring profits and tourism to the communities perpetrating the IPCs. To the Chinese government, that is a valuable source of international revenue and bolsters the local community. As such, China has little incentive to destroy (rather it has the incentive to support) small-scale IPCs that bolster their communities.

**China owns many of the factories that produce products of IPC**

Some evidence does point to Chinese involvement in these smaller-scale markets. Beyond their blatantly ineffective legislation, one example is Chinese ownership of many of the factories that manufacture the pirated optical discs used for movies and software. What exactly constitutes ownership and the extent of the manufacturing is unclear. A major hit against China is that what counterfeit goods they do seize in their crackdowns against IP theft are later auctioned off, and the destination of those profits is unknown. While China has a point in its assertion that destroying the counterfeit goods would be wanton destruction of valuable resources, the secrecy surrounding the destination of the profits of these goods raises justified suspicion against the government. To further explore this factor, more information is needed regarding the relationship between the owners of these factories and their knowledge/complicity of the goings-on in terms of IPC operations.

**China has not taken effective measures against perpetrators of IPCs**

While China has adopted some measures against IPC, enforcement and effectiveness is weak at best. Not only are IPC perpetrators rarely sought out by Chinese authorities, but the mechanisms in place to deal with those perpetrators are inadequate. The judges that hear the majority of these cases have little to no understanding of the actual crimes being considered and the sentences levied against these criminals are hardly a deterrent (when they’re levied at all).

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There is also evidence that points to China’s condemnation of IP theft in these markets. Regarding legislation, for instance, ineffective practices may suggest a desire by the government for legislation to fail, but that is not a certainty. There have actually been numerous instances of government crackdowns on these markets. In November of 2002, the government shut down a number of counterfeit pharmaceutical companies (though that may have been due to the harm the pharmaceuticals were doing), the government did shut down the Beijing Silk Market (though a new market opened up practically the next day). As of July 2013, the US and China have officially entered into a “US-China cyber security working group,” with Beijing signaling its willingness to apply international legal principles to the internet.

Based on the above factors, however, it is plausible to conclude that China is at the very least complicit in the range of IPCs conducted within its borders. Their direct involvement in EE through the activities of PLA Unit 61398 signal their willingness to rely on IP theft as a means to their end. Had China the ability to generate its own IP, it certainly would, but a lack of such generation, and evidence against such generation, indicate that China may only look outward for IP and innovation. The Chinese educational system is so focused on rote memorization and conformity towards test preparation that an individual’s childhood and adolescent education are practically devoid of creative and analytical thinking. This lack of development critically hinders the Chinese population from the type of IP development generated in the West.

IPC on a smaller-scale is not only an incredibly cheap and easy way to undercut competition and bring in foreign revenue, but it does so with a degree of anonymity that keeps China relatively insulated from international reprisals. Given the benefits that IPC revenue brings local communities and the high likelihood of local factory collaboration in IPC endeavors, it seems an almost certainty that China is behind IPC, both great and small. While the legislative measures taken against IPC may indicate otherwise, the extreme ineffectiveness of such legislation, and clear incentive for such ineffectiveness, relegates such legislation to lip-service. It is in China’s interest to give off the appearance of trying to combat IPCs to maintain its position within international trading organizations while simultaneously garnering profit from

89. Segal, “The Code Not Taken,” 43.
illegal activities. China is intentionally shooting at its own criminals with blanks. While the Chinese government may not direct this small-scale crime, the evidence pointing to messy hands in its support of these crimes is potentially damning.

**Proposed Action**

Given the rampancy of Chinese EE, what actions is the international community taking to curtail this practice? The most noteworthy international effort to combat EE is the WTO’s TRIPS agreement, which governs IP policy of the WTO members. Article 41 of this agreement explicitly calls for “action against any act of infringement of IP rights covered by this agreement…applied in such a manner to avoid the creation of barriers to legitimate trade and to provide for safeguards against their abuse.”

Herein are guaranteed so-called “DEER Rights” (Deterrence, Enforcement, and Expeditious Remedies), which guarantee owners of IP that the justice systems of the WTO will uphold their rights to that IP. Article 61 similarly calls for criminal penalties for violators of those rights.

Since China joined the WTO in 2001, the TRIPS agreement and its articles apply to China. After joining, China agreed to hold annual Transitional Review Mechanisms (TRMs) in which WTO members could question China regarding its IP policies. While these are very promising in theory, the resulting arrests of IP violation have no resulted in any actual criminal liability. Other than the WTO, there are no major international efforts currently being undertaken by the US to combat China’s EE practices. The 1996 Economic Espionage Act is a federal piece of legislation, with any extradition next to impossible given the anonymous nature of the cyber attacks, so the last line of defense as of now is the “US-China cyber security working group.” In other words, our international measures against EE are slim to nil.

What we can control, however, regardless of China’s involvement in EE at any market level, is develop strategies within companies to strengthen their defenses against IP theft. These policies include explicitly outlining what your IP is and implementing company-wide

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measures to protect it, conducting thorough research into the regional culture and legislation of any Chinese citizen or official you do business with, breaking up the production process so that no single entity possesses all aspects of intellectual properties, increasing security with any and all individuals with possible ties to China, and conducting as much intelligence on your counterparts as possible.\textsuperscript{94} Implementing these simple tactics into the business model of a company can provide the last, and strongest line of defense against IP theft. Companies can no longer rely on federal or international legislation to protect them. While these measures should certainly not be the last lines of defense, they must form the fundamental bulwark against the onslaught of Chinese IPC.

\textsuperscript{94} Schotter and Teagarden, “Protecting Intellectual Property in China,” 44-46.
A Triangular Relationship: Hong Kong, China, and Great Britain

Mandaline Kam

Introduction

Hong Kong is an extremely unique city. Its bustling streets and towering skyscrapers are home to many shopping centers and thriving businesses, earning it a place among the four Asian Tigers, regions known for their highly free and developed economies. In addition to the city’s position as an economic powerhouse in Asia, Hong Kong is also unique in its governing system as the city’s government is laced with Western democracy, brought about by its years as a British colony, while at the same time being under the overhead rule of communist China. Because those living and doing business in Hong Kong feared the oppressiveness of the Chinese government, Deng Xiaoping, then the president of China, proposed the ‘one country, two systems’ policy to maintain Hong Kong’s economic prosperity once the city was ceded back to China. Under the Joint Declaration and Basic Law written by China and Britain, Hong Kong was guaranteed the civil freedoms and free market, capitalist economy it had enjoyed as a British colony.

Since 1997 when Hong Kong was handed back to China, the city has continued to enjoy many of the defining characteristics that made it the prosperous city that it was under British rule. At a glance, Hong Kong seems to be the perfect place to live with its thriving economy and status as a Special Administrative Region of China, under the protection of one of the world’s fastest growing powers yet not under communist rule. While the city would not be considered unstable compared with other countries like the former Soviet bloc, the years since the handover in 1997 and years before during Sino-British negotiations have not been
smooth sailing for the territory or China either. Interestingly enough, Hong Kong had no background of democracy under British rule despite being given many civil freedoms, but the city’s population had expected to be left largely alone by the Chinese government in running their own affairs as evidenced by the sentiment of the people following Tiananmen, the 2003 protests, and the current Occupy Central movement. Because of the need to prevent capital outflow from Hong Kong, China was forced to create the ‘one country, two systems’ policy for the city, but the clash of Western democratic ideals with the Chinese socialist system has led to conflicts as both Hong Kong and China have different ideas about the governing system as prescribed by the Basic Law and Joint Declaration.

**Hong Kong Under British Rule**

Hong Kong was not always the bustling city that it is today as it started out simply as a rocky island with fairly little economic value. Following the First Opium War, the island of Hong Kong was ceded perpetually to the British under the Treaty of Nanking. Another conflict between Britain and China regarding opium in the 1860s resulted in the Kowloon peninsula also being ceded to Britain in perpetuity. The New Territories, the third area of what now composes present day Hong Kong, was leased to Britain for a period of 99 years. Under Britain the colony developed a capitalist and free market economy that allowed it to thrive, gradually becoming the economic powerhouse that it is today. Until the Cultural Revolution in China, contact between China and Hong Kong in the form of immigration and trade still existed but came to an almost complete standstill as the country isolated itself to restructure the entire government and social system. During this time Hong Kong’s economy left China’s far behind as the country struggled to deal with the violence and massive upheaval of reforms. Deng Xiaoping’s economic reforms brought China back out of its seclusion and opened its door to capitalistic ventures with the country’s economy growing at a massive rate. Back on its feet, China now looked to reacquiring Hong Kong, its New Territories lease set to expire in 1997, but Hong Kong’s economic and government structure was starkly different from China’s. In addition to a population that was wary and afraid of the Chinese government, the differences in the Chinese economic and governmental structure caused massive problems for negotiations for the return of the British colony as years of British influence had entrenched into Hong Kong society Western ideals of civil freedoms and free markets.
Although Hong Kong under colonial rule was not a democracy, the colony enjoyed a high degree of civil freedoms, foremost of them being the freedom of speech, which served as one of the fundamental foundations of civil society. In many respects, the Hong Kong population was free to express their opinions and views whether it be through interactions with other people or through media outlets. With the opening of more and more venues in which the Hong Kong people could voice their opinions, Britain lost its “monopoly of news sources” as new political actors “began to compete for media attention and public opinion support.”  

1. In addition to the formal channels of getting their voices heard in the government, the Hong Kong people now had resources in the media. As politicization of society increased and the economy continued to expand, the role of media changed to reflect the commercialization of Hong Kong and the uneasy questions over the colony’s future. When Britain and China were negotiating the terms for the Joint Declaration, “the people of Hong Kong took no part in the negotiations,” but “their views and concerns were constantly conveyed” to the British who were involved in the negotiations.  

2. Despite the fact that the Hong Kong people had no direct say in the future of their colony, they were still able to make their concerns known to the British who represented them. There was no fear of being censored or oppressed for their views, so the general population felt comfortable going to the government with their problems and grievances. 

Not having a democracy had never been a big problem for Hong Kong because there was “insufficient public demand” for it and the government “largely met public expectations.”  

3. The initial concern for many new immigrants to Hong Kong in the 1950s was to escape the political instability and to provide for their families as they struggled to make a living. When the population was finally able to shift their focus to other issues like how they were being governed, local communist supporters “disrupted stability,” leading the Hong Kong people to “rall[y] behind the colonial government” despite having “little love for it.”  

4. After these disturbances the colonial government worked to improve

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1. Ngok Ma, *Political Development in Hong Kong: State, Political Society, and Civil Society* (Hong Kong: Hong Kong UP, 2007), 166.
communication between the people and those in office through which the Hong Kong people could voice their concerns and complaints. Not only did the general population gain ways in which they could make input into the colonial system, but they did not have to fear arrest or persecution from the British for voicing certain opinions as the Hong Kong people learned how to use their freedom of press more effectively over time.

Another aspect of Hong Kong, which was fairly unique in Asia at the time, is the free market capitalist system which has transformed the territory into an economic powerhouse in Asia. Hong Kong’s capitalist system developed as a result of its strategic location as a port city. The land itself had little intrinsic value as it was simply barren rocks that the British built a city upon. But because of its location, Western industries used the port city as an intermediary through which they could enter China’s large market because the increase in industrial output in the West generated an “urge to find new markets overseas.” During the last half of the 19th century, a huge percentage of goods exported to China was shipped through Hong Kong. The trade bypassing through Hong Kong served as a platform for its economic development and has become one of its current principal sources of income along with its financial sector. Following WWI, although the colonial government had “adopted new economic and financial responsibilities,” the British were careful to “maintain a limited state.” Britain did not seek to control and regulate the economy but instead helped the people by providing basic needs like food and working to ration these supplies. The colonial government was important in providing stability so that post-WWII Hong Kong would not erupt in chaos and could quickly turn its attention back to its businesses. The British’s laissez-faire attitude towards Hong Kong allowed the city to develop a free market, capitalist system where the trade and finance sectors have made the city an economy powerhouse.

Hong Kong has not always been a primarily trade and service sector economy but was forced to develop industrial industries following the US and British “economic blockade on communist China” as it could


no longer depend on trade relations with China to sustain its economy. It was during this time period in which goods labeled “made in Hong Kong” began to appear in large quantities around the world as the city worked to develop other industries that did not depend on trade with China. In actuality, the economic blockade on China was not terribly detrimental to Hong Kong’s economy as the city received an inflow of capital from wealthy individuals fleeing the communist regime as well as Chiang’s government diverting funds out of the mainland. However, it would have been unwise to depend solely on those sources of capital. For several decades afterwards, Hong Kong’s economy developed relatively independently to China’s. Surprisingly after the Joint Declaration, Hong Kong was able to expand its economy even more by relocating its labor-intensive industries to China where the price of production could be dropped. Because the agreement reestablished confidence in Hong Kong’s continuing economic system, the city was able to retain its economic growth despite earlier misgivings and subsequent capital outflow. As long as confidence in Hong Kong’s economy has been steady and the city has not been in a state of recession, its economy has continued to prosper and expand.

**Negotiations: The Bumpy Road Towards Reunification**

Several decades before the New Territories lease was set to expire, Britain was already trying to tackle the problem of Hong Kong’s future with China immediately following World War II. Although Britain had recovered Hong Kong after the Japanese defeat in WWII, both Britain and China had made an agreement in which China could bring up the question of the New Territories’ future. Therefore, after urgent matters pertaining to the war were addressed, Britain worked to prepare a plan for its foreign policy regarding Hong Kong which included four options: rejecting Chinese demand for the return of Hong Kong or the New Territories, returning the territory under certain conditions, entering into a lease-back arrangement, or retroceding the entire colony. Although the last two options were presented as possible choices, they were included as worst case scenarios. Britain did not want to cede the colony

back to China but was realistic in realizing that it could not stop the country from demanding Hong Kong in its entirety be returned to it. Fortunately for the British, China still had its hands tied after World War II, now having to deal with the Communists in northern China, choosing to address the problem of Hong Kong later.

Following the regime change in China in the 1940s, Britain’s new considerations regarding Hong Kong shifted to whether the PRC would allow a “well-organized, well-run British port” or whether it would try to reclaim the colony “using every method short of war.” With the outing and exile of Chiang to Taiwan, China’s policies under Mao inevitably changed but policy towards Hong Kong barely did. The British knew that the PRC would eventually ask for the return of Hong Kong but not in the immediate future. Nevertheless, they strengthened military presence in the city, looking at the city’s future from a Cold War perspective rather than China simply taking back the city. Ultimately, even though both China and Britain delayed on addressing the 1997 question as Britain did not want to undermine the Hong Kong people’s confidence and China wanted to continue benefitting from the city’s economic prosperity, negotiations moved forward for the return of Hong Kong to China in 1997.

When Patten, the last governor of Hong Kong came into office, he worked to “enact legislation” to better ensure that the city would be “better equipped for its post-reversion future” as Britain realized that it could no longer “downplay the interests of the peoples of Hong Kong.” He expanded suffrage, giving more power to the LegCo, in an effort to give the people of Hong Kong more democratic power. Patten saw it as his duty to provide greater franchise for Hong Kong, but his efforts were eventually undone when China undid his reforms after 1997. Britain had not wanted to return Hong Kong to China, but as time progressed and the power balance shifted, it could no longer ignore China’s demands, leaving Britain with only the option of safeguarding Hong Kong’s economic prosperity and civil freedoms since it could no longer hold on to the territory as a colony.

After Deng Xiaoping opened China’s market up and brought the country out of isolation, he set his sights on reunifying Chinese land

like Hong Kong and Taiwan under the PRC, seeking to bring China back to its former glory before the century of humiliation. Hong Kong’s New Territories Lease was soon set to expire, so the colony became the starting point for the reclamation of former Chinese property. Initially, Deng Xiaoping’s attitude towards Hong Kong was to “utilize it to the full to support the PRC’s modernization” but realized that Hong Kong could be used as a sort of case study “to persuade Taiwan to rejoin mother China.” While China had been in isolation experiencing a massive upheaval in society, Hong Kong had left China far behind to trail in its dust of economic growth. With the introduction of capitalism to the Chinese economy, Deng Xiaoping saw Hong Kong as a useful tool to attract investments into the country as the Shenzhen area could tag along on the city’s already established economy. Essentially, China wanted all the benefits Hong Kong had to offer without having to compromise on political issues to achieve those benefits. However, the views that the Chinese government brought to the negotiation table regarding Hong Kong’s civil society were only compatible on the aspect of not wanting to harm the city’s prospering economy.

From the government’s viewpoint, “it and it alone represented the people of Hong Kong,” and it did not matter what the latter or even the British thought. China never really saw Hong Kong as belonging to the British but only that the British were acting as the caretakers. Despite the island of Hong Kong and the Kowloon peninsula having been ceded to Britain in perpetuity, the Chinese government at that time could do nothing about it, so the loss of the territory was seen as temporary rather than permanent on the basis that the treaties unfairly favored the British. Having at least managed to stabilize the country and economy to a certain extent, the Chinese government could now turn its focus on Hong Kong, its loss which was attributed to unequal treaties with the British. One of the easiest ways for China to do this was to superimpose its ideals on the city, especially the press. Unlike Hong Kong, China saw “mass media as an instrument of the state” rather than an independent actor in society (Ma 169). One of the PRC’s main concern is preserving its one party system while at the same time adjusting to globalization and a capitalist system, and one way with which they can work to maintain their current

political system is through control of the press. In the years since Hong Kong’s return to mainland China, the two parties have clashed multiple times over their differences and desires as one’s victory in a policy meant loss for the other. Because the regimes of China and Hong Kong are so different, their relationship is essentially zero-sum. Neither one can enact policy for its benefit without setting itself up for dispute from the other party who stands to lose.

Hong Kong under British rule had little to complain about as its society had the economic prosperity and civil freedoms that many people around the world immigrated to America to obtain. Maintaining their city’s economic prosperity was of utmost importance to the people of Hong Kong in addition to the preservation of freedom of speech because they saw a “free and pluralistic press as a vital component of their ‘capitalist way of life.’” For the people of Hong Kong, freedom of speech and a free market system are interconnected. The Hong Kong people were not willing to give up their civil liberties, especially their freedom of speech, which China wanted to limit in order to prevent democracy and Western ideals from threatening its one party system. This was especially evident in the 1980s when Hong Kong experienced “sudden irrational fluctuations in the financial market and massive emigration of financial and human capital.” Losing confidence in light of the upcoming transition to China, the people of Hong Kong and foreign investors transferred their assets and capital out of the city. During this transition period, nothing was guaranteed for Hong Kong, and no one knew if Hong Kong would simply be reintegrated back into China or would be given special privileges on account of its circumstances. After all, communism’s economic philosophy dictates common property, which if applied to Hong Kong could mean the loss of everything people would have worked to own.

Initially, Hong Kong had high hopes about the British position in negotiations because “China had just started the Four Modernisation reforms,” and it believed that the country would not want to risk losing “substantial Hong Kong investment in China” and Hong Kong’s “economic usefulness… for a China with limited trade and investment

When the question of 1997 was brought up, the thought of being ceded back to China had not been a much entertained idea because London seemed to have a pretty good negotiating position, and Hong Kong could be very valuable to China the way it was currently. However, much to the city and Britain’s surprise, Beijing not only refused to renew the lease for the New Territories but also wanted to have the city back under Chinese rule. It was the understanding of the need to maintain confidence in Hong Kong and win the city’s public opinion that led to the development of the ‘one country, two systems’ policy. Because they were now guaranteed their civil freedoms and free market system in the Joint Declaration, the “panic in Hong Kong society,” “emigration waves,” and “irrational currency fluctuations” eventually disappeared. Hong Kong only wanted two things: civil freedoms and a capitalist market. From a Western standpoint, these two items are fairly easy to guarantee a society because these are elements of Western society, but for communist China, civil rights and a free-market system went against almost every aspect of its government and societal system. Only with a written guarantee did the unrest in Hong Kong die down, but the Joint Declaration and the Basic Law also presented another set of problems.

In order to preserve Hong Kong’s prosperity after its return to China, China and Britain drew up the Basic Law, a mini constitution, which created the territory’s current governing system. While the document provides for ‘one country, two systems,’ ensuring that Hong Kong would not be ruled under socialist policies, certain ambiguities in the writing have resulted in conflict between Hong Kong and China. In fact the Joint Declaration too had been “subject to a great number of conflicting interpretations” as Britain and China disagreed “over political change for the territory.” Compared to the Basic Law, the Joint Declaration was shorter and served as a basic outline for how Hong Kong would look after 1997. In an effort to please all sides, the document effectively contradicts itself indirectly several times in order to put the Chinese government in control of the city while at the same time reassuring the British that they still had some influence and the Hong Kong people that they could retain their current civil society. The Basic Law was more

18. Buckley, Hong Kong: The Road to 1997, 117-118.
detailed than the Joint Declaration in setting up the territory’s future governing system, but much of its implementation also “depend[ed] on the victors in the succession struggles following the death of Deng.”  

Adopted in 1990, the Basic Law would not go into effect until the return of Hong Kong to Chinese hands. Thus, between the time that it was written and the time it was to be adopted, the British and more importantly, the Chinese, had time to iron out how exactly the territory should be governed.

With the British initiating more and more democratic reforms in Hong Kong before 1997, the Chinese government needed to determine how best to enact policies in its interests without creating an outflow of capital from the city. The Basic Law does not cement the Hong Kong government from 1997 until 2047 but also includes “specific dates by which the procedures” for the election of the Chief Executive and Legislative Council or LegCo “are on the public agenda for possible change.”

For example, in 2017 the constitution calls for the election of the Chief Executive by universal suffrage. Ironically, it is not the problem of universal suffrage that sparked the Occupy Central movement and other current protests around Hong Kong but the selection of candidates. Citizens of Hong Kong will be given universal suffrage in terms of their ability to vote, but they are not happy with the fact that the candidates from whom they will be choosing from are those backed by the PRC. There is no point to universal suffrage if the people of Hong Kong have no choices to pick from.

While the Basic Law allows for the expansion of democracy in electing government officials, China sets the time frames for these policies to come into effect as evidenced by the wording “at an appropriate time” stated multiple times in the Basic Law. The PRC needs to maintain its one party system, but it cannot control a “powerful and independent legislative body with a fully elected membership based on geography” in Hong Kong which could undermine politics in

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20. Lynn T. White III, “The Political Appeals of Conservatives and Reformers in Hong Kong,” in *Hong Kong Reintegrating with China: Political, Cultural and Social Dimensions*, (Hong Kong: Hong Kong UP, 2001), 25.
Beijing. The Chinese government is stuck in a position where it must be able to placate the people of Hong Kong or risk capital outflow from the city while at the same time prevent democracy and other Western ideals from destabilizing the communist government. Only under vague promises could the CCP delicately balance the ‘one country, two systems’ policy, but this structure does little to solve the tension between Beijing and Hong Kong as each is interested in maintaining its current way of life without being undermined by the other.

**Interactions: Clashes Between China and Hong Kong**

Despite the assurances under the Basic Law of a separate governing system from China, the involvement of the PLA in the Tiananmen protests struck fear in the hearts of the Hong Kong people because they feared that this situation too could happen to them. The Tiananmen protests in China were a big turning point in the Hong Kong people’s attitude towards the PRC as they saw their concern about the Beijing government possibly ignoring “any constitutional provisions that conflicted with the priorities of the state and communist party” become real.\(^23\) The political climate of Hong Kong changed dramatically after the protests as the people sought to push for more changes in the Joint Declaration and Basic Law to ensure the protection of their rights. Until this point, Sino-British negotiations had been relatively smooth without much anxiety and fear from the population, but now Britain had to contend with the anger and fear of the Hong Kong people over the future. For the people of Hong Kong, Tiananmen had been a glimmer of hope in their future as they could identify with the actions of the demonstrators “freely” protesting “against the perceived injustices by the state” and their “ideological position in the liberal-democratic school of thought.”\(^24\) The protests represented a possibility that China could finally be relaxing its grip on the political system to allow dissent in calling for changes. If the Chinese government could negotiate and come up with a solution in answer to the protests, then this would represent positive implications for how the territory would be handled by the PRC in the future.


\(^23\) Buckley, *Hong Kong: The Road to 1997*, 123.

However, the protest ended with the loss of lives and with it the Hong Kong people’s confidence that their rights would be protected post-1997 as many believed that if these rights could not be assured in China, they could not be preserved in Hong Kong. Money and support were directed to the Tiananmen protesters from Hong Kong as they could strongly identify with their actions and ideas and saw the movement as harbinger of a future in which there would be no fear of China encroaching upon their civil freedoms. As a result of the bloodshed in Beijing, Hong Kong experienced massive emigration because many people lost faith in the PRC being able to come through on its promises as set in the Basic Law and Joint Declaration. People took to the streets following the massacre, revitalizing the democracy movement, resulting in Beijing coming to “perceive Hong Kong as a base of subversion against the Chinese government.” Afraid, China inserted Article 23 into the Basic Law which states that at a time determined by Hong Kong, the city will enact laws to “prohibit any act of treason, secession, sedition, subversion” against the PRC. When these laws are enacted, then the Chinese government could then crack down on any activity they viewed to be threatening to its one party rule, which could be used to check the power of the democracy movement. However, the insertion of Article 23 only served to spark the second major protest in Hong Kong history in 2003.

With the economic crisis that came with the SARS epidemic and Tung Chee-Hwa’s unpopularity, the move to begin enacting Article 23, national security laws, brought out masses of the people to the street in protest against what they saw as potential encroachments on their civil rights and freedoms. In 2002, Tung’s administration began to propose a series of legislation in accordance with Article 23 of the Basic Law which created an “uproar in Hong Kong” because the people saw the proposals as instruments for “Beijing to limit their civil liberties.” With offenses vaguely and obscurely described, any remote action that threatened the Chinese government could be deemed as treason, leading

27. *The Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China*.
to self-censorship due to fear of arrestment. From the Hong Kong people’s viewpoint, Article 23 gave the Chinese government an excuse to control their free speech, press, and media in the name of preventing treason. The 2003 protest was the largest since 1989 when Tiananmen occurred, and the size, passion, and the “variety of social groups taking part” reflected the “pervasive public dissatisfaction with governmental performance” and support for “greater democracy.” As evidenced during the Cold War, many people saw democracy as the counter to communism, the two regimes at opposite ends of the spectrum. Though limited in their experience with democracy, the people of Hong Kong understood that this type of governmental regime could guarantee their civil rights, especially the freedom of speech, which they did not want to lose to censorship by the Chinese government.

Already unpopular, even at the start of his second term as Chief Executive, Tung created a political crisis with the attempt to implement Article 23. With China’s central government seeking stability, Tung also lost his support and backing from the PRC and eventually stepped down in 2005 when a more “credible leader [was] needed” to appease the public dissatisfied with the economy and government. Again China was focused on maintaining its stability without compromising its one party system. Since the establishment of communism in Russia, democracy has been the antithesis of the regime, and China was determined not to let Hong Kong’s democratic and Western ideals get out of hand in influencing the mainland. Tung resigning as Chief Executive and the putting away of Article 23 for the time being did not by a long shot solve any of the underlying problems that the people of Hong Kong were protesting against. However, China’s reluctance to give the city any more say in its governing system has led to a stalemate in which neither Hong Kong nor the PRC will budge because of the fear of being undermined by the other party.

Despite being at a disadvantage in choosing leaders who will be the movers and shakers in Hong Kong society, the people of Hong Kong have used whatever tools the system has given them to voice their discontent

and pressure for changes from the pro-Beijing leaders. Although the ordinary people could not vote Tung out of office, they could exercise their freedom of speech and used “phone-in radio programs and online forums” to “vent anger at Tung or the larger political system.”\(^{31}\) While they did not have the power to remove an official from office, the people did have the ability to make a politician like Tung extremely unpopular. Without any other means of acting on their discontent, many hoped that fueling Tung’s growing unpopularity would be enough to have him removed from office or to pressure him into resigning. In addition to the general use of media, “journalists, legal professionals, and academics” worked together to show their disapproval of legislation by “issuing public statements and organizing concern groups.”\(^{32}\) Not only were individuals venting their discontent on the web, radio, and other media outlets, there were also organized groups in academia issuing well-informed and well-thought out statements regarding their opinions. Even religious organizations like the Catholic Church became involved because their ties with underground mainland churches might land them in trouble with the PRC. After 1997 Hong Kong’s civil society rallied against perceived threats to civil rights from Beijing. Because of China’s controversial policies regarding the city, Hong Kong’s civil society has thrived in response due to narrow channels for change through the government.

**Consequences: Implications of the “One Country, Two Systems” Policy**

The overlay of Chinese rule on top of a society used to a free market and civil freedoms meant that the Hong Kong people expected China to leave them alone without significant interference, giving them the right to as much self-governance as possible. After watching the beginning of the Tiananmen protests, the people of Hong Kong hoped to see China “liberalising its political system” where “greater safeguards” would be built “into the political system.”\(^{33}\) When the Joint Declaration gave them a high degree of autonomy, the people of Hong Kong did not expect to China to interfere greatly with the governing of their city. With China having opened its door to capitalism after having isolated itself from the rest of the world, it was not too much to hope that the country could


\(^{33}\) Thomas, *Democracy Denied: Identity, Civil Society and Illiberal Democracy in Hong Kong*, 207-208.
also reform its political system as well, little by little. Students even had the confidence to write a letter to the premier of the PRC asking for “Hong Kong to have democracy at the time of reunification” which was answered in the affirmative, demonstrating how anxious China was to “court Hong Kong people’s political support.”\(^{34}\) Despite having misgivings about being returned to China and authoritarian rule, the people of Hong Kong still retained hope during negotiations because it was understood that the city had a significant economy which could be made into a very valuable asset for China. The PRC itself was unlikely to embrace the same democratic and Western ideals as Hong Kong just as unlikely it would be for Hong Kong to submit itself to authoritarian rule after a century under British rule with civil liberties which was just a dream for the Chinese under Mao.

Because they were not allowed to directly participate in the Sino-British negotiations over the return of Hong Kong to China, the people of Hong Kong did not expect the PRC to listen to their demands and so settled upon “pushing for democratization, because democratic institutions are the most powerful bulwark” against Chinese authoritarian rule.\(^{35}\) This outlook is ironic because while the Hong Kong people expected to receive considerable free reign, at the same time they also believed that the Chinese government would try to restrict their rights. The people of Hong Kong counted on the city’s economic powerhouse status to force China to carefully approach any policies pertaining to the territory, but still afraid and knowing that this factor alone would not stop the PRC from gradually trying to absorb Hong Kong back into its political fold, they pushed for democratization. In dealing with China, everyone simply hoped for the best while preparing for the worst because Hong Kong’s future largely depended on how the PRC interpreted the Basic Law in ruling the region. Less and less sure that their civil rights will continue to be protected, the people of Hong Kong have become increasingly discontent with Beijing and have started pushing harder than ever for democratization.

Beijing’s cooptation strategy to keep Hong Kong happy without undermining its own communist regime has been to create essentially an illusion of free elections which are in actuality controlled by the PRC.

\(^{34}\) Wong, Protest and Patronage: Electoral Politics in Post-1997 Hong Kong, 59-60.

\(^{35}\) Wong, Protest and Patronage: Electoral Politics in Post-1997 Hong Kong, 73.
The Basic Law calls for the eventual election of the Chief Executive and LegCo by universal suffrage but neglects to specify a time frame or road map which allows for China to control the degree of political liberalization in Hong Kong. The institutions for elections do exist, but they only create the perception of choice because China controls how elections will function and to what extent citizens can have a say in the voting process. For the most powerful positions in the Hong Kong government, Beijing is the one pulling the strings and has essentially rigged the elections for the candidate it favors. The Chief Executive and many LegCo members, while elected, are not popularly elected in the sense that they are nominated and voted for by ordinary citizens. In the process of selecting a Chief Executive, candidates are first nominated by a committee that is notably composed of pro-Beijing figures. Half of the LegCo is composed of functional constituencies which represents professional, economic, and social groups who tend to have narrower constituency bases and also happen to be largely controlled by pro-Beijing politicians. Popularly elected seats make up the other half of the LegCo but are already in a stalemate in legislation because of the seats controlled by those sympathetic to China. In looking at China’s cooptation strategy, the people of Hong Kong are not so much concerned with the matter of universal suffrage but with the election of officials from the grassroots. For ordinary citizens there is no point in the elections and voting if the candidate that they would like to elect is not even on the ballot. The PRC has allowed the people of Hong Kong to control the power of the voting booth, but it has not allowed for truly free elections because Beijing controls the nomination and candidate selection process.

Because the phrase ‘high degree of autonomy’ is ambiguous, China’s interpretation of this policy in dealing with Hong Kong differs from what most of the population expects, leading China to implement policies that the territory views as reneging on the Basic Law. Although the city had been granted democracy in electing the Chief Executive, Beijing maintains virtual control on Hong Kong’s executive power. While Article 45 guarantees that the Chief Executive will be elected and universal suffrage will eventually be adopted, “obscurely worded terms” allow Beijing to restrain political liberalization due to “flexible

interpretations.”38 While the Basic Law calls for a gradual process of political liberalization, it does not specify what can be defined as gradual, essentially making any progress, no matter how small, a gradual process. The Chief Executive is also to be nominated by a committee according to “democratic procedures,” but this term as well is not specified giving the Chinese government the ability to screen candidates through the nominating committee if it so desires.39 Hong Kong was given the ability to govern itself mostly outside of the constraints of Chinese authoritarian rule, but China still retains oversight in the region and can thus still have great amount of power in determining how the city is run from the top down.

In addition to being elected, the Chief Executive also has to be appointed by Beijing, giving the PRC the “ultimate veto power over leadership selection.”40 One of the sparks in the current protests in Hong Kong is over the 2017 Chief Executive election which marks the turn to universal suffrage. However, because Hong Kong is a part of China, Beijing believes that it retains the rights to dictate to a certain extent how the city is run by putting forth a leader who will not threaten the government in the mainland. Another interesting provision written into the Basic Law is that the “Chief Executive cannot be a member of [a] political party,” reflecting the PRC’s aversion to threats posed by opposition parties.41 China is committed to preserving its one party system, and if party politics in Hong Kong manage to infiltrate into politics in mainland China, then the Chinese government would be undermined and destabilized. Party politics would also introduce other thought systems to the people in mainland China, allowing them to incorporate ideals into their belief system that could run contrary to Beijing’s party line, and ultimately disrupting society as well. While the bulk of Beijing’s oversight as interpreted from the Basic Law is directed at the executive branch, stipulations in the mini constitution also limit Hong Kong’s legislative branch, helping to protect the one-party system in China.

Hong Kong’s legislative branch consisting of the Legislative

Council or LegCo does not have as much power as the Chief Executive, which is consistent with Beijing’s desire to limit the people of Hong Kong’s influence on their governing system. For example, the LegCo is not allowed to “introduce any bill related to public expenditure, political structure, and the operation of the government.” Even though the people of Hong Kong can directly elect some of their representatives to the LegCo, these elected officials can only do so much in enacting policies that their constituents want due to limitations on the legislative branch’s power. Under Article 74, China has essentially set in stone the structure of the Hong Kong government because the LegCo can do nothing to change the political structure, and because the Chief Executive is screened for political opinions that do not counter Beijing’s policies. Additionally, while the LegCo can bring up bills regarding government policies, they must be approved by the Chief Executive who as previously discussed has to also have been approved by the Chinese government.

Under the last several years of British rule, attempts were made to strengthen the power of the LegCo, but it lost even more power after the handover due to “changes in post-1997 electoral rules” as the system under Governor Patten was “seen by the Chinese government as violating the Basic Law.” Patten’s changes in the legislative system involved further democratization which angered Beijing because it undermined its support in Hong Kong. This session of the LegCo was dissolved upon Hong Kong’s return to China and was replaced with a provisional council until the next round of elections where voting reverted back to pre-Patten rules. As with the Chief Executive, stipulations for the LegCo seem to give the people of Hong Kong considerable power in having a say in the government, but again Beijing has worded its appeasement in vague and obscure terms and has structured the LegCo to maximize power for pro-Beijing groups. Patten’s system had prevented many of the pro-Beijing groups from gaining seats in the LegCo because as less popular parties, they faced considerable more difficulty in a winner-take-all system. While the LegCo definitely is not as powerful as the Chief Executive, the PRC still considers the power that it has something

43. Ma, Political Development in Hong Kong: State, Political Society, and Civil Society, 119.
to be watched and restricted. For China, the game of governing Hong Kong is finding the best balance of allowing the city enough democracy to maintain its stability and economic prosperity without doing it at the expense of Beijing’s own political and societal stability.

**Conclusion**

British colonial influence has left a considerable mark on Hong Kong. While many other colonies have found themselves struggling to establish an identity, industries, and economies for themselves after decades and centuries under foreign rule, Hong Kong found itself emerging out of British rule as an economic powerhouse and a city China could not simply subdue with force. China could not simply impose on Hong Kong its authoritarian and one-party system of rule as the people of Hong Kong had developed a belief and system of thought that ran contrary to the PRC’s. Any attempt to do so would bring the city’s economic prosperity to a crashing halt as evidenced by the capital outflow and wave of emigration in the 1980s when negotiations went under way for the return of Hong Kong to China. In order to create what China saw as the best of both worlds, having Hong Kong’s economic prosperity based on a capitalist system under Chinese authoritarian rule, the country proposed the ‘one country, two systems’ policy. The writing of the Joint Declaration and Basic Law thus set out to marry Western ideals with a communist regime to create the post-1997 government of Hong Kong. Although these two documents solved the problem for the time being, they brought about another set of problems for Hong Kong’s future.

The city and nation are still at odds with each other even with the two documents mediating relations between the two. In reality, the Joint Declaration and Basic Law which serves as a mini constitution are far from perfect as the guidelines, rules, and laws put forth by these two documents deliberately leave room for interpretation. Hong Kong wants as little interference from China as possible so that the city can focus on its trade and financial business centers. The PRC too desires the best for Hong Kong in the economic sector but only up to the point where it can still retain sovereignty. Without its one-party system, Beijing is afraid that it will lose control of the country, and the nation could become entangled in domestic political and societal instability. However, the catch for the PRC is that it cannot force Hong Kong into following its rules without risking the city’s economic wellbeing. Hong Kong and
China both stand to lose in their zero-sum game. The democracy and freedom of press and media is the tool of the Hong Kong people to make their voice heard about their interests, and they will do all they can to protect what they see as necessary in their society.

As the people of Hong Kong have seen in the Tiananmen protests, China will go as far as using force as a last resort to retain its sovereignty. Each side is dangerous to the other. Hong Kong’s democracy and Western ideals have the potential to undermine Beijing’s political platform, and the PRC has the power and might to destroy Hong Kong’s civil society. As long as the two parties struggle to find a way to ensure their most fundamental demands, the people and two governments will continue to clash over and over again because these demands are the foundations for the two societies. China will not back down and neither will Hong Kong. The current protest in Hong Kong has been the longest since Tiananmen in 1989, and neither side has won concessions from the other. China and Hong Kong are at an impasse where Western ideals of democracy and civil freedoms and China’s communist system of one-party sovereignty cannot come to an agreement with each other.
A nation’s defense acquisition processes and policies determine its military and defense capabilities and performance. The ability of a nation’s military to acquire effective and modern technologies quickly, efficiently, and cost-effectively in order to meet its needs can determine the outcome of a conflict and shape the nation’s defense policies, prestige, and posture. China’s defense acquisition process and policies are hugely impacted by both Chinese domestic politics as well as Chinese international relations. The lack of domestic private ingenuity combined with tense international relations has constrained China’s capability to acquire and develop the military technologies it may need.

China’s military posture and strategies are influenced by these acquisition challenges. The nation’s communist history and remaining command market characteristics limit the capabilities of the Chinese military and therefore influence its international relations and military posture. Expanding Chinese interests and military aspirations are constrained by the force structure and technological capabilities of the PLA. China may only pursue military action within the scope of its limited naval and aircraft capabilities. In this way, PLA strategy and posture has traditionally been constrained by acquisition challenges. However, force modernization and an increasingly independent and developed domestic defense industrial base will allow China to obtain the capabilities necessary to pursue a more globalized defense strategy.

**Early Acquisition Policy under Mao Zedong: 1949-1976**

From the early years of the People’s Liberation Army (PLA), lack of domestic industry and technical know-how has shaped Chinese
acquisition strategy and processes. Chinese self-reliance hindered the
nation from developing industry, including a defense technology sector,
at the same rate as non-isolated industrializing nations. Because of this
isolation, China lacked not only the industrial infrastructure necessary
to produce competitive military technology but also the scientific
knowledge to develop these new technologies domestically.

Due to the weaknesses of domestic defense technology development,
the PLA has often relied upon foreign assistance, in the form of both
physical assets and advisors, in order to remain a functioning and
competitive military force. During the 1950s and up until the Sino-
Soviet split beginning in the 1960s, the Soviet Union was an important
contributor to PLA capabilities, providing weapons and equipment as
well as technical and military advisors in order to help strengthen PLA
capabilities as well as establish and strengthen the Chinese defense
industrial base. These Soviet contributions were extremely influential
in creating the credible and competitive force that the PLA is today.
For example, when Mao decided that acquiring nuclear capabilities
was imperative to Chinese diplomatic activity and prestige, Soviet
advisors were brought in to provide assistance with initial prototyping
and development. While the Chinese claim that the Soviets were only
minimally involved in Chinese nuclear technology development, they
played an indisputable role in the eventual successful development and
testing of Chinese nuclear capabilities. Throughout the history of the
PLA, development of new capabilities has often been linked to and
reliant on foreign military trade and assistance.

Historically, the weakness of the Chinese defense acquisition
process has constrained pursuit of PRC and PLA policy goals. In the
1950s, PLA focus was largely on possible conflict with the Republic
of China (ROC), the nationalists occupying Taiwan. Nationalist ROC
forces were positioned throughout the Taiwan Strait and perceived as
a potential threat to PRC trade and security interests. United States
military aid to the ROC strengthened the nationalist’s technical assets
and expertise. Meanwhile, the PLA struggled to acquire and maintain the

1. Laurie Burkitt, Andrew Scobell, and Larry M. Wortzel. The Lessons of History:
the Chinese People’s Liberation Army at 75. Carlisle, PA: Strategic Studies Institute,

2. Dallas Boyd, Advanced Technology Acquisition Strategies of the People’s
assets necessary to deal with such a threat due to its lack of a domestic defense industrial base. This disparity in capabilities rendered the PLA unable to contest nationalist occupation of Taiwan or challenge the position of the ROC fleet. Due to the limitations of the PLA’s technical assets, the PRC was unable to pursue its policy goal of reunification of Taiwan with mainland China under communist rule.


Deng Xiaoping’s foreign policy was marked by an increased focus on China within the context of the international environment. Rather than Mao’s more isolationist views, concerned with uniting China under communism and securing the territorial integrity of the nation, Deng began to look beyond the continent to imagine China as an international player, economically and militarily. In order to enter the international stage, Deng noted that China must be competitive not only with its own past, seeking further improvement, but with the other nations on the world stage.

Many foci of Deng’s rule were tied to the development of Chinese power, specifically economic power. In 1978, Deng Xiaoping announced a new focus on defense modernization, or the strengthening of military power. Industrialization had been stagnated by the Cultural Revolution of the preceding years and the defense industry largely neglected. The PLA’s capabilities had long lagged behind those of other international players as well as behind the needs of China’s interests and ambitions. This modernization, as announced by Deng, was intended to close the gap between Chinese defense capabilities and those other nations. This modernization was considered “two-track” as it focused on meeting present needs through acquisition of foreign defense technologies as well as investing in the developing domestic defense industrial base. This “two track” approach was intended to provide for contemporary Chinese security while guiding the nation towards self-reliance and a domestic defense industry capable of meeting the PLA’s needs into the future.

Shifting Dynamics in the

Jiang Zemin Era: 1993-2003

Throughout Jiang Zemin’s time in power, much of defense modernization and acquisition policy was heavily influenced by prevailing economic conditions. Continued modernization was to be checked by concerns about unemployment, corruption, and sustaining economic growth. Modernization remained a priority as it had been under Deng’s leadership, but many in power worried that the restructuring of industry necessary for strengthening domestic defense development would upset the carefully balanced transitioning economy. The transition from inefficient state-owned defense industry to smaller private enterprises was avoided because of these concerns about resulting unemployment and shocks to the economy. However, modernization continued, utilizing domestic and foreign industry. Modernization efforts continue today as the PLA seeks to define its capabilities and prestige as a modern military power capable of success in international conflicts.

This period was also marked by shifting civil-military relations. In the Deng and Mao eras, many leaders functioned in dual-roles, having both military and civilian experience and authority. However, during the transition to the Jiang era shifts in dynamics led to a clear distinction between military and civilian leaders, in both personnel as well as responsibilities. This division meant that in order to remain influential in national security policy decisions, the PLA had to lobby the CCP and the National People’s Congress. Jiang, a leader with no significant military experience, also worked to reign in the powers of the PLA by checking their uninhibited spending and attempting to crack down on corruption. New civilian institutions, like the Committee on Science, Technology, and Industry for National Defense, were created in order to contribute to Chinese defense research and acquisition. This era is said by some experts to have ushered in a new bargaining dynamic. The PLA, no longer represented by experienced military personnel in the upper echelons of leadership, assumed a slightly more external role and instead was to be consulted on relevant policy issues. In terms of defense acquisition and national defense policy, these shifting dynamics meant that in order for modernization to remain a priority, the PLA had to continue to demonstrate some level of reasoning for such expenses.

6. Andrew Scobell, Chinese Army Building in the era of Jiang Zemin, 2000, 3.
7. Andrew Scobell, Chinese Army Building, 18.
8. Andrew Scobell, Chinese Army Building, 18.
to the Central Military Commission, Jiang Zemin, and other relevant leaders.

**Domestic Technological Development**

While the gap between China’s defense industrial complex and that of other nations is closing, vestiges of socialist economic planning constrain the possibilities of innovative domestic defense technology development. Previously entirely and still mostly government owned, Chinese defense industry firms face an entirely different industrial and business environment than that of their western counterparts. The Chinese defense industry lacks many of the characteristics that have led nations like the US to develop cutting edge technologies. These characteristics, like intellectual property rights and protections, innovation, competition, and open bidding, are generally associated with free markets. While this sector is becoming increasingly privatized, it still lacks many of these characteristics, impeding success.

China’s domestic defense industrial complex is being pushed to rapidly develop due to international restrictions on weapon sales to China as well as increasing domestic demand during a period of military modernization. This development effort has taken multiple forms. Private investment is being encouraged and holdings are being transferred from public parent companies to private industry. However, inefficiencies still exist in domestic production of military technologies and additional financial capital is needed to overcome these issues. Chinese products are still reliant on foreign components and espionage is often used in the design of these domestic technologies. Officials hope that injection of market factors will help ease these struggles and reduce inefficiencies.

Additionally, the timeline of Chinese domestic development and production stretches out far beyond that of other nations. Often by the time a new technology is developed, created, and tested, other nations have had the technology for years and it is no longer the most effective and competitive technology available. Even once completed, domestically produced Chinese military technologies are widely thought to be inferior to those produced by their western counterparts. However, accurate information about the performance, quality, and durability of

Chinese produced weapons remains shrouded. As it currently stands, the Chinese defense industrial base fails to produce technologies efficiently and competitively.

A primary weakness of the Chinese domestic defense industrial base continues to be its inability to innovate. Innovation is essential to being competitive with nations with more established and developed defense industries. A military cannot respond to evolving and emerging threats unless the technologies and tactics it utilizes to respond are also evolving and new developments emerging. Innovation is a unique characteristic of industry as it rarely comes about when industry is contained in silos or isolated. Innovative technology development flourishes most when there is interaction between developers, end users, and civilian technology sectors. However, throughout the Chinese economy, weak intellectual property rights have lessened incentives for firms to innovate, as their developments and creations are not protected from intellectual theft. This environment means that the civilian sector cannot spur innovation in the defense sector the way it can in other nations.

Another factor that contributes to weak conditions for innovation within the Chinese defense industry is the lack of transparency throughout the industry. Firms are unaware of the developments and proposals other firms have made and therefore struggle to build off the innovations that others have made. This lack of innovation has left the defense industry, like other Chinese industries, dependent on industrial espionage for further innovation. In order to stay abreast of other militaries, the Chinese industrial sector emulates and sometimes directly copies the new military technologies and innovations of other nations. While this espionage allows the PLA to retain a modernly equipped force, a lack of innovation prevents the PLA from gaining certain capabilities.

Another aspect of the domestic political environment that compounds challenges to Chinese defense acquisition is the complex relationship between the PLA and the CCP. Historically, these two institutions have been relatively symbiotic, relying on one another for support and assistance. The PLA remained faithful to the party’s

command while the CCP and other civilian bodies supported the PLA financially and politically, granting them the proper authority. However, in recent years tensions between the two groupings have arisen. The leadership of the CCP and PLA are now less intertwined than before and the lines of responsibilities and authority have been blurred.  

13 Party membership and participation no longer carry the weight that they once did in determining ranks, leadership, and promotions. The PLA is no longer heavily involved in ideological tasks or indoctrination. Formal interaction and joint-policy making is now technically limited to the Central Military Commission. However, despite this seemingly increased divide between military and party, the PLA remains reliant on the CCP for funding. As a result, the PLA must lobby the party for its specific force needs, convincing the party that acquiring new technologies is cost-effective and beneficial for the party, as well as the national security interests of the entire nation.  

14 This divide only further lengthens and muddles the defense acquisition process, creating an additional step in which the tactical needs of the military can be disregarded for political or financial reasoning.

The weaknesses of the Chinese domestic defense industrial base in terms of innovation and efficiency have implications beyond the actual technical assets and capabilities of the PLA. The strength of a nation’s domestic defense industrial base is extremely important to its military’s capabilities as well as its military policy options. A strong domestic defense industrial base allows a nation to act in its own best interest with less consideration paid to the interests of nations upon which it relies for military capabilities. Nations that are dependent on international defense trade in order to acquire modern and competitive military technologies are somewhat constrained in their policy options. They must take the interests of trading partners into consideration so as to not damage these relationships and potentially hinder their ability to defend and advance their nation’s interests. If a nation is capable of maintaining a modern and effective military through its own domestic defense industrial complex, it can pursue its policy interests more independently, without fear of ramifications for its technical capabilities.

However, trends within the domestic defense industrial base promise

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strengthened production and innovation capabilities in the future. Subsidiaries of the large established military contractors are purchasing assets from their parent companies. This disbursement of assets, talent, and production promises a stronger industrial base for the future. It will help to increase competition and hopefully spur innovation within the sector. Additionally, Beijing has promised to increase the public listing of military contracts, allowing public bidding for these contracts. This will encourage competitive firm behavior within the industry, increasing efficiency and incentivizing innovation and development. It will also allow smaller private firms to compete for contracts and funding, increasing the number of viable firms in the industry and improving conditions for innovation. As China’s defense industry matures, it will be capable of supporting strategic military engagement beyond the short, intense, regional conflict it currently prepares for.

**International Defense Trade**

As previously noted, the Chinese have long been reliant on other nations in order to create and maintain a relevant and competitively equipped military. This reliance, in the form of defense trade as well as technical and military advisors, continues, albeit to a lesser degree, today. However, the ability of China to trade with, and therefore benefit from the developments of, foreign defense industrial bases and militaries is constrained by the international relations and communist history of China.

The 1989 Tiananmen Square incident has had long term ramifications for Chinese military capabilities and trade. After the massacre of student protestors, the United States and other Western nations passed limitations and bans on trade to Communist China. The United States passed legislation strictly prohibiting weapons trade to China after the incident. The European Union enacted a nonbinding ban on military trade, leaving it to member discretion to what extent to limit trade. Some nations have entirely prohibited trade of military assets and technologies to China, others allow and have participated in the trade of non-lethal military technologies. Nevertheless, the EU ban has restricted the ability of the PLA to obtain EU developed and produced military technologies as it pleases. Chinese domestic political ongoings, like the Tiananmen Square incident, have had implications for China’s

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15. Lague and Zhu. “Insight”
international relations and thereby influenced China’s ability to acquire foreign military technology, limiting PLA capabilities.

Prohibitions on weapons trade with China have not entirely prevented China from benefitting from United States military technology development. In an effort to build trust between the two nations and warm an otherwise chilly relationship, military to military contacts between the US and China have taken place in increasing frequency over the last few years. China benefits indirectly by its defense trade with Israel, a beneficiary of United State military aid. Israeli defense technologies have reaped the benefits of a close relationship and trade with the United States. By purchasing Israeli technologies, China is benefitting from United States technological developments. Additionally, joint academic ventures, Chinese students studying in the US, and industrial espionage all allow China to continue to benefit from the military technology developments of the United States despite the weapons trade ban.

At present, China’s defense trade partners are limited by international perceptions of China. Nations that have any concerns about China’s international ambitions from the standpoint of their own security or the security of their allies will hesitate to participate in defense trade with China. For example, the United States’ treaty bound obligations to the defense of Japan only further incentivize it to refrain from military trade with China. Should territorial conflicts over the Senkaku Islands escalate, the United States would not want its own military technologies to be used against its ally, Japan. Therefore, Chinese international relations are extremely important in shaping its defense trade relationships. The nations that choose to sell weapons and other military technologies to China include Russia, Ukraine, and Pakistan. Many of these nations already have close military and defense ties to China and share many of the same defense interests. China’s ability to acquire defense technologies from abroad is hugely impacted by its relationship with potential trade partners and the level of shared interests between the two nations.

International defense trade is essential to not only meeting the present technological needs of the PLA but also allowing the domestic defense sector to develop. International trade allows Chinese industry
to acquire models for its own products. These foreign designed and manufactured products can be studied and ultimately replicated or emulated in domestic production. Purchase of foreign technology is also important for the domestic industrial sector as certain sectors of the defense industry, such as aviation development, rely heavily on foreign produced component parts in order to produce end products. Without import of Russian engines, electronics, and munitions, the Chinese aircraft industry would be largely inept.\textsuperscript{18} These hybrid products are essential to the capabilities of the PLA, further tying international defense trade to Chinese military prestige and success.

Until it develops a domestic defense industrial base capable of independently providing and innovating military technologies needed by the PLA, China’s international relations will be a crucial determinant of Chinese defense acquisition processes and resulting military capabilities. Nations will determine whether or not to participate in trade in accordance with their perceptions of China’s ambitions and their support of or dissatisfaction with Chinese domestic political dealings. Additionally, as previously discussed, reliance on foreign military technologies and advisors can limit policy options for the Chinese. Overall, Chinese reliance on international defense trade has limited its capabilities as well as its policy options, checking its ambitions and constraining interests.

\textbf{Case Study: The PLAAF and the Military Aviation Industry}

The Chinese aviation industry has historically lagged far behind foreign industry. From the early days of the PRC, very few resources or energy were focused on the development of the PLAAF (People’s Liberation Army Air Force) as Mao believed ground forces would be more important for preserving the stability of the PRC from both domestic and foreign threats. The early PLAAF was small and heavily reliant on training and equipment support from the USSR. The Sino-Soviet split stalled the progress and development of the PLAAF and resulted in a Chinese air force that was far behind other nations in terms of technology and capabilities. In the 1980s, Western powers saw Chinese air strength as a possible counterbalance to Soviet dominance

\textsuperscript{18} Boyd, \textit{Advanced Technology Acquisition Strategies}, 16.
of the airspace in the region and provided technical aid to the PLAAF.\textsuperscript{19} However, the 1989 Tiananmen Incident severed this beneficial relationship and left the PLAAF once again struggling to keep up with technological development.

The push for PLA modernization that began in the 1990s resulted in a new focus on improvement of the PLAAF’s inventory and capabilities, as well as focus on developing the domestic aviation industry. The Chinese aviation industry, both civilian and military, is made up of many production and development entities of various sizes, focusing on discrete mechanical parts and mission sets. However, these smaller entities are all part of one larger state-owned conglomerate corporation, the China Aviation Industry Corporation (AVIC). This industry structure results in very little competition as there is no strategic interest in directly competing with another component entity.

Due to the challenges facing general technology innovation, as previously discussed, as well as a consolidation of production ownership within the aviation industry, the majority of Chinese military aircraft is heavily replicative of foreign developed technologies. Many domestically produced military aircraft harken back to 1950s Soviet style aircraft.\textsuperscript{20} They fail to provide many of the sophisticated operational and tactical capabilities necessary to keep up with the military aircraft being produced in other countries and the demands of modern warfare. The Chengdu J-10, a mainstay in the PLAAF’s fighter aircraft inventory, is highly reminiscent of aircraft developed and produced in foreign countries, the Israeli Lavi and Eurofighter Typhoon.\textsuperscript{21} While the practice of slightly modifying internationally developed aircraft is extremely common within the Chinese military aviation industry, other Chinese produced aircraft are directly modeled after foreign aircraft. The Xian H6, the PLA’s primary bomber aircraft, is a Chinese version of a 1950s Soviet bomber, the Tupolev Tu-16. The PLAAF’s transport aircraft, essential for cargo and troop transport as well as refueling, are foreign


\textsuperscript{21} Medeiros, A New Direction for China’s Defense Industry, 162.
purchased and many are decades old.\textsuperscript{22}

However, the PLAAF has managed to rapidly advance in its capabilities by pouring resources into the domestic aviation industry and partnering with other nations in development projects. As the reliance of the PLAAF on foreign developed technology and innovation decreases and PLAAF capabilities continue to move towards matching those of the international community, the PLAAF is able to take on an expanded role within the PLA, both in a support capacity as well as independently. In recent years, China has begun to play a larger role in the international security environment. The nation strives not only to protect its territorial integrity and regional interests but also to increase its influence and reach beyond its borders. A strong and capable air force is an essential part of these foreign policy objectives. Expanded use of the PLAAF will be necessary to maintain and transport Chinese forces and assets throughout the world. This role would become especially important should the PLA engage in conflict away from the region immediately surrounding China. Additionally, the types of conflicts in which China might engage abroad would require increased focus on naval and air assets rather than purely ground forces. China’s evolving international relations and military posture will call for greater use of the PLAAF. Should the Chinese aviation industry continue to modernize and develop, the PLAAF will have a relatively modern fleet capable of assuming a larger role within the PLA and meeting the demands of this new posture.

**Case Study: The PLAN and Aircraft Carrier Development**

Aircraft carriers represent the ability of a nation to exert influence in regions beyond their own immediate surroundings. Carriers provide floating outposts of sorts for personnel, aircraft, and other equipment. They also serve as centers of communication, intelligence, and strategy. Such detachments are helpful in expanding one’s political and military spheres of influence. China has yet to indigenously produce or develop an aircraft carrier, an important piece of technology for increasing global military presence. However, it has taken steps in order to obtain a carrier and develop one in the near future. China’s first aircraft carrier, the CV-16 Liaoning, was commissioned in 2012. This carrier is a Soviet-developed Varyag carrier. The ship was first built in 1988 and

\textsuperscript{22} Medeiros, *A New Direction for China’s Defense Industry*, 166.
landed in Chinese hands in 1998. The PLAN (People Liberation Army Navy) refurbished and upgraded the carrier. While the Liaoning meets the immediate needs of the PLAN, China’s inability to domestically produce a carrier could eventually hinder the PLAN’s capabilities. It remains to be seen whether the PLAN will be able to repair the Liaoning after mechanical issues took the carrier out of commission. Chinese inexperience in dealing with carrier development and mechanics may mean foreign help will be necessary in order to get the Liaoning to full working order. In the meantime, the PLAN is working to develop the first domestically produced aircraft carrier. The U.S. Department of Defense predicts that this carrier will be complete sometime early next decade.

The case of the PLAN’s aircraft carrier acquisition can be viewed as indicative of larger Chinese military acquisition patterns and activity. The PLA continues to pursue a policy of modernization. However, without a defense industrial base capable of producing certain technologies, in this case an aircraft carrier, the PLA is reliant on foreign trade. This can result in outdated technologies and issues with maintaining, upgrading, and repairing technologies. The pursuit of an aircraft carrier is also representative of Chinese investment in non-ground force investments. The PLA has made substantial progress in development and acquisition of these equipment types that are essential for expanding influence internationally.

**Implications for Chinese International Relations**

With the current focus on development of the Chinese domestic defense industry in the form of privatization and subsidiary growth, it is important to understand the possible future constraints and capabilities that may result. The Chinese military has been historically structured in such a way that it is capable of fighting short duration, high intensity, regional conflicts. Its technological capabilities and holdings reflect this strategy and posture. In this military posture, China need only match the capabilities of other regional powers rather than attempt to match the military power of nations like the United States. Geographic

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23. *Annual Report to Congress*, 68.
nearness of possible conflicts and the region over which China seeks to exert its influence limits demands on the supply and transit as well as aircraft capabilities. This regional posture led the PLA to become a force focused on the development of ground forces and short range naval and aircraft assets capable of handling continental conflicts and border disputes.

Many have argued that China is beginning to pursue a more international, rather than regional, power role. Rather than being primarily concerned with territorial integrity and unfriendly neighbors, China seems to be more actively concerning itself with international disputes and conflicts. If China continues to move in this direction, stationing more of its military further from the mainland and engaging in conflict outside of the Asia-Pacific region, its force structure will be forced to adapt to provide the capabilities necessary for such a shift. Increased focus on more reaching capabilities, such as those of the PLAN and PLAAF, will be necessary to support this expanded engagement approach. However, this shift will be constrained by the PLA’s ability to acquire the equipment necessary to sustain these new operations. An increased focus on long range capabilities requires not only a different set of tactical capabilities but also additional resources directed towards supply chain support and transport.

However, China’s recent improvements in the PLAAF fleet as well as aircraft carrier acquisition provide for this shift. These force developments also allow increased communications, surveillance, transport, and supply chain capabilities as well as the ability to establish remote outposts of military power and influence. Ground and air assets can be more quickly deployed to conflicts abroad. Involvement in these conflicts can be more easily and effectively sustained and supported. The increased trans-regional mobility of the modern PLA allows it to expand its reach beyond the East Asian region where it has been primarily concentrated in the past. Combined with continuously advancing tactical capabilities, this expanded reach means the PLA represents a formidable international military threat, power, and influence.

In addition to the ability to support potential military engagement, the PLA’s modernization allows it to continue to pursue a policy of “peaceful rise” (or “peaceful development). China intends to rise in

global prominence in terms of economic, political, and military power but aims to do so peacefully.\textsuperscript{29} For the first time, China’s military technologies and capabilities rival those of the United States and other traditional major powers. This newfound military power gives China increased soft and political power as it is recognized as a major player in shaping the international security environment. The United States, among others, has acknowledged China’s increasing military strength and importance and adjusted its own military posture in response, as well as increased focus on relations with China and other nations in the Asia-Pacific region.\textsuperscript{30} With the ability to become meaningfully involved in international conflicts, China represents an important potential ally or enemy. Additionally, China now has increased coercion and deterrence capabilities, allowing them to more easily pursue their own policy goals in the region as well as in a broader international context. The increase in Chinese military power and prestige is expediting China’s rise on the international stage.

\textbf{Conclusion}

As Chinese domestic politics and international relations continue to evolve, it is extremely important to understand their implications for defense acquisition and force capabilities. In the past, China’s communist history, divisive foreign and domestic policy, and socialist economic vestiges have constrained domestic defense industry as well as international defense trade. Acquisition processes have failed to provide the PLA with technical capabilities efficiently and competitively. This has limited the ability of the PLA to pursue Chinese interests fully, as capability gaps and important defense trade relationships have stood in the way. However, with increasing privatization and defense industry development, the future of domestic production capabilities looks stronger than ever. China stands to be able to support the PLA, and thereby it policy and security objectives, from its own industrial base in the future. Improved military capabilities and overall strength will allow China to pursue its “peaceful rise”, becoming an increasingly important international power.


\textsuperscript{30} Nathan and Scobell, \textit{China’s Search for Security}, 220.