JLP

Journal of Law and Politics

VOLUME 6 | ISSUE 2

ISSN: 2671-3438

BALKAN JOURNALS



JOURNAL OF LAW AND POLITICS

VOLUME 6 | ISSUE 2

e-ISSN: 2671-3438



Journal of Law and Politics

Volume 6 - Issue 2 | October 2025

Address of the Editorial Office:
Makedonsko - Kosovska Brigada Str. 1000, Skopje, Republic of North Macedonia

jlp.ibupress.com

Published by Balkan University Press

Editor in Chief

Prof. Dr. Kire Sharlamanov
Faculty of Law, International Balkan University, NORTH MACEDONIA

Editorial Secretariat

Asst. MSc. Omer Cem Ulutaş
Faculty of Law, International Balkan University, NORTH MACEDONIA

Editorial Board

Prof. Dr. Milan Jazbec
University of Ljubljana, SLOVENIA

Assoc. Prof. Dr. Novak Krstic
Faculty of Law, University of Nis, SERBIA

Asst. Prof. Marzena Żakowska
Faculty of National Security, War Studies University, POLAND

Dr. Naum Trajanovski
Faculty of Sociology, University of Warsaw, POLAND

Prof. Dr. Aleksandar Jovanovski
Faculty of Law in Kichevo, "St. Kliment Ohridski" University - Bitola, NORTH MACEDONIA

Prof. Dr. Bejtulla Demiri
Faculty of Law, International Balkan University, NORTH MACEDONIA

Assoc. Prof. Dr. Natalija Shikova
Faculty of Law, International Balkan University, NORTH MACEDONIA

Assoc. Prof. Dr. Nikola Dacev
Faculty of Law, International Balkan University, NORTH MACEDONIA

Open access, peer-reviewed, bi-annual academic journal | e-ISSN: 2671-3438 | ISSN print: 2671-342X

Content

Quebecstioning Identity: An Exploration of the Quebec Question 1
Abigail Brown and Marta Rodríguez-Ramiro

AI as an Early Warning System: A Framework for NGOs to Predict Failures in Environmental Policy Implementation 21
Blagoja Naumoski Guli

Dictatorial Peace: Constraints on Autocrats Waging Wars 33
Mare Ushkovska

The Symbiotic Relationship Between Media And Terrorism 45
Flamur Ismaili

Legal Violence in Postcolonial South Asia: Typologies of Exclusion and the Politics of Citizenship Law 65
Md. Tarik Morshed

Victims of Violent Extremism 81
Shkelqim Veseli and Besa Arifi

Mental Health, Poverty, Risks, and Equality for Incarcerated Girls (Ages 14–17) in North Macedonia and Italy 93
Natasa Dimeska and Marjan Dabeski

The Essence of the EU's Strategic Partnerships: Relations Between the EU and the USA After The Implementation of the Lisbon Treaty 109
Daniela Bochvarska

The Factual and Normative Dimensions of Equality 121
Jasper Doomen

JLP JOURNAL OF LAW AND POLITICS

Quebecstioning Identity: An Exploration of the Quebec Question

Abigail Brown and Marta Rodríguez-Ramiro

DOI: https://doi.org//10.69648/KZJB5467

Journal of Law and Politics (JLP), 2025; 6(2), 1-20.

jlp.ibupress.com

Online ISSN: 2671-3438

Application: 20.09.2025

Revision: 01.10.2025

Acceptance: 25.10.2025

Publication: 30.10.2025

Brown, A., & Rodríguez-Ramiro, M. (2025). Quebecstioning identity: An exploration of the Quebec question. Journal of Law and Politics, 6(2), 1-20. https://doi.org//10.69648/KZJB5467

Abigail Brown and Marta Rodríguez-Ramiro

IE University Madrid, Spain, https://orcid.org/0009-0009-3447-4750

Zabala Innovation Europe, https://orcid.org/0000-0002-6128-3126

We declare no conflicts of interest.

Correspondence concerning this article should be addressed to Marta Rodriguez-Ramiro

Email: marta.rodriguez.ramiro@gmail.com

Abstract

The status of Quebec has been debated before its inception as a province. It has long sought greater autonomy within Canada, leading to ongoing debates about nationalism, federalism, and potential sovereignty. The Quebec question remains a central issue in Canadian politics, reflecting the province's unique cultural, linguistic, and historical identity. This paper uses a mixed methodology to explore the historical background of the Quebec question and the current leanings of domestic and foreign actors to understand the scope of the situation. Two referendums on independence resulted in narrow defeats for sovereignty, but the desire for recognition as a distinct society persists. The province continues to assert its autonomy through increased international engagement and economic self-sufficiency. However, the economic and political consequences of secession pose significant challenges. While tensions have eased in recent years, debates about Quebec's place in Canada remain relevant. Differing views on multiculturalism and federalism between Quebec and the rest of Canada complicate efforts to resolve the issue. This article concludes that despite the ongoing tension and debate, Quebec will remain a part of Canada. Moving forward, a complete resolution to the Quebec question will require continued dialogue, compromise, and respect for the province's identity within the broader Canadian framework.

Keywords: Identity, sovereignty, independence, Québécois, Canada

Introduction

Quebec is the largest Canadian province by area and the second largest by population; its cultural heritage and background are reflected in its official language: French. According to the 2021 census, 96% of its population uses French as their first language, and in 93% of households, French is the most spoken language (Statistics Canada, 2023). Also, although Protestantism is the main religion in Canada, with 30% of the overall population identifying as Protestant, more than half of the population in Quebec identifies as Catholic. Quebec's distinct identity, culture, and history have made it a key player in Canada's political and cultural landscape.

The ongoing political and social debate surrounding its status within Canada is known as the Quebec question. Since the country's founding in 1867, the province has asserted its right to autonomy and self-determination, creating a complex and sometimes contentious relationship with the rest of Canada. The conflict is characterized as civic and nationalist-secessionist, linked to identity markers such as religion and language. In exploration of the Quebec question, this paper examines the historical background and recent events, the role of the main actors involved, ongoing implications, and possible future scenarios for Quebec and Canada as a whole.

Discussion

Historical Background, Causes, and Development

During the Seven Years' War, France and Great Britain fought for control of North America. Following France's cession of Canada in 1763, Britain, concerned with unrest in its southern colonies, allowed the new territory's residents to retain their religion to discourage rebellion (Library of Congress, n.d.). This policy ensured the survival of the French language and Catholicism, particularly in Lower Canada (now Quebec), and was formalized in the Quebec Act of 1774.

During the nineteenth century, numerous British immigrants arrived in Canada (Linteau et al., 1983). French Canadians feared immigrants would make them a minority within their country, and, as a precautionary measure, ensured that the British would "recognize their right of a leading role in the colony's political institutions" (p. 18). However, their fears were realized following the 1837 Rebellion, when Lord Durham recommended the unification of Upper and Lower Canada. Upper Canada was Protestant-majority and English-speaking; after the unification,

Lower Canadians, who were predominantly French-speaking Catholics, would become the minority.

In 1867, the Canadian Confederation was formed from the union of the British colonies of New Brunswick and Nova Scotia, and the Province of Canada, which included present-day Ontario and Québec (Canadian Encyclopedia, 2017). The first census, conducted in 1871, indicated that 31.1% of the Canadian population identified as having French origins, 85.5% of which lived in Quebec (Linteau et al., 1983). Over the next few decades, the Canadian Confederation expanded to the boundaries of today's Canada. With each new alternation, the area of Quebec changed.

Immigration of non-French-speaking individuals and the emigration of the French-speaking population toward the United States (U.S.) exacerbated concerns over the dwindling French-Canadian majority (Linteau et al., 1983). In order to remedy the latter, the government implemented programs to attract immigrants to the country; Quebec, however, did not embrace this scheme, as it desired only French-speaking immigrants. In this context, we can see the beginnings of French nationalism in Quebec.

It could be argued that the French-speaking population in Quebec was right in their fear of losing their language. For example, in 1890, protections for French speakers were abolished as the number of French-speaking Canadians fell (Linteau et al., 1983). At the turn of the twentieth century, English was widespread throughout Canada, and Quebec was no exception. It was becoming more industrialized as the Québécois left rural areas and began working for large firms, which were almost exclusively run by English speakers (Rudin, 1997). The division between francophones and anglophones grew, based on language and religious differences, along with economic grievances.

As the French language continued to fall from prominence, nationalist groups emerged and pushed for three main objectives: "respect for the language rights of French-speaking minorities, implementation of bilingualism at the federal level, and a fair representation of French Canadians in the federal civil service, and making Quebec French again" (Linteau et al., 1983, p. 54).

For the purposes of this study, this last point is the most important: "making Quebec French again". This aim implies a strong sense of nationalistic pride and identity, which in the minds of the Québécois was linked to the French language. These goals show a strong desire to protect the language from people they believed were threatening a part of their identity.

Quebec also faced economic pressure. French-speaking people were still the majority but economically inferior to anglophones (Rudin, 1997). This, along with the growing importance of English, led to a growing nationalist sentiment.

In 1910, the people of Quebec reclaimed their linguistic identity through *la loi Lavergne*, which required utility companies to offer their services in both English and French (Linteau et al., 1983, p. 54).

Following the end of World War II, the Québécois saw increased economic prosperity (Marvin, 2010), but it was not enjoyed by all, and just like before, there was economic inequality between French- and English-speaking Canadians.

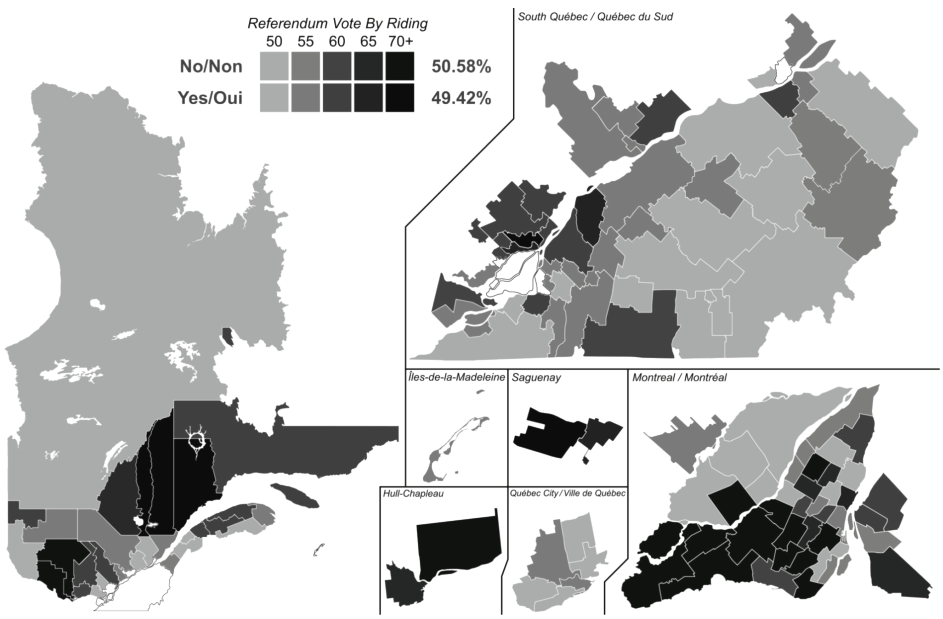
In 1950, large amounts of money were invested in the education system with the hopes of assisting French speakers and closing the economic gap (Rudin, 1997). Despite the flood of resources, the Catholic Church remained in control of most French schools, which were often accessible only to the wealthiest (Marvin, 2010).

It was not until the 1960s, through the Quiet Revolution, that things started to change for francophones (Cuccioletta & Lubin, 2011). After the victory of the Parti liberal du Québec (PLQ), Quebec's new Premier Jean Lesage began to make sweeping changes. French education was separated from the Catholic Church, allowing for more educational equity and a greater chance of social mobility (Marvin, 2010). Other measures included the creation of the Office québécois de la langue française in 1961 and the officialization of French in Quebec in 1977 (Library of Congress, n.d.). The conflict between English and French was finally over; French had won.

At the same time, Quebec began to pull away from the federal government (Marvin, 2010). Despite advancements for the sovereignty of Quebec, staunch nationalists did not view this progress as enough. A sovereignty referendum was held in 1980, in which the "No" side won with 60% of the vote (Weiss, 1998). The 1995 referendum produced a similar outcome, though by a much narrower margin: 51% opposed sovereignty. Support for independence was strongest among francophones and young, educated individuals born during or after the Quiet Revolution (Duchesne et al., 2003). Industry workers and members of the elite were also more likely to favor separation (Loh, 1975). Figure 1 presents a spatial breakdown of the votes cast during the second referendum. The territories further north showed a stronger support for independence, while those to the south mostly voted against secession.

Figure 1:

Map of the 1995 Québec referendum by ridings



Note. Adapted from "Quebec referendum, 1995 – Results By Riding" by DrRandomFactor, 2017, Wikimedia Commons (https://commons.wikimedia.org/wiki/File:Quebec_referendum,_1995_-_Results_By_Riding.svg).

During the referendum campaigns, a key strategy involved downplaying outright independence in favor of a more ambiguous concept of sovereignty to appeal to a broader segment of voters (Rocher, 2014). The wording of the 1995 referendum question reflected this approach, remaining vague and suggesting that Quebec would retain economic and political ties with Canada even after achieving sovereignty (Rocher, 2002).

Main Actors

In the conflict over independence, two main groups of actors emerge: the sovereignists, who support it, and the federalists, who oppose it.

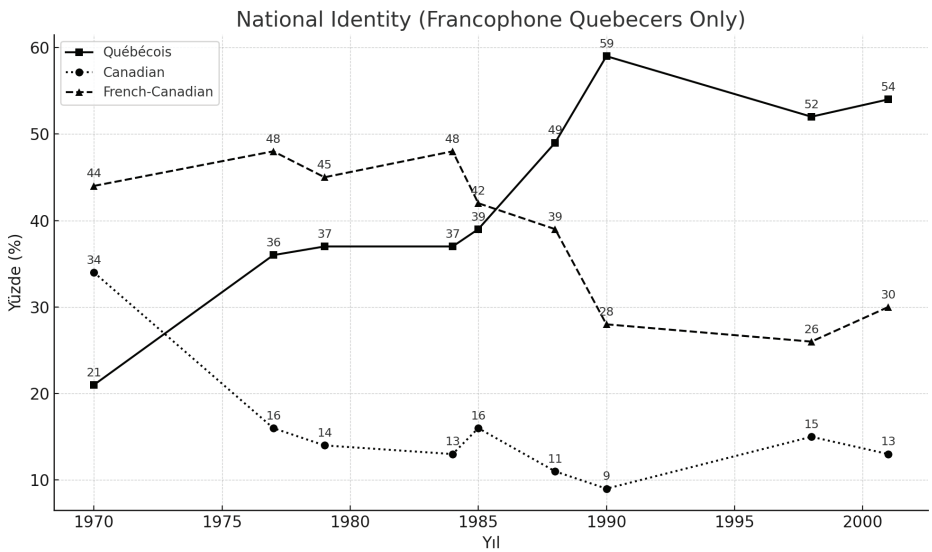
Sovereignists

Besides the French language, the identity of French Canadians was tied to Roman Catholicism, in contrast with Protestantism, observed by the English-speaking population, linking national and religious identities.

However, during the Quiet Revolution, the Catholic Church lost social support and followers due to Premier Lesage's reforms, which ushered Quebec into a golden era of secularization and modernization. The province moved away from messianism, agriculturalism, and traditional nationalism, embracing statism, industrialism, and a more modern sense of nationalism (Létourneau & Moors, 1989).

Modernization had an unintended consequence: ethnic nationalism shifted into a more civic and territorial form of nationalism (Keating, 1996), as shown in Figure 2.

Figure 2



Question: Would you define yourself as a Canadian, French Canadian, Quebecer, or a Canadian of another origin?

Source: Maurice Pinard, (1997). Un Combat Inachevé, chap. 4; CRIC/CROP: 1998, 2001. Note: Reported percentages are averages of two polls in the following years: 1977, 1979, 1984.

Note. Evolution of self-identification among the Québécois (Mendelsohn, 2002)

The overarching objective of sovereignists is Quebec's independence from the rest of Canada to preserve their language, culture, and religion (Weiss, 1998), as well as to provide "an opportunity for [the] political, economic and social regeneration for the 'French-Canadian people'" (Rocher, 2014, pp. 26-27).

Political Parties

The Parti québécois (PQ) rose to power in 1976 with the goal of independence, backed by young, well-educated members of the middle and upper-middle classes (Clarke, 1983). Currently, it also receives considerable support from semi- and unskilled workers and unemployed people. The failure of the 1980 referendum led to the political demise of the PQ, but it returned to power in 1994 and organized a second referendum.

The Bloc québécois was formed in 1991 to promote sovereignty on the national stage. It became the main source of opposition in Ottawa after the 1993 federal election, achieving 49% of the vote in Quebec (Bélanger, 2004). The economic recession, together with pre-existing grievances about Quebec's political alienation from the rest of Canada, was one of the major factors behind its success. Today, the Bloc's electorate closely resembles that of its provincial counterpart, the PQ, though it is less popular among the bourgeoisie and draws some support from rural voters. Additionally, the LGBTQ+ community forms a significant part of its electoral base (Perrella et al., 2012).

Coalition Avenir Quebec (CAQ) was created in 2011 as an alternative to both the PLQ and the PQ, from which it emerged. The right-wing populist party, which came to power for the first time in 2018 and has ruled the province ever since, opposes anglophone immigration. Its ideology reflects a pragmatic conservative nationalism that "attempts to coalesce sovereignists and federalists" by attempting to restore a sense of Québécois pride (Nahmias, 2020, p. 1). The party appeals to the francophone middle class that lives in the suburbs.

Québec solidaire (QS) is a left-wing party that advocates social justice and ecological issues. It was born in 2006 as a citizen movement formed by environmentalists, feminists, and members of trade unions in response to political disaffection after the failure of the 1995 referendum (Pelletier, 2012). The party aimed "to renew how politics was done: its internal operations [...]; the place of women [...]" and stressed "the importance of consensus in the decision-making process [...] [and] collective leadership" (Dufour, 2008, p. 75).

Its voter base is younger, more well-educated and more nationalist than that of the other sovereignist parties (Pelletier, 2012). QS emerged as a fresh, progressive alternative to separatist parties during a time of political upheaval and managed to attract the disenfranchised youth.

Table 1 shows the percentage of votes obtained by each party since 1960.

Table 1

Election	PLQ	Union nationale	PQ	CAQ	QS
1960	**51.4%**	46.6%			
1962	**56.4%**	42.2%			
1966	47.3%	**40.8%**			
1970	**45.4%**	19.6%	23.1%		
1973	**54.7%**	4.9%	30.2%		
1976	33.8%	18.2%	**41.4%**		
1981	46.1%	4%	**49.2%**		
1985	**56%**	0.2%	38.7%		
1989	**49.9%**		40.2%		
1994	44.7%		**44.4%**	6.5%	
1998	43.5%		**42.9%**	11.8%	
2003	**45.9%**		33.2%	18.1%	
2007	**33.1%**		28.4%	30.8%	3.6%
2008	**42.1%**		35.2%	16.4%	3.8%
2012	31.2%		31.9%	27%	6%
2014	**41.5%**		25.3%	23%	7.6%
2018	24.82%		17.06%	**37.42%**	16.1%
2022	14.37%		14.61%	**40.98%**	15.43%

Note. Vote shares of political parties since 1960. Own elaboration, data from Assamblée nationale du Québec (2009)

Civil Society

Most francophone journalists supported independence, which affected their coverage of politics. During the 1966 election, the PQ's precursor received exclusively

positive coverage, while the Liberal Party faced heavy criticism. After the PQ's victory in 1976, some former journalists who had taken prominent positions within the party faced a dilemma: balancing journalistic objectivity with their political sympathies (Hazel, 2001). They opted for a form of sympathetic journalism, continuing to criticize the government but with restraint, and practiced cautious objectivity by reporting statements from both sovereignists and federalists without verifying their accuracy.

Student activism emerged during the Quiet Revolution, driven by the realization that "without changes in the fundamental structure of Canadian and Quebec societies, French-speaking Quebecers would always suffer from the limitations of their minority status", especially as English-speaking workers in Quebec earned 40% more (LeBlanc, 1971, p. 27). Initially, students overwhelmingly supported the PQ but soon grew disillusioned with its electoral outcomes and shifted their support to the Front de libération du Québec (FLQ).

The most significant civil actor was the Front de libération du Québec (FLQ), a terrorist organization active from 1963 to 1973. Founded with the goal of dividing English and French interests and establishing a sovereign Quebec, the FLQ operated in decentralized cells of five to seven members, often formed by groups of friends united by the common ideal of independence (Crelinsten, 2001). These cells targeted symbols of English dominance, such as statues of anglophone historical figures and English-language radio stations, and their actions culminated in the infamous 1970 kidnappings known as the October Crisis (Marvin, 2010). In October of that year, one cell abducted British diplomat James Cross and Quebec Labor Minister Pierre Laporte, the latter of whom was killed a week later (Weiss, 1998). By 1971, all cells had been infiltrated by police, effectively bringing the organization to an end. Due to its disorganized structure, the FLQ's ideology and rhetoric evolved over time. Its first manifesto "was addressed to 'patriots', the enemy was 'Anglo-Saxon colonialism' and the solution was 'national independence'" (Crelinsten, 2001, p. 60). By 1970, however, the group's rhetoric had shifted to a Marxist tone, appealing to "the 'workers of Quebec', the enemies were the 'big bosses', finance companies, banks, and the solution was a made-in-Quebec revolution". Another key element of the FLQ's ideology was its rejection of Catholic morality, which it saw as glorifying passivity and serving as both a root cause and a symptom of Québécois colonial oppression (Ciufo, 2012).

During the October Crisis, the FLQ initially received a wave of public sympathy and even support from some civil organizations. The Parti Québécois, for instance,

advocated for a negotiated resolution to the kidnappings (Crelinsten, 2001). However, public opinion swiftly shifted after the murder of Pierre Laporte, leading most to rally behind the government. The group's internal disorganization ultimately hastened its collapse: the cell responsible for Laporte's abduction had little food, no funding, and chose Laporte largely because he lived nearby.

Federalists

Federalists advocate for a united Canada. As Laforest (2010) argues, "the only way for English-speaking Canadians to express their national identity is to undermine the provincial autonomy that has made it possible for Quebecers to express their national identity" (p. 16). From this perspective, Québécois nationalism is seen as a threat not only to Canada's federalist framework but also to the national identity of anglophones. Federalists uphold the rule of law and Canada's territorial integrity, asserting that federalism is not a zero-sum game—Canada does not benefit when Quebec loses, nor does Quebec gain by weakening the federal structure (Laforest, 2010). Instead, they view federalism as a system designed to balance competing interests, reconciling pan-Canadian priorities with provincial autonomy (Taucar, 2004).

They argue that federalism requires a careful balance between autonomy, solidarity, and interdependence, viewing it as "a particular way of sharing political power among different peoples within a state" (Balthazar, 1995, p. 44). They contend that recognizing Quebec as a distinct society challenges the principle of provincial equality (Laforest, 2010, pp. 30–31).

As support for sovereignty grew in the lead-up to the 1995 referendum, federalist forces, led primarily by the PLQ and the Union nationale, began proposing alternatives to independence. These included decentralizing power, increasing agreements on immigration, and enhancing workforce training (Gagnon & Lachapelle, 1996). Federalists also endorsed a neoliberal agenda supported by business leaders and high-income earners (LeDuc, 1977).

Anglophone Canadians

Anglophones generally support a united Canada, believing that most Canadians share core liberal democratic values and fundamental principles (Carens, 1995). They tend to feel stronger attachment to the nation than to individual provinces—a contrast to francophones, who often prioritize provincial identity (LeDuc, 1977). In the event of Quebec's independence, Anglo-Canadians foresee three

possibilities: emigrating from the province, remaining as a minority, or staying and adopting a Québécois identity. They also argue that the Quebec government cannot realistically implement the sovereignty-association model proposed in the first referendum, as it lacks the authority to guarantee a formal association with the rest of Canada after independence.

Anglophone Québécois have also asserted their place by invoking their long-standing presence in Quebec, which they argue grants them historically legitimized rights—challenging the sovereignist narrative of Quebec as a unified, homogeneous nation (Penrose, 1994). Fearing that Quebec's potential independence would render them a marginalized group, anglophones often portray separatists as political fanatics, equate separatism with leftist ideology, and allege that the movement has received support from foreign actors such as France and, historically, the Soviet Union (Weiss, 1998).

Government of Canada

The Canadian government's primary objective has been to suppress separatism and prevent Quebec's independence. In the 1960s, it demonstrated a willingness to negotiate with Quebec's Liberal government, making concessions such as allowing the province to develop its own social welfare programs (Pious, 1973). However, during the October Crisis the Liberal provincial premier refused to negotiate with the FLQ and instead requested federal intervention. In response, the government invoked the War Measures Act, suspending civil liberties across the entire country (Pious, 1973).

In the lead-up to the 1980 referendum, Liberal Prime Minister Pierre Trudeau promised constitutional reform, which was eventually enacted in 1982 despite the PQ's refusal to sign it (Foot, 2016). The Meech Lake Accord later sought to persuade the Québécois government to endorse the constitutional changes by offering five key conditions, including the recognition of Quebec as a "distinct society" and increased control over immigration (Watts, 1996). However, the Accord ultimately failed when it was not ratified by all provincial governments.

After the second referendum, Jean Chrétien's Liberal government adopted a two-pronged strategy to address sovereignist aspirations. Plan A involved conciliatory measures, such as recognizing Quebec as a distinct society (Foot, 2016). Plan B focused on the legality of Quebec's unilateral secession, with a 1998 Supreme Court ruling declaring it unconstitutional without a clear majority. The 2000 Clarity Act further defined a clear majority as 50% plus one. Together, these strategies aimed to strengthen federal authority while accommodating some of Quebec's demands.

However, neither has succeeded and, in some cases, they have backfired. As Watts (1996, p. 367) explains, "the essence of any federal system involves the combination of both the recognition and accommodation of regional distinctiveness and sufficient federal powers and emphasis on shared values [...] to hold together distinct groups within the federation."

International Actors

Although Quebec separatism is primarily a national issue, some international actors have played influential roles. France, due to its shared history and cultural ties, has been particularly supportive of Quebec's participation in international events and agreements (Smiley, 1978). When Premier Lévesque visited France in 1977, he was honored with distinctions typically reserved for foreign heads of state. France's interest in Quebec stemmed from concerns about growing U.S. cultural influence, leading it to adopt the "two nations" thesis, which frames Canada as a dual country—an anglophone nation centered in Ottawa and a francophone one based in Quebec City (Meren, 2012). The Québécois have embraced this perspective, often referring to the French as "a brother people" (Meren, 2012, p. 90). Consequently, Quebec has developed cooperative policies with other French-speaking countries and holds membership in the Francophonie.

Due to its geographical proximity, the U.S. has also played a role, though a relatively minimal one. Historically, it has supported Canadian federalism out of concern for how Quebec's independence might impact its economic interests, despite reassurances from the PQ on this front (Smiley, 1978). However, the role of the U.S. could intensify under Donald Trump's second term presidency, as he has notably suggested that Canada should become the 51st state (Froman, 2025). The Trump administration's imposition of new tariffs and related threats poses serious risks to the Canadian economy, potentially exacerbating internal divisions and providing Quebec with an opportunity to advance its sovereignty agenda.

Consequences and Future Scenarios

Consequences

The Quebec separatist movement is notable among separatist struggles for its predominantly peaceful nature (Geloso & Grier, 2022). While the FLQ resorted to violence during the October Crisis, their actions ultimately led to a loss of public support. The peaceful faction, led by former Premier Lévesque and represented by

the PQ, seized this moment to distance itself from violence, publicly condemning the FLQ as terrorists. In recent decades, the Québécois question has cooled due to factors such as the narrow defeat in the 1995 referendum, the 1998 Supreme Court ruling, and the 2000 Clarity Act. These developments, particularly the requirement for a clear referendum question presenting a binary choice between secession and the status quo, as well as the necessity of a clear majority, have tempered pro-independence enthusiasm (Miranda, 2013).

Despite the decline, the PQ managed to hold onto power until 2003, when it was succeeded by the PLQ (Miranda, 2013). Only in 2012 was the PQ able to regain leadership and form a minority government. Its proposals included creating Quebec citizenship and transferring powers over employment insurance, copyright policy, and foreign assistance to the Quebec government. However, the possibility of another independence referendum was not addressed.

The global economic crisis also contributed to diminished focus on Quebec's secession. Economic growth in Canada has shifted from the east and center to the western provinces (Miranda, 2013). Alberta, with one of the world's largest oil reserves, and British Columbia, notable for its significant trade ties with China, have gained increased importance. This shift has made Western provinces more skeptical of the secession debate, viewing it as a pretext to favor Quebec, which is less interested in welcoming non-Francophone immigrants. Both referendums had significant economic consequences, prompting companies and banks to relocate their headquarters to Toronto. Moreover, Quebec's economic growth has lagged behind the Canadian average, with its share of the country's GDP declining from 20.5% in 1981 to 18.5% in 2006 (EP, 2017). Emigration has been a significant factor, making Quebec the only Canadian province to experience population loss. Reports indicate that the federal government spends four billion dollars more in Quebec than the province generates in revenue (Miranda, 2013), reinforcing perceptions of preferential treatment and potentially fueling a "let them go" attitude among some Canadians. Many Québécois recognize that, while an independent Quebec could be economically viable, its growth would likely lag behind that of Canada, a major economic power with a high quality of life. Economic assets would probably continue migrating westward, and the new state would lose access to resources currently provided by Ottawa.

The role of the U.S. warrants consideration, especially as its stance toward Canada is evolving. Some scholars predict that if Quebec were to gain independence, certain Canadian provinces might join the U.S., leaving Quebec as a standalone entity in North America. Until recently, the U.S. has emphasized the importance

of Canadian unity, including Quebec (Miranda, 2013). However, as noted earlier, President Trump has repeatedly suggested that Canada should become the 51st state (Weissert, 2025). This raises questions about whether the current administration might support Quebec's independence as a means to weaken Canada and facilitate its eventual absorption by the U.S.

Another factor contributing to the cooling of the separatist issue is the clear stance of Quebec's Indigenous peoples, the vast majority of whom favor remaining in Canada or oppose an independent Quebec. Although Quebec authorities do not officially recognize the possibility of "secession within secession," it is clear that this issue would need to be addressed in any future independence scenario (Miranda, 2013).

In short, the current situation is a stalemate. Independence appears to be a remote possibility, owing to Canadian federalism's capacity to adapt itself to nationalist circumstances, which has enabled it to maintain confederation unity. It is highly probable that what political scientists refer to as the "Québécois paradox" remains on the mind of the Quebec government. History shows that when the PQ is in opposition, its electoral prospects increase. However, once in power and after attempts to push forward the sovereignty process fail, its level of support decreases significantly (Miranda, 2013). This is because most Québécois support their distinct identity while still rejecting secession from Canada.

Future Scenarios

In the event of Quebec's independence, tension could arise along the eastern border of the province, which separates Quebec from Newfoundland and Labrador, as shown in Figure 3. Despite being the longest interprovincial boundary, it has never been formally recognized or demarcated by the Quebec government. Quebec's claims to independence would make it a non-defined international border (Jacobs, 2012).

Although there are no immediate plans for a new referendum, the Quebec government has significantly increased its level of engagement in international relations, surpassing what is typical for a province. The number of Québécois delegations abroad is comparable to that of a medium-sized country's foreign service (Aguirre & Iván, 2018). The advancement of Quebec's international profile could be seen as preparation for independence. However, a new referendum has not occurred in almost 30 years, and support for complete separation seems to be waning.

Figure 3:

Map of the border dispute between Quebec and Newfoundland (Burgess, 2012)



The federal government has been unable to find a solution that meets the desired constitutional recognition of Quebec as a "distinct society" or acknowledges its special character. The lack of resolution partly stems from the different perspectives on the role of federalism held by the Québécois and the rest of the Canadians (Aguirre & Iván, 2018).

One could argue that the federal government and the predominantly Anglo-Saxon provinces favor multiculturalism, that is, recognizing the contributions of all cultures to modern Canada without explicitly defining a singular Canadian nationality (Winter, 2007). Additionally, the Anglo-Saxon majority views federalism as a framework ensuring equality among provinces. Since Quebec is one of ten

provinces, granting it special recognition risks undermining interprovincial legal equality and potentially destabilizing national politics (Aguirre & Iván, 2018).

The Québécois had the chance to express their opinion regarding statehood, and 51% of them decided not to secede. However, it is possible that the underlying reason is that at least half identify with the national project: a developed country with a good quality of life and a reputation for promoting world peace (Aguirre & Iván, 2018). In our view, it is unlikely that another referendum will occur soon and, if one were to take place, we strongly believe that Quebec would choose to remain part of Canada. Save for a dramatic change, like the rise of an anti-French or anti-Quebec federal party, the push for secession will remain part of the discourse but will not achieve the necessary support for a referendum vote to pass.

As mentioned above, the economic consequences of independence could be challenging, as Quebec would likely experience slower growth compared to Canada. This could result in a lower standard of living for the Québécois than they currently enjoy. Nevertheless, Quebec has the potential to function as a sovereign state, thanks to its abundant natural resources, developed industrial base, advanced technology, and highly educated population. Moreover, Quebec's longstanding commitment to democracy and human rights would provide the legitimacy needed for international recognition.

Conclusion

The Quebec question remains a defining and unresolved issue within Canadian politics, shaped by deep-rooted historical, linguistic, and cultural factors. While the province has continuously sought greater autonomy and recognition as a distinct society, efforts toward full independence have been met with political, economic, and social challenges. The referendums of 1980 and 1995, though unsuccessful in securing independence, revealed the persistent nationalist aspirations among many Québécois.

Over time, economic considerations, shifts in political leadership, and evolving perspectives on federalism have influenced the trajectory of the Quebec question. While the movement for independence has lost some of its urgency, Quebec continues to assert its distinct identity through international engagement and policy initiatives that differentiate it from the rest of Canada. The debate remains a complex balancing act between Quebec's desire for autonomy and the broader framework of Canadian unity.

Moving forward, the resolution of the Quebec question will likely depend on continued dialogue and compromise. The challenge lies in reconciling Quebec's unique cultural and linguistic identity with the principles of federalism and national cohesion. Whether through further decentralization, renewed discussions on constitutional recognition, or evolving socio-political dynamics, the future of Quebec within Canada remains an open-ended question—one that requires mutual understanding and respect from all parties involved.

References

Aguirre, M., & Iván, C. (2018). Quebec and Canada a definitive union?. *Voices of Mexico*. https://ru.micisan.unam.mx/bitstream/handle/123456789/18530/VOM_2005_0070_0109.pdf?sequence=1

Assamblée nationale du Québec. (2009, June 17). *La répartition des voix aux* élections *générales*. https://www.assnat.qc.ca/en/patrimoine/votes.html

Balthazar, L. (1995). Quebec and the ideal of federalism. *The ANNALS of the American Academy of Political and Social Science*, *538*(1), 40–53. https://doi.org/10.1177/000271629553800000

Bélanger, É. (2004). The rise of third parties in the 1993 Canadian federal election: Pinard revisited. *Canadian Journal of Political Science*, *37*(3), 581–594. https://doi.org/10.1017/s0008423904020554

Burgess, J. (2012, July 10). Oh, (No) Canada!. *The New York Times*. https://archive.nytimes.com/opinionator.blogs.nytimes.com/2012/07/10/oh-no-canada/index.html

Canadian Encyclopedia. (2017). *Confederation, 1867*. https://www.thecanadianencyclopedia.ca/en/article/confederation-1867

Carens, J. H. (1995). *Is Quebec nationalism just?: Perspectives from anglophone Canada*. McGill-Queen's University Press. http://www.jstor.org/stable/j.ctt80shx

Ciufo, C. L. (2012). *Partipriests and Frèrequistes? Parti Pris, the Front de libération du Québec, and the Catholicity of Québécois Anticlericalism, 1963-1970* [Master's thesis, Queen's University]. https://www.proquest.com/docview/1511455369?pq-origsite=gscholar&fromopenview=true

Clarke, H. D. (1983). The Parti Québécois and sources of partisan realignment in contemporary Quebec. *The Journal of Politics*, *45*(1), 64–85. https://doi.org/10.2307/2130325

Crelinsten, R. D. (2001). The internal dynamics of the FLQ during the October Crisis of 1970. In D. C. Rapoport (Ed.), *Inside Terrorist Organizations* (pp. 59–89). Frank Cass.

Cuccioletta, D., & Lubin, M. (2011). The Quebec quiet revolution: A noisy evolution. In M. D. Behiels & M. Hayday (Eds.), *Contemporary Quebec: Selected Readings and Commentaries* (pp. 182–197). McGill-Queen's Press.

DrRandomFactor. (2017). *Quebec Referendum, 1995 - Results by Riding*. Wikimedia Commons. https://commons.wikimedia.org/wiki/File:Quebec_referendum,_1995_-_ Results_By_Riding.svg

Duchesne, E., Eagles, M., & Erfle, S. (2003). Constituency homogeneity, economic risk and support for Quebec sovereignty: A Research Note. *Canadian Journal of Political Science*, *36*(3), 643–656. https://doi.org/10.1017/s0008423903778809

Dufour, P. (2008). From protest to partisan politics: When and how collective actors cross the line? Sociological Perspective on Québec Solidaire. *Canadian Journal of Sociology*, *34*(1), 55–82. https://doi.org/10.29173/cjs591

EP. (2017, October 15). El ejemplo de Quebec: Perdió empresas y su PIB creció menos que la media de Canadá tras el referéndum de 1980. *Expansión*. https://www.expansion.com/economia/politica/2017/10/15/59e3320146163fd9758b4605.html

Foot, R. (2016, February 7). *Separatism in Canada*. The Canadian Encyclopedia. https://www.thecanadianencyclopedia.ca/en/article/separatism

Froman, M. (2025, March 14). What's the matter with Canada? *Council on Foreign Relations*. https://www.cfr.org/article/whats-matter-canada

Gagnon, A.-G., & Lachapelle, G. (1996). Québec confronts Canada: Two competing societal projects searching for legitimacy. *Publius: The Journal of Federalism*, *26*(3), 177–191. https://doi.org/10.2307/3330627

Geloso, V. J., & Grier, K. B. (2022). Love on the rocks: The causal effects of separatist governments in Quebec. *European Journal of Political Economy*, *71*, 102088. https://www.sciencedirect.com/science/article/pii/S0176268021000781#sec2

Hazel, K.-J. (2001). The media and nationalism in Québec: A complex relationship. *Journalism Studies*, *2*(1), 93–107. https://doi.org/10.1080/14616700120021829

Keating, M. (1996). *Nations against the State: The new politics of nationalism in Quebec, Catalonia and Scotland*. Springer.

Laforest, G. (2010). The meaning of Canadian federalism in Québec: Critical reflections. *Revista d'Estudis Autonòmics i Federals*, *11*, 10–55. https://doi.org/https://raco.cat/index.php/REAF/article/view/250666/335524

LeBlanc, A. E. (1971). Student activism in Quebec. *Change*, *3*(2), 26–28. https://doi.org/https://www.jstor.org/stable/40161193

LeDuc, L. (1977). Canadian attitudes towards Quebec independence. *Public Opinion Quarterly*, *41*(3), 347–355. https://doi.org/10.1086/268392

Létourneau, J., & Moors, J. (1989). The unthinkable history of Quebec. *The Oral History Review*, *17*(1), 89–116. https://doi.org/10.1093/ohr/17.1.89

Linteau, P., Durocher, R., & Robert, J. (1983). *Quebec: A history 1867-1929*. James Lorimer & Company.

Loh, W. D. (1975). Nationalist attitudes in Quebec and Belgium. *Journal of Conflict Resolution*, *19*(2), 217–249. https://doi.org/10.1177/002200277501900202

Marvin, N. E. (2010). *Bricolage nationalism: An intellectual history of the Front de Libération du Québec* [Bachelor's thesis, Wesleyan University]. https://doi.org/10.14418/wes01.1.1743

Mendelsohn, M. (2002). Measuring national identity and patterns of attachment: Quebec and nationalist mobilization. *Nationalism and Ethnic Politics*, *8*(3), 72–94. https://doi.org/10.1080/13537110208428670

Meren, D. (2012). *With friends like these: Entangled nationalisms and the Canada-Quebec-France Triangle, 1944-1970*. UBC Press.

Miranda, A. C. (2013). Canadá y la cuestión de Quebec (II): La separación-integración de Quebec en la Federación Canadiense. *Cuadernos de Pensamiento Político*, 83-105. https://www.jstor.org/stable/23511962

Nahmias, J. (2020). Pragmatic conservative nationalism: The Coalition Avenir Quebec. [Master's thesis, The University of Western Ontario]. https://ir.lib.uwo.ca/politicalscience_maresearchpapers/5

Pelletier, R. (2012). *Les partis politiques québécois dans la tourmente*. Presses de l'Université Laval.

Penrose, J. (1994). I. 'Mon pays ce n'est pas un pays' full stop: The concept of nation as a challenge to the nationalist aspirations of the Parti Québécois. *Political Geography*, *13*(2), 161–181. https://doi.org/10.1016/0962-6298(94)90019-1

Perrella, A. M. L., Brown, S. D., & Kay, B. J. (2012). Voting behaviour among the gay, lesbian, bisexual and transgendered electorate. *Canadian Journal of Political Science*, *45*(1), 89–117. https://doi.org/10.1017/s000842391100093x

Pious, R. (1973). Canada and the crisis of Quebec. *Journal of International Affairs*, *27*(1), 53–65. https://www.jstor.org/stable/24356609

Rocher, F. (2002). The evolving parameters of Quebec nationalism. *International Journal on Multicultural Societies*, *4*(1), 74–96. https://unesdoc.unesco.org/ark:/48223/pf0000138786

Rocher, F. (2014). Self-determination and the use of referendums: The case of Quebec. *International Journal of Politics, Culture, and Society*, *27*(1), 25–45. https://doi.org/10.1007/s10767-013-9167-2

Rudin, R. (1997). *Making history in twentieth-century Quebec*. University of Toronto Press.

Smiley, D. (1978). The Canadian Federation and the challenge of Quebec independence. *Publius: The Journal of Federalism*, *8*(1), 199–224. https://doi.org/10.2307/3329637

Statistics Canada. (2019, 2020, 2023). *Census of population*. https://www12.statcan.gc.ca/census-recensement/index-eng.cfm

Taucar, C. E. (2004). *Canadian federalism and Quebec sovereignty*. Peter Lang.

Watts, R. L. (1996). Canada: Three decades of periodic federal crises. *International Political Science Review*, *17*(4), 353–371. https://doi.org/10.1177/019251296017004002

Weiss, A. (1998). Separations and unities: Approaches to Québec separatism in English- and French-Canadian Fantastic Literature. *Science Fiction Studies*, *25*(1), 53–60. https://www.jstor.org/stable/4240673

Weissert, W. (2025, February 13). Trump's remarks on Canada becoming the 51st state raise a lot of questions. *The Associated Press*. https://apnews.com/article/how-canada-could -become-us-state-42360e10ded96c0046fd11eaaf55ab88

Winter, E. (2007). Neither 'America'nor 'Québec': Constructing the Canadian multicultural nation. *Nations and nationalism*, *13*(3), 481-503. https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1469-8129.2007.00295.x?casa_token=G5IGfpIzKl0AAAAA:P_m8SmzjzPWUCPWBl-B9i2l9WsGFEplfElqSoLYRBDRERB-JJa-CrU1kqzLAkehxzLbxGVZl9TRfS

JLP JOURNAL OF LAW AND POLITICS

CC BY NC ND

DOI: https://doi.org//10.69648/VYRR6293

Journal of Law and Politics (JLP), 2025; 6(2): 21-32

jlp.ibupress.com

Online ISSN: 2671-3438

Application: 21.09.2025

Revision: 02.10.2025

Acceptance: 25.10.2025

Publication: 30.10.2025

Naumovski-Guli, B. (2025). AI as an early warning system: A framework for NGOs to predict failures in environmental policy implementation. Journal of Law and Politics, 6(2), 21-32. https://doi.org//10.69648/VYRR6293

Blagoja Naumoski Guli

University of Information Science and Technology St. Paul the Apostle, Ohrid, N. Macedonia

https://orcid.org/0009-0003-3969-1646

We declare no conflicts of interest

Correspondence concerning this article should be addressed to Blagoja Naumoski Guli

Email: blagoja.naumoski@mir.uist.edu.mk

BALKAN JOURNALS

AI as an Early Warning System: A Framework for NGOs to Predict Failures in Environmental Policy Implementation

Blagoja Naumoski Guli

Abstract

Environmental policies, though often ambitious in their conception, frequently falter during implementation due to a complex mix of political, economic, and social factors. This well-documented "implementation gap" creates a significant challenge for Non-Governmental Organizations (NGOs), which have traditionally operated in a reactive capacity, addressing environmental damage only after it has occurred. This paper puts forward a novel conceptual framework for an Artificial Intelligence-powered Early Warning System (EWS) designed to shift these organizations to a proactive and predictive model of advocacy. At its core, the system synthesizes varied, publicly available data streams to detect leading indicators of policy failure. It integrates computer vision to analyze satellite imagery for physical changes, Natural Language Processing (NLP) to monitor political and media discourse for shifts in sentiment and priority, and machine learning to analyze quantitative data and map complex networks. By systematically identifying subtle yet practical signals—such as resource deficits, negative discourse, and adverse lobbying activities—the EWS generates a predictive "failure risk score" for specific policies. This score is designed to equip NGOs to concentrate their limited resources on the most at-risk policies. As demonstrated through a detailed case study on corporate "No Deforestation" pledges in the Indonesian palm oil sector, the framework allows NGOs to engage policymakers with compelling, data-driven evidence before irreversible setbacks occur. This paper details the framework's architecture, outlines a methodology for its application, and considers its potential to redefine environmental advocacy by transforming data into pre-emptive action.

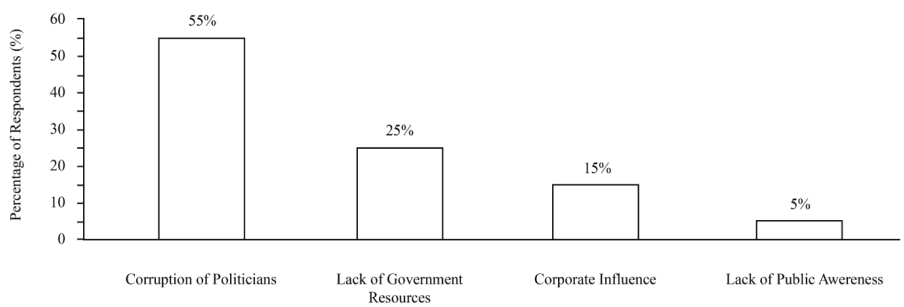
Keywords: Artificial intelligence (AI), non-governmental organizations (NGOs), environmental policy, early warning system (EWS), implementation gap

Introduction

The global environmental crisis has spurred the creation of landmark policies aimed at mitigating climate change, preserving biodiversity, and ensuring sustainable development. From the Paris Agreement to national-level carbon pricing, the legislative landscape is filled with ambitious commitments. Yet, a persistent and critical challenge remains: the gap between a policy's enactment and its effective implementation (Daly & May, 2020). A policy's success is determined not by its signing, but by its sustained execution on the ground. This execution is often undermined by a complex mix of social and political factors, with public perception frequently pointing toward governance failures as a primary cause (Aklin et al., 2014). This divergence between intent and outcome is known as the "implementation gap."

Figure 1:

Public perception of barriers to environmental law enforcement in Brazil (Aklin et al., 2014)



This chart displays the primary factors citizens identify as responsible for the poor enforcement of environmental laws. The data reveals that a majority of respondents blame political corruption, providing a clear, real-world example of the social and political challenges that contribute to the "implementation gap." This visual underscores the need for a system that can track such non-obvious indicators. Data is based on the survey findings from Aklin et al. (2014).

Within this context, Environmental Non-Governmental Organizations (ENGOs) serve as crucial, if often overmatched, watchdogs. Historically, their role has been to monitor outcomes, document failures, and hold governments and corporations accountable through public campaigns and legal challenges. While vital, this model is fundamentally reactive. By the time an NGO can definitively prove a policy has

failed—by pointing to rising emission levels or observed deforestation—the window for effective intervention has often closed. The advocacy becomes a post-mortem analysis rather than a preventative action, a significant limitation for organizations constrained by funding and personnel.

The sheer volume of data surrounding policy implementation now presents both a challenge and an opportunity. The digital exhaust of governance—parliamentary debates, budget proposals, corporate sustainability reports, news media, and lobbying registers—contains subtle signals of future outcomes. For human analysts, synthesizing these vast and disparate datasets in real-time is an impossible task (Burt & Taylor, 2021). This informational overload can further disadvantage NGOs, which may lack the resources to compete with the analytical capacity of governments and corporate interests.

This paper argues that Artificial Intelligence (AI) can provide the tools to bridge this gap, transforming NGO advocacy from a reactive to a proactive and predictive endeavor. We propose the development of an AI-powered Early Warning System (EWS), a conceptual framework designed to continuously monitor a portfolio of environmental policies and identify leading indicators of implementation failure. By flagging policies that are trending towards failure long before their stated goals are missed, the EWS can serve as a strategic tool, enabling NGOs to allocate their limited resources with maximum impact (Onuche, 2025). This research details the system's rationale, its conceptual architecture, a methodology for its application, and its potential legal and political implications for the future of environmental advocacy.

Related Work

This research is situated at the intersection of three distinct but converging academic domains: the study of environmental policy, the role of NGOs in governance, and the application of AI for social good. A review of the literature reveals a clear opportunity for a framework that connects these fields.

The concept of an "implementation gap" is a foundational challenge in political science. Scholarship has established that a policy's journey from law into real-world effect is anything but straightforward. This divergence between a central government's aims and local outcomes is often a product of a country's unique governance structure. The result is a persistent gap where ambitious laws exist on paper but lack rigorous enforcement, leading to continued environmental degradation

despite legislative action (Daly & May, 2020). Much of this research, however, focuses on diagnosing these failures retrospectively, rather than on developing tools for prospective risk identification.

The conversation then shifts to the actors trying to close this gap, where NGOs have emerged as critical non-state players. As environmental governance has become less state-centric, NGOs have taken on roles as monitors, advocates, and even enforcers. Their ability to form transnational networks and apply pressure on states and corporations is a significant force in global politics. Yet, their effectiveness can be hampered by a "paradox of scale," where authority built at a global level does not always translate to effective change locally (Balboa, 2018). Furthermore, NGOs operate in a resource-constrained environment, facing challenges in maintaining accountability, especially when competing with well-funded corporate interests (Kim, 2020). This reality makes it nearly impossible to manually track the complex variables that signal policy failure, highlighting a need for tools that can amplify their analytical capabilities.

Here, the application of AI for social and environmental good offers a potential solution. The field of "AI for Social Good" is gaining traction, with an emphasis on tackling societal problems through AI-based solutions (Al-Maliki et al., 2023). Initiatives like Microsoft's "AI for Earth" program aim to deploy AI to help monitor, model, and manage the planet's natural systems (Joppa, 2019). However, many such projects focus on purely environmental phenomena, such as tracking deforestation from satellite imagery or modeling climate impacts. They do not typically engage with the messy, data-diverse world of political implementation. Within the policy sphere, recent advancements in Natural Language Processing (NLP) have demonstrated a remarkable ability to automate the analysis of complex documents (Cano, 2020; Sampedro & Larrabide, 2020). While AI has been used to forecast humanitarian crises, its application to prospectively identify the risk of environmental policy failure for advocacy purposes remains a novel and underexplored area. This paper seeks to bridge that gap by adapting these powerful computational techniques to the unique strategic context of environmental NGOs.

The Implementation Gap in Practice: From Signals to Failures

While the implementation gap is a well-documented academic concept, its practical indicators are often buried in vast streams of public data. The challenge for NGOs is not a lack of information, but the inability to connect disparate signals to predict

a negative outcome. The failure of an environmental policy does not happen overnight; it is preceded by a series of measurable, observable events that serve as early warnings. Our framework categorizes these practical signals into three main types. The first, Resource Signals, includes quantitative data related to funding and staffing. For example, a national law protecting a rainforest may exist on paper, but a significant year-over-year budget cut to the agency responsible for its enforcement is a concrete signal of waning political commitment (Aklin et al., 2014). The second type, Discourse Signals, involves the qualitative analysis of language used by policymakers and corporations. A government that once championed a specific environmental initiative might subtly shift its language to prioritize competing interests, a change that can be detected by tracking the frequency of key terms in official documents and media reports (Sampedro & Larrabide, 2020). The final category, Activity Signals, tracks the actions of actors who may oppose the policy. A sharp, documented increase in lobbying meetings between a corporate consortium and the environmental ministry, cross-referenced with satellite data showing new development near a protected area (Hansen et al., 2013), provides a powerful, multi-layered signal of impending policy failure. By systematically tracking these practical signals, an EWS can transform the abstract concept of an "implementation gap" into a concrete, data-driven forecast of policy failure.

The Rationale for an AI-Powered EWS

Transitioning from a reactive to a proactive advocacy model is not merely an incremental improvement for NGOs; it represents a fundamental strategic shift. The rationale for developing an AI-powered Early Warning System emerges from the clear need to overcome the practical limitations these organizations face. The benefits can be understood as an integrated set of capabilities.

The system first confronts the overwhelming issue of Scale and Speed. The sheer volume of relevant information—legislative amendments, media reports in multiple languages, corporate filings, scientific data—far exceeds the capacity of any human research team. An AI system, however, can ingest, process, and connect these disparate data points in near real-time, uncovering subtle patterns and correlations that would otherwise remain invisible (Burt & Taylor, 2021). This provides a level of monitoring that is both broader and faster than anything currently possible. This speed is critical for the system's primary function: Early Detection. The goal is not to document failures that have already happened, but to detect the leading indicators that predict them. A budget cut to an environmental agency, a subtle change in

ministerial rhetoric, or a documented increase in lobbying by opposing industries are all signals that can precede measurable environmental decline by months or even years. Detecting these signals early provides a crucial window for intervention.

These early, data-driven insights, in turn, provide a foundation for Data-Driven Objectivity. NGO advocacy can sometimes be dismissed by policymakers as being purely ideological. An EWS changes this dynamic by arming organizations with quantitative, data-driven evidence. Approaching a government agency with a report that states, "This policy has a 75% risk of failure based on budgetary, political, and media signals," presents a far more powerful and credible argument than a general statement of concern. It shifts the basis of the conversation from opinion to evidence (Lawal et al., 2023). Ultimately, this more powerful approach allows for Strategic Resource Allocation. NGOs almost universally operate with finite resources of time, money, and personnel (Zavodna et al., 2025). The system essentially functions as a triage tool. Instead of spreading their resources thinly across the entire legislative landscape, organizations can use the EWS to focus their intensive advocacy efforts on the specific policies identified as most at-risk, ensuring maximum impact from their limited means (Onuche, 2025).

Case Study: AI-Driven Monitoring of Indonesian Palm Oil Deforestation

To illustrate the framework's practical application, we analyze the widespread corporate pledges for "No Deforestation, No Peat, No Exploitation" (NDPE) within the Indonesian palm oil sector. Since 2013, many of the world's largest agribusinesses have made public commitments to eliminate deforestation from their supply chains. However, significant deforestation continues, making this a prime example of an implementation gap where corporate policy fails in practice due to opaque supply chains and symbolic compliance. An AI-powered EWS is uniquely equipped to tackle this challenge by processing vast, varied data sets far beyond human capacity. Its role is not just to collect data, but to synthesize it into predictive intelligence.

The Role of AI in Monitoring NDPE Pledges

Computer Vision for Satellite Analysis (Quantitative Module): The EWS's core is an AI-powered computer vision model that continuously analyzes thousands of satellite images from public sources like the Global Land Analysis and Discovery

(GLAD) lab (Hansen et al., 2013). Trained on millions of images, the model automatically detects the visual signatures of deforestation—changes in forest texture and canopy cover—and flags new areas of cleared land in near-real time. This allows it to quantify the weekly deforestation rate (in hectares) within a specific supplier's concession area.

Natural Language Processing for Discourse Analysis (Discourse Module): The system uses NLP to scan and understand tens of thousands of news articles, NGO reports, and social media posts in both English and Indonesian. It performs sentiment analysis to gauge if the tone surrounding a supplier is becoming more negative and uses topic modeling to identify emerging risk factors, such as discussions about "peatland fires" or "lobbying efforts" connected to a specific company.

Machine Learning for Network and Risk Synthesis: Finally, a central machine learning model synthesizes these inputs. It analyzes public supplier lists and shipping manifests to map hidden relationships between high-risk mills and major consumer brands. It then learns from historical data which combination of signals—for example, a small deforestation event followed by negative media sentiment—most reliably predicts a major future violation, allowing it to calculate a final Failure Risk Score.

Application of the EWS

An environmental NGO using the EWS could proactively identify companies at high risk of violating their NDPE pledges. By integrating the AI-driven signals described above, the system generates a specific, data-rich alert.

Figure 2:

EWS alert dashboard for corporate NDPE pledge (Hansen et al., 2013)

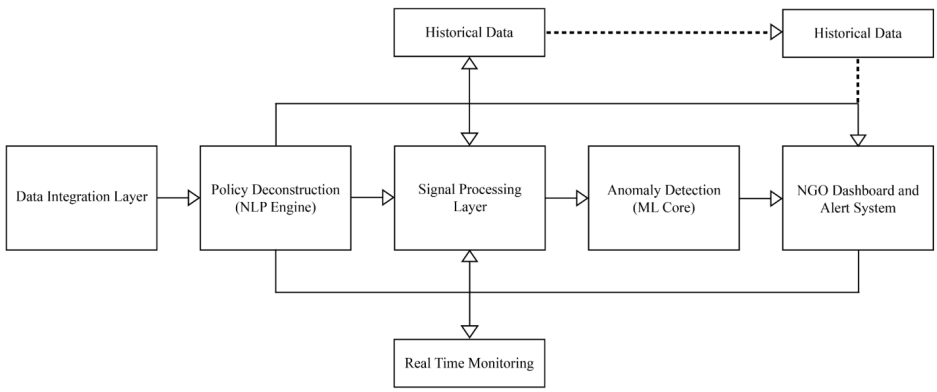
Policy Monitored	Company	Failure Risk Score	Triggering Signals and AI-Generated Statistics (Past 30 Days)
NDPE Pledge (2015)	Global Food Corp.	78% (High Risk)	1. Quantitative Anomaly (Computer Vision): AI detected 150 hectares of primary forest cleared within Supplier Mill X's concession (Source: GLAD Alerts). 2. Discourse Shift (NLP): AI flagged a 45% increase in negative media sentiment in Indonesian news outlets related to Supplier Mill X and peatland cultivation. 3. Network Link (Machine Learning): AI analysis of shipping data confirmed 3 shipments from Supplier Mill X to Global Food Corp.'s main refinery.

How It Works: The Conceptual Framework

The proposed Early Warning System is best understood not as a single piece of software, but as a modular framework that processes varied data streams and synthesizes them into an actionable output. Its architecture integrates several AI-driven components to create a cohesive analytical pipeline.

Figure 3:

Conceptual framework of the AI-powered early warning system



The system's foundation is its Data Ingestion Layer (Module 1), which is responsible for automatically collecting unstructured and structured data from a wide array of public sources, such as parliamentary websites, news databases, and budget portals. This information is then processed by the Policy Deconstruction (NLP Engine) (Module 2), where natural language processing is used to analyze legislative text and create a structured "implementation blueprint" of key commitments and metrics (Sampedro & Larrabide, 2020). This blueprint serves as the baseline against which all future data is compared.

The raw data flows to the Signal Processing Layer (Module 3), which synthesizes the deconstructed policy information with external inputs from real-time monitoring and historical data to identify trends. This processed information is then fed into the Anomaly Detection (Machine Learning Core) (Module 4), the analytical heart of the EWS. It uses the implementation blueprint as a baseline and employs machine learning models to flag statistically significant deviations—such as a budget cut or a missed deadline—as "failure signals." Finally, these signals are synthesized and displayed on the NGO Dashboard & Alert System (Module 5). This user interface provides a clear, dynamic "Failure Risk Score" and allows NGOs to see the specific data points that contributed to it, transforming complex data into actionable intelligence.

Methodology

The operationalization of the proposed EWS framework follows a five-stage methodological process, designed to systematically collect data, train predictive models, and validate their output.

1. Corpus Definition and Data Sourcing: The initial stage involves the selection of a representative corpus of 10-15 significant environmental policies with varying implementation outcomes. For each policy, a multimodal dataset is compiled, comprising a) official legislative and policy texts, b) quantitative time-series data, including agency budgets, enforcement statistics, and relevant environmental metrics (e.g., emissions data), and c) a qualitative corpus of news articles, parliamentary records, and corporate reports.
2. Data Pre-processing: The raw, heterogeneous data is then cleaned, structured, and normalized. Textual data is standardized for Natural Language Processing (NLP), and numerical data is formatted into consistent time-series to enable trend analysis and anomaly detection.
3. Model Training and Feature Engineering: This stage utilizes a supervised learning approach. The historical dataset, with known policy outcomes (i.e., "success" or "failure"), is used to train the machine learning models. Key predictive "features" are engineered from the data, such as the rate of change in an agency's budget, the sentiment polarity of media coverage, or the frequency of specific keywords in political discourse. The model learns the statistical correlations between these features and the eventual implementation outcome.
4. Risk Scoring and Validation: To ensure predictive accuracy, the trained model is validated against a holdout set of historical policies it has not previously analyzed. The model's predictions are compared to the known outcomes, and its performance is evaluated using standard statistical metrics. This process allows for the fine-tuning of the "Failure Risk Score" algorithm to ensure its reliability and robustness.
5. Output and Visualization: The final stage involves the design of a user-facing dashboard. This interface is engineered to translate complex analytical outputs into an intuitive visualization, such as a "report card" for each monitored policy, often using a traffic light system (green, yellow, red) to provide an at-a-glance assessment of risk and direct an NGO's attention to the most critical areas.

Results

The intended output of the EWS is a clear, data-driven alert that synthesizes multiple signals into an actionable narrative. The system moves beyond simply documenting past environmental damage by providing the predictive intelligence necessary for pre-emptive intervention. For example, in monitoring the NDPE pledge of a company like "Global Food Corp.," the EWS would generate a critical alert upon the convergence of several leading indicators.

The NGO dashboard would show that the company's policy has reached a high failure risk score of 78%. This score would be substantiated by tangible evidence from the system's modules. It would pinpoint a quantitative anomaly detected by the computer vision model: 150 hectares of recent primary forest clearing within the concession of a key supplier, Mill X (Hansen et al., 2013). This alert would be automatically cross-referenced with a significant discourse shift identified by the NLP model, such as a 45% increase in negative media sentiment surrounding Mill X's operations in Indonesian news outlets. Finally, the machine learning core would confirm a direct network link, verifying recent shipments from the at-risk mill to Global Food Corp.'s main refinery.

This synthesized alert provides the NGO with a specific and undeniable evidence package. It empowers them to move beyond general accusations and engage Global Food Corp. with a targeted, data-backed demand for action regarding a specific supplier, effectively closing the gap between the company's pledge and its real-world impact.

Discussion and Limitations

The implementation of an AI-powered EWS could represent a paradigm shift for environmental advocacy, moving the sector from a reactive to a proactive stance. This paper's primary contribution is a framework designed to level the informational playing field. Corporations and governments already utilize sophisticated data analytics; the proposed EWS provides a powerful counterpart for civil society, fostering a more transparent and accountable governance process. The political implications are significant. As demonstrated in the Indonesian palm oil case study, pre-emptive campaigns armed with satellite imagery and supply chain data are far more potent than retroactive condemnations.

However, several limitations must be acknowledged. The most immediate challenge is the system's reliance on Data Accessibility and Bias. The framework assumes access to public data, but in political systems with low transparency, sourcing unbiased budgetary or lobbying information would be difficult. Furthermore, all public data carries inherent biases, and an AI model could amplify these distortions if not carefully managed (Torrance & Tomlinson, 2025). Another significant hurdle is the "Black Box" Problem. For an NGO to credibly use a 78% failure risk score, it must be able to explain the contributing factors. Incorporating principles of Explainable AI (XAI) is therefore not just beneficial but essential for the tool's legitimacy (Fundraising.AI, 2025).

Furthermore, two strategic challenges exist. The first is Adversarial Adaptation. As NGOs begin using such systems, governments and corporations may adapt their behavior, using more sophisticated language to mask intentions or burying critical data in obscure reports. This would create an "adversarial game" requiring the EWS models to be continuously updated. The second is the risk of a Technological Divide. The resources required to build and maintain such a system could be prohibitive for smaller, grassroots NGOs, potentially deepening the resource gap between large international organizations and local ones (Zavodna et al., 2025). Addressing this will be critical for the equitable deployment of this technology.

Conclusion

The gap between what environmental policies promise and what they deliver remains one of the most significant barriers to addressing the global climate crisis. This paper has proposed a potential pathway to closing that gap. The AI-powered Early Warning System framework offers a way to turn vast, complex datasets into clear, predictive, and actionable intelligence, empowering NGOs to evolve. It allows them to move beyond documenting past failures and towards actively preventing future ones. This proactive stance, grounded in empirical evidence, has the potential to make environmental advocacy more efficient, strategic, and ultimately, more effective.

While significant technical and ethical challenges remain, the development of such systems represents a critical and necessary step in ensuring that the environmental policies of today become the ecological realities of tomorrow. Future work should focus on developing a pilot of the EWS, testing it on historical policies to validate its predictive accuracy, and exploring the creation of open-source modules to make this technology more accessible to the entire environmental community, thereby mitigating the risk of a technological divide within the sector.

References

Aklin, M., Bayer, P., Harish, S. P., & Urpelainen, J. (2014). Who blames corruption for the poor enforcement of environmental laws? Environmental Economics and Policy Studies, 16(4), 365–384.

Al-Maliki, S., Qayyum, A., Ali, H., Abdallah, M., Qadir, J., Hoang, D. T., Niyato, D., & Al-Fuqaha, A. (2023). Adversarial machine learning for social good: Reframing the adversary as an ally. arXiv. https://doi.org/10.48550/arXiv.2310.03614

Balboa, C. M. (2018). The paradox of scale: How NGOs build, maintain, and lose authority in environmental governance. MIT Press.

Burt, E., & Taylor, J. (2021). AI unlocking the potential of NGOs. International Journal of Research and Innovation in Social Science, 9(7), 5184–5197.

Cano, A. (Ed.). (2020). Social media and machine learning. IntechOpen.

Daly, E., & May, J. (2020). Environmental constitutionalism and the implementation gap. International Journal of Constitutional Law, 18(1), 308–312.

Fundraising.AI. (2025). *A framework toward responsible and beneficial AI for fundraising*. Fundraising.AI. https://fundraising.ai/

Hansen, M. C., et al. (2013). High-resolution global maps of 21st-century forest cover change. Science, 342(6160), 850–853.

Joppa, L. (2019, April 17). AI for Earth [Audio podcast]. In Microsoft Research Podcast. Microsoft.

Kim, E. (2020). The limits of NGO-led environmental governance: The case of forest certification in Indonesia. Third World Quarterly, 41(3), 497–516.

Lawal, A. M., Vincent-Akpu, I. F., & Woke, G. N. (2023). Evaluation of stakeholder perceptions and applicability of artificial intelligence integration into environmental impact assessment processes in Nigeria. Journal of Environmental Science and Sustainable Development, 6(2), 1–15.

Onuche, J. (2025). Enhancing non-profit efficiency and impact through data-driven strategies: Addressing challenges and leveraging emerging technologies – A literature review. Texila International Journal of Management, 11(1), 1–12.

Sampedro, J., & Larrabide, I. (2020). A review on the application of text mining to the analysis of scientific and technical information in the energy sector. IEEE Access, 8, 211833–211847.

Torrance, A. W., & Tomlinson, B. (2025). Organic websites: Certification of AI-generated or human-written content on the internet. Chicago-Kent Journal of Intellectual Property, 24(1), 72–100.

Zavodna, L. S., Überwimmer, M., & Frankus, E. (2025). Barriers to the implementation of artificial intelligence in small and medium sized enterprises: Pilot study. Journal of Competitiveness, 17(1), 332–345.

JLP JOURNAL OF LAW AND POLITICS

CC BY NC ND

DOI: https://doi.org//10.69648/RWGG9083

Journal of Law and Politics (JLP), 2025; 6(2): 33-44.

jlp.ibupress.com

Online ISSN: 2671-3438

Application: 18.09.2025

Revision: 20.10.2025

Acceptance: 25.10.2025

Publication: 30.10.2025

Ushkovska, M. (2025). Dictatorial peace: Constraints on autocrats waging wars. Journal of Law and Politics, 6(2), 33-44. https://doi.org//10.69648/RWGG9083

Mare Ushkovska

International Balkan University, Skopje, Macedonia

https://orcid.org/0009-0009-9223-291X

We declare no conflicts of interest.

Correspondence concerning this article should be addressed to Mare Ushkovska.

Email: mare.ushkovska@ibu.edu.mk

BALKAN JOURNALS

Dictatorial Peace: Constraints on Autocrats Waging Wars

Mare Ushkovska

Abstract

The democratic peace theory, a long-accepted axiom of international relations, posits that democracies rarely, if ever, fight other democracies. This is attributed to a combination of shared values, institutional constraints, economic interdependence, and public accountability of leaders. Consequently, it is assumed that other regime types are less reliable in observing international peace. However, this generalisation fails to account for the many instances of non-bellicose autocracies. Hence, in recent decades, the study of international relations has expanded to explore the possibility of a phenomenon called dictatorial/autocratic peace. The paper analyses literature that studies the conflict proneness of autocratic regimes toward other autocracies and democracies. It finds that, similarly to democratic leaders, authoritarians are faced with a variety of constraints in initiating or continuing wars. These constraints can be institutional, economic, and normative. There is evidence to support that peace is more likely between two authoritarian countries of similar regime types, especially dyads of single-party states. The research shows that autocracies face costs and limitations that should deter them from initiating war with democracies. It challenges the general assumption that democratic leaders are more accountable than autocratic leaders because they may lose the next elections. The paper finds that the domestic liability in case of engaging in a losing war for authoritarian regimes can sometimes be higher than in democracies, as autocrats face threats to their power and life.

Keywords: democratic peace theory, dictatorial peace, autocratic regimes, conflict, power

Introduction

One of the most widely accepted stances in modern political science is that democracies rarely, if ever, go to war with other democracies. This is largely attributed to the transparent nature of democratic systems, where leaders are held accountable by the public and policy decisions involve extensive discussion and negotiation. Such a process tends to favor peaceful resolutions, as citizens are generally unwilling to endorse conflicts that would bring the harsh realities of war upon themselves, and even less so if the opposing side is a country like them, a democracy.

The democratic peace theory implies that other types of government are less reliable in observing international peace and that, therefore, the spread of democracy contributes to global security. Consequently, the theory has sparked an interest in studying the trend of conflict proneness of authoritarian regimes. But, aside from certain popularly known and extreme cases of violent autocrats, many of the authoritarian countries of the past and present have not exhibited violence toward other nations. Yugoslavia under Tito, China after Mao, Mexico with the PRI, Spain under Franco, Kenya under Kenyatta, and Cuba after the 1960s have traditionally maintained peaceful relations with other countries. Similarly, we may look at Oman, Venezuela, Vietnam, and Turkmenistan as modern-day examples of non-conflictual non-democracies.

The academic study of politics frequently focuses on democracies; however, a significant portion of the world's population lives in some sort of authoritarian state. Hence, it is pivotal to explore: is there such a phenomenon as dictatorial/autocratic peace and are authoritarian leaders constrained by similar forces to democratic ones?

Theoretical Background and Methodology

Although some authors have reflected on the topic of dictatorial peace throughout the years, scholarship on the foreign policy-making of autocrats remains scarce. Most of the literature on regime types and conflicts centers on the theory of democratic peace, for which the extant literature is prolific. Democratic peace is considered conventional wisdom in the study of international relations and has been called "the closest thing we have to an empirical law in the study of international relations" (Levy, 1989, p. 88). The theory has been frequently tested empirically with conclusive findings that support its validity (Levy & Razin, 2004; Imai & Lo, 2021). Evaluating the rationale for a dictatorial peace, however, is not as simple as

placing all non-democratic systems within a single group and comparing their behavior to democracies. Dictatorships are varied by nature and exhibit diverse traits, which is an important variable. Although scholars have found that pairs of autocratic states in general are less prone to military conflict than pairs containing one autocracy and one democracy (Oren & Hays, 1997; Peceny et al., 2002; Bennett, 2006), such results usually depend on several conditions, and the generalisation does not address the question of dictatorial peace appropriately. In their seminal work, Peceny et al. (2002) argue that, while democratic peace is more robust, there is substantial variation in the conflict behaviour of autocracies to demonstrate that peace may be possible between autocracies and to warrant an alternative approach to the future study of authoritarianism's relationship with conflict. Weeks (2014) argued that in conditions where an authoritarian leader of a country can be punished by a group of elites within that country for a bad military result, the assumptions of conflict avoidance, which are valid for democracies, would be applicable to that authoritarian country as well. Likewise, Marin (2016) posits that expressions of domestic state violence by authoritarian actors do not necessarily correlate with aggressiveness in the foreign policy of those actors, therefore authoritarianism is not a predictor of bellicosity.

Throughout this paper I explore theoretically the case for dictatorial peace by analysing the constraints on autocrats waging wars. To better assess peace between authoritarian regimes, I will use the typology presented by Geddes (1999), who classifies autocratic regimes into three categories: personalist, military, and single-party. By analyzing pairings of countries with similar regime types, I can make more substantive observations on their warring tendencies. The first hypothesis is that if two authoritarian countries have similar regime types, then they will have peaceful relations. However, I seek to assess the constraints not only for dyadic, but also for the monadic peace of authoritarian states. In that respect, the second hypothesis posits that in mixed regime conflicts, autocracies are less likely to initiate war than democracies.

Most of the arguments below suppose the rational choice theory to hold true in the decision-making processes and view the state as a unitary actor represented by its leadership. This research focuses on several constraints (institutional, economic, normative, etc.) that represent the foundation of the democratic peace theory and examines in which aspects they are also true of autocracies. I discuss how the logic of these constraints can be employed to show that autocracies also refrain from waging war with autocracies of the same type and (to some extent) with democracies.

Peace Among Autocratic Dyads

Institutional Constraints on Autocracies

De Mesquita et al. (1999) argue that all autocratic regimes are fundamentally similar in that the size of their winning coalitions is small. Therefore, unlike democracies, they can easily remain in power by providing private gains to the ruling elites and must not fear consequences on their tenure if they draw the country into war. This makes authoritarian leaders less constrained in their decisions to wage war than democrats and, consequently, more militant. These views, however, are overly generalized, and there can be several reasons why an autocratic ruler would rather avoid military conflict with other countries. Studies have shown that some types of authoritarian countries have institutional instruments that allow domestic audiences to hold leaders accountable for their actions, similar to democracies. This holds true particularly for non-personalist, single-party regimes (Peceny & Butler, 2004; Weeks, 2012; Weeks, 2014)

Compared to other autocratic regime types, personalist dictators are the least constrained in their actions due to a disunity of ruling elites, increasing their likelihood of instigating conflicts (Frantz, 2007; Weeks, 2014). Personalist dictators, however, have other limitations to instigating wars. They have motives to keep their military weak, fearing possible coups. Their power is dependent on repressing the emergence of potential rivals and they recognise that no one poses a greater threat to their power than the army. Hence, they are forced to opt for the lesser evil and end up with a self-imposed constraint in terms of military capability for waging international wars (Peceny et al., 2002; Rosato, 2003).

On the other hand, military regimes retain a strong cohesive army that governs the country. In these types of regimes, the military elite has access to the security apparatus, which enables it to, if needed, orchestrate a coup and depose a military dictator whose leadership is found to be inadequate (Frantz, 2007). Additionally, in these regimes, leaders usually employ military resources and strength to subdue domestic dissent, remaining insufficiently strong to fight external wars (Rosato, 2003). The Argentine military leadership in the early 80s is a good example of how an army successful in suppressing opposition at home can be unsuccessful in fighting the UK in the Falklands war (Peceny et al., 2002).

Economic Constraints on Autocracies

Economic openness and global trade make democratic countries highly dependent on one another. They are so integrated in the international economic community that any conflict would reflect negatively on the international cooperation and would lead to economic losses. Therefore, mutual interdependence is considered an important constraint to war between democracies (Oneal & Russett, 1997); in fact, it is one of the pillars of the democratic peace theory. However, Gartzke et al. (2001) find that interdependence is a significant factor that leads to peace, regardless of whether a country is democratic or authoritarian. The presence of democracy has a much lesser role in reducing inter-state conflict than the presence of interdependence between any two countries.

Challenging common misconceptions, states with an autocratic form of government aren't automatically less interdependent. This is best exemplified by organizations supporting economic cooperation between autocratic states, such as the Council for Mutual Economic Assistance in the past, and recently the Shanghai Cooperation Organization. The latter has ten member states, all of which, apart from India, are categorised as authoritarian by the Democracy Index (Economist Intelligence Unit, 2025) and, just like democracies, stand to suffer losses if they disrupt their economic and security collaboration with a conflict. The success of this organization supports the idea that economic interdependence feeds the maintenance of peace between autocratic countries (Yee, 2011), in a similar manner to democracies. Richmond (2025) suggests there is an emergence of the authoritarian international order in the current system of multipolarity, opposing the liberal international order and playing a part in global peacekeeping, albeit with a focus on securitisation, nationalism, and bloc formation.

Another reason for avoiding wars is their implicit monetary cost. Autocrats often depend on financial resources for preserving their power, as these are the means by which they can ensure the continual support of the elites. Autocracies are commonly characterised by clientelist relationships and corrupt practices, where leaders dispense financial resources in a manner that rewards supporters (Magaloni, 2008), represses members of the political opposition (Debs, 2010), restricts access to information for the masses, and suppresses threats to their power (De Mesquita & Smith, 2010). Furthermore, financial resources are crucial for maintaining and increasing public support for the regime through the provision of public goods and services (Ezrow & Frantz, 2011) and the maintenance of a stable economic environment. When a country accumulates an overwhelming expenditure due to

war, no matter how undemocratic it may be, social upheavals and civil unrest could threaten the survival of the current regime (Rosato, 2003). As dictators' priority is to stay in power, autocratic governments have strong incentives to refrain from conflicts with other countries.

Normative Constraints on Autocracies

It is difficult to state that a pair of personalist dictatorships would have shared ideological values and, therefore, refrain from engaging in war with one another, as is assumed to be the case for democracies. This is because in such autocracies "the cult of the leader rather than ideology dominates political life" (Peceny et al., 2002, p.20). One can find little that unifies the rulings of Francisco Franco, Saddam Hussein, or Muammar Gaddafi, for example. Hence, we would expect to find more conflicts between such regimes, especially as personalist autocrats have been found to be less restricted by backlash from ruling elites and more prone to initiating risky interstate wars (Weeks, 2014).

Military autocracies, on the other hand, tend to have more in common. Although they are not installed based on professed ideology, but rather to guarantee national security and stability, most of them adhere to right-wing politics and share the goal of suppressing communists inside and outside their countries. This mutual interest made peace possible among most South American countries when their juntas cooperated in eliminating leftist insurgents in the 1970s. This was confirmed in research by Peceny et al. (2002), where they found that no two military autocracies engaged in war with each other in the period following World War II (notwithstanding temporary use of force). Yet, surprisingly, the same was found to be true for personalist regimes. There is, however, some inconsistency across their results, suggesting that the findings are not as robust as those on democratic dyads. The indications of existing peace among personalist/military dictatorships can be interpreted in two ways. The first is the skeptical stance, allowing for the lack of war between these regimes to be attributed to chance, since both personalist/military autocracies and wars are rare. The second explanation would be to acknowledge that the trend isn't random and that the previously mentioned constraints provide for peaceful relations.

Given that most single-party countries are socialist, it is fair to conclude that these autocracies are most likely to share some normative values. Marxist ideology promotes unity among socialist countries, and we can see that reflected in international relations. Communist/socialist countries have indeed been peaceful toward one

another during the Cold War and after (Oren & Hays, 1997; Peceny et al., 2002). If anything, there has been friendly cooperation and support. The relationship between countries that belonged to the Warsaw Pact in East and Southeast Europe, which extended to other socialist countries around the world pertaining to the Non-Aligned Movement, is evidence of this. This is comparable to the general absence of war observed between democratic countries, due to reasons such as shared worldviews and principles. In fact, Oren and Hays (1997) argue that developed socialist states during the Cold War were by far more peaceful than industrialised capitalist/democratic states.

Peceny et al. (2002) find that single-party regimes have fought a war three times. The research includes outliers such as the right-wing single-party regime in Taiwan, which had an ongoing dispute with the regime in the People's Republic of China. Their research also finds that countries are more likely to experience conflict if they are contiguous and/or involve a major power. Therefore, the small number of disputes between single-party regimes mostly involved, or were between, only two countries, the USSR and China. Thus, controlling for variables such as contiguity and major power involvement, single-party dyads have almost the same negative correlation with war as democratic dyads.

Furthermore, the democratic peace theory is not absolute. The international community post-World War II knows of examples where democratic governments have gone to war with one another or have been involved in some kind of military aggression against other democracies. U.S. backed coups on democratically elected leaders Mosaddeqh of Iran (1953), Arbenz of Guatemala (1954) and Allende of Chile (1973), clashes between India and Pakistan over Kashmir, and the Russian-Georgian conflict of 2008 (a year in which neither country was categorised as authoritarian by the Democracy Index) all showcase that there are exceptions to the democratic peace, as there are exceptions to the autocratic peace. Democracies like the USA have frequently deployed covert military attacks or covert election interventions against fellow democracies (Levin, 2016; O'Rourke, 2018) and a study by Carnegie et al. (2022) found that this is in fact preferred by the public as an approach toward democratic targets. Müllerson (2012, p.9) notes: "It is not so much democracy or its absence that determines whether peace or war prevails as whether a particular state behaves as expected by its more powerful neighbour; or if we speak of global affairs, whether its behaviour is in accordance with [...] expectations of those who belong to the Euro-Atlantic alliance".

Autocracy-Democracy Relations

Accountability of Autocratic Rulers

A strong argument of the democratic peace proponents is that in a democracy, the government leaders are held accountable for their actions by the people who elected them. People living in democracies are thought to be naturally more peace-loving than those in non-democracies because they are used to a political culture in which domestic disagreements are settled by debate and compromises, instead of aggression (Müllerson, 2012). Furthermore, it is the people who suffer the greatest costs of military conflicts, and therefore, they would normally take an anti-war stance when given the freedom of choice. Because a leader's main interest is to remain in power by winning the next elections, he/she will always need to consider the consequences of a decision to engage in war (De Mesquita et al., 1999). It is this constraint of public opinion, part of the institutional constraints discussed above, that is believed to make democracies more peaceful.

This paper challenges the general assumption that democratic leaders are more accountable than autocratic leaders and that their liability in case they engage in a losing war is higher. Elections are just one method of holding leaders accountable. The majority of autocratic leaders rely on the support of groups/elites within their countries, who, like the voting public in democracies, can remove a leader if they have incentives to punish her (Weeks, 2008; Weeks, 2012). Evaluating accountability, the question is: Are autocratic leaders as much subject to a loss of power as democratic leaders? Also, who stands to face higher repercussions if a costly or lost war results in public outrage?

According to Rosato's (2003) and Weeks' (2014) datasets, of all the democratic leaders that lost a war 75% -83% lost office soon after, which is about twice the percentage of autocrats who were removed after losing a war (35%-40%). Yet, these findings cannot serve to make broad conclusions about the probability of democrats losing their position, because the small number of cases of democracies that lost a war is not enough for statistically significant predictions. On the other hand, seeing that about a third of 89 autocrats who lost a war were removed from power allows us to make stronger inferences about the risks autocratic regimes face. In addition to being removed from power, 29% of the autocrats suffered harsher punishments, such as imprisonment, execution or exile, whereas no democratic leader suffered the same fate (Rosato, 2003). The outcomes are similar for leaders who have engaged in costly wars.

Hence, autocrats also suffer consequences for their actions, oftentimes more so than democrats. Weeks (2008, p.61) concurs, stating that although authoritarian leaders hold significant control over their citizens, they "are not usually immune from domestic threats to their tenure". Decision-making on war in autocratic regimes is, therefore, influenced by considerations for future public liability. As Rosato (2003, p.594) puts it: "there is little evidence that democratic leaders face greater expected costs from fighting losing or costly wars and are therefore more accountable than their autocratic counterparts".

The war in Iraq launched by the USA and its allies is an example if these dynamics. While the US President George W. Bush's unpopular policies led to a defeat of the Republican Party in the 2008 presidential elections, former Iraqi leader Saddam Hussein faced a much more severe punishment - domestic trial and execution. Another example is Argentine military dictator Leopoldo Galtieri, who instigated the Falklands War and, after Argentina's defeat, was removed from power, arrested, and sentenced to prison in 1986. This supports the above argument that authoritarian regimes have strong reasons to abstain from wars.

War Initiation Tendencies

Scholars agree that the mixed democratic-autocratic dyads are more likely to experience conflict than homogeneous regime dyads (Rousseau et al., 1996; Hegre et al., 2001). However, there is limited research on the propensity of either regime to strike first and prior studies have returned mixed findings.

Intuitively, the expectation is that autocratic regimes, by definition oppressive and willful in the domestic political sphere, will have a more hawkish foreign policy than democracies. However, there is empirical data demonstrating that a violent domestic regime does not always translate to a greater proneness to waging international wars, as is the case with several post-Soviet countries (Marin, 2016). Gartzke (2001) puts forward the idea that democracies have fewer disincentives to initiate war because they are generally wealthier and can develop sophisticated, unmanned weapons. Thus, they avoid a great number of casualties and mitigate their audience costs. Extant research indeed shows that democracies do win a significantly greater number of wars and tend to have fewer casualties than autocracies (Rosato, 2003). Conversely, the autocratic states that are usually less technologically developed depend heavily on manpower in waging wars and are more prone to losing the military conflict, as well as many more lives. This deters autocracies from initiating war. Several proponents of the democratic peace state that democracies are more likely to initiate war with non-democracies than vice versa (Oneal &

Russett, 1997; Bueno de Mesquita, 1999; Müllerson, 2012). Although they are less likely to fight each other, democracies are not opposed to fighting countries with alternative types of government.

However, Reiter and Stam (2003) have found the opposite to be true in their research, arguing that autocracies are more likely to initiate disputes with democracies than vice versa. Moreover, they've found this to be true for all types of autocracies, whether personalist dictatorships, military regimes, or single party regimes. Hence, there are conflicting conclusions regarding the relationship between regime types and proneness to international conflict initiation.

Conclusion

Searching for policy patterns that would support the existence of dictatorial peace, this research found that, in their foreign policy decisions, authoritarian leaders are constrained by many of the same forces behind the democratic peace. Their ultimate choices and tendencies, though, vary across regime types. Personalist dyads are, on average, most belligerent. Military dictatorships demonstrate smaller inclination to initiating war, while single-party regime dyads are undeniably most likely to maintain mutual peace; their peace is highly comparative to that between democracies. Overall, a world in which more autocratic regimes exist is not necessarily a more war-prone world. There is evidence that peace is possible between dictatorial states of the same kind. The two shortcomings of this research, though, are that data on countries and wars varied across texts and that many of the known autocratic regimes are difficult to classify as they often exhibit mixed traits. Nevertheless, the findings that inter-state peace is not uniquely attached to democracies are not to be underestimated. The conclusions suggest that it is not the institutional framework of democracies that leads to peace, but rather the wish for stability among similar regimes. The implications of this on the democratic peace theory need to be addressed in future research.

Regarding the second hypothesis, the research shows that autocracies face costs and limitations that should deter them from initiating war with democracies. However, empirical evidence on whether autocracies start aggression toward democracies more often, or vice versa, is insufficient and inconsistent across studies. Nevertheless, this research succeeds in dismantling some existing dogmas that overlook the diverse contributors to international peace.

References

Bennett, S. D. (2006). Toward a continuous specification of the democracy-autocracy connection. *International Studies Quarterly,* 50(2), 313-338. doi:10.1111/j.1468-2478.2006.00404.x

Carnegie, A., Kertzer, J. D., & Yarhi-Milo, K. (2022). democratic peace and covert military force: an experimental test. *Journal of Conflict Resolution*, *67*(2-3), 235-265. doi:10.1177/00220027221116289

Debs, A. (2010). Economic theories of dictatorship. *The Economics of Peace and Security Journal, 5*(1), 20–25. doi:10.15355/epsj.5.1.20

De Mesquita, B.B., Morrow, J., Siverson, R., & Smith, A. (1999). An institutional explanation of the democratic peace. *American Political Science Review,* 93 (4), 791-812. doi:10.2307/2586113

De Mesquita, B. B., & Smith, A. (2010). Leader survival, revolutions, and the nature of government finance. *American Journal of Political Science, 54*(4), 936–950. doi: 10.1111/j.1540-5907.2010.00463.x

Ezrow, N. M., & Frantz, E. (2011). *Dictators and dictatorships: Understanding authoritarian regimes and their leaders*. New York: Bloomsbury Publishing.

Frantz, E. (2007). *The international conflict behavior of dictatorships from an audience cost perspective.* SSRN. doi: 10.2139/ssrn.975158

Gartzke, E. (2001). Democracy and the preparation for war: Does regime type affect states' anticipation of casualties?. *International Studies Quarterly,* 45, 467-484. doi:10.1111/0020-8833.00210

Gartzke, E., Li, Q., & Boehmer, C. (2001). Investing in the peace: Economic interdependence and international conflict. *International Organization,* 55(2), 391-438. doi:10.1162/00208180151140612

Geddes, B. (1999, September 2-5). *Authoritarian breakdown: Empirical test of a game-theoretic argument* [Conference Presentation]. 95th Annual Meeting of the American Political Science Association, Atlanta, GA, United States.

Hegre, H., Ellingsen, T., Gates, S., & Gleditsch, N.P. (2001). Toward a democratic civil peace?: Democracy, political change, and civil war, 1816-1992. *American Political Science Review*, 95(1), 33–48. doi:10.1017/S0003055401000119

Imai, K., & Lo, J. (2021). Robustness of empirical evidence for the democratic peace: a nonparametric sensitivity analysis. *International Organization*, *75*(3), 901–919. doi:10.1017/S0020818321000126

Levin, D.H., (2016). When the great power gets a vote: The effects of great power electoral interventions on election results. *International Studies Quarterly*, 60(2), 189–202. doi:10.1093/isq/sqv016

Levy, J. (1989). Domestic politics and war. In R.R. Rotberg & T.K. Rabb (Eds.), *The Origin and Prevention of Major Wars* (pp. 79-100). Cambridge University Press.

Levy, G., & Razin, R. (2004). It takes two: An explanation for the democratic peace. *Journal of the European Economic Association*, *2*(1), 1–29. http://www.jstor.org/stable/40004867

Magaloni, B. (2008). Credible power-sharing and the longevity of authoritarian rule. *Comparative Political Studies, 41*(4–5), 715–741. doi:10.1177/0010414007313124

Marin, A., (2016). Does state violence translate into a more bellicose foreign behavior? Domestic predictors of international conflict-propensity in post-Soviet Eurasia. *Journal of Soviet and Post-Soviet Politics and Society*, 2(2), 11-66. doi:10.24216/97723645330050202_02

Müllerson, R. (2012, August 22). From democratic peace theory to forcible regime change. *Eurozine*. https://www.eurozine.com/from-democratic-peace-theory-to-forcible-regime-change/?pdf

Oneal, J. R., & Russett, B. M. (1997). The classical liberals were right: Democracy, interdependence, and conflict, 1950–1985. *International Studies Quarterly,* 41(2), 267-294. doi:10.1111/1468-2478.00042

Oren, I., & Hays, J. (1997). Democracies may rarely fight one another, but developed socialist states rarely fight at all. *Alternatives: Global, Local, Political,* 22(4), 493-521. doi:10.1177/030437549702200403

O'Rourke, L. A., (2018). *Covert regime change: America's secret Cold War*. Cornell University Press.

Peceny, M., Beer, C. C., & Sanchez-Terry, S. (2002). Dictatorial peace?. *American Political Science Review,* 96 (1), 15-26. doi:10.1017/S0003055402004203

Peceny, M., & Butler, C, K. (2004). The conflict behavior of authoritarian regimes. *International Policies,* 41, 565-581. doi:10.1057/palgrave.ip.8800093

Reiter, D., & Stam, A. C. (2003). Identifying the culprit: Democracy, dictatorship, and dispute initiation. *The American Political Science Review*, *97*(2), 333–337. http://www.jstor.org/stable/3118212

Richmond, O.P. (2025). Peace in an authoritarian international order versus peace in the liberal international order, *International Affairs*, 101(4), 1381–1401. doi:10.1093/ia/iiaf076

Rosato, S. (2003). The flawed logic of democratic peace theory. *The American Political Science Review,* 97(4), 585-602. doi:10.1017/S0003055403000893

Rousseau, D. L., Gelpi, C., Reiter, D., & Huth, P.K., (1996). Assessing the dyadic nature of the democratic peace, 1918–1988. *American Political Science Review,* 90(3), 512–533.

Economist Intelligence Unit. (2025) *Democracy Index 2024*. https://www.eiu.com/n/campaigns/democracy-index-2024/

Weeks, J. L. (2008). Autocratic audience costs: Regime type and signaling resolve. *International Organization,* 62(1), 35–64. doi:10.1017/S0020818308080028

Weeks, J. (2012). Strongmen and straw men: Authoritarian regimes and the initiation of international conflict. *American Political Science Review,* 106(2), 326-347. doi:10.1017/S0003055412000111

Weeks, J. (2014). *Dictators at war and peace*. Cornell University Press.

Yee, A. (2011). Autocratic peace and the shanghai cooperation organisation. *East Asia Forum*. http://www.eastasiaforum.org/2011/05/11/autocratic-peace-and-the-shanghai-cooperation-organisation/

JLP JOURNAL OF LAW AND POLITICS

The Symbiotic Relationship Between Media And Terrorism

Flamur Ismaili

DOI: https://doi.org//10.69648/PXNN2510
Journal of Law and Politics (JLP), 2025; 6(2): 45-64
jlp.ibupress.com
Online ISSN: 2671-3438

Application: 15.09.2025
Revision: 21.10.2025
Acceptance: 25.10.2025
Publication: 30.10.2025

Ismaili, F. (2025). The symbiotic relationship between media and terrorism. Journal of Law and Politics, 6(2), 45-64. https://doi.org//10.69648/PXNN2510

Flamur Ismaili
International Balkan University
https://orcid.org/0000-0003-3254-7126

We declare no conflicts of interest.

Correspondence concerning this article should be addressed to Flamur Ismaili.
Email: Flamur.Ismaili@ibu.edu.mk

BALKAN JOURNALS

Abstract

This study examines the evolving relationship between media and terrorism in the contemporary world. The global expansion of terrorism, particularly following the 9/11 attacks, has been facilitated by technological advancements and globalization, allowing terrorist organizations to extend their reach and operational capabilities. Concurrently, the development of new media, driven by communication technologies and the Internet, has transformed media into a social and cultural arena with global accessibility. The paper highlights the symbiotic relationship between media and terrorism, noting that media not only amplify the impact of terrorist acts but also enable the dissemination of ideology, recruitment, and operational coordination. The study emphasizes that this relationship is complex, dynamic, and multi-dimensional, and it cannot be analyzed in a unilateral or subjective manner. Understanding the interplay between media and terrorism is crucial for developing effective strategies to mitigate the global threat posed by contemporary terrorism.

Keywords: Terrorism, media, new media, globalization, propaganda.

Introduction

Today, terrorism is one of the most important issues facing the international community. With the events of 9/11, terrorism has taken on a global dimension. Terrorist organizations have expanded their reach and capabilities as a result of globalization and technological advancements. At the core of the concept of "new terrorism" lie technological developments. Technology has provided terrorist organizations with extensive opportunities. Additionally, developments in transportation, communication, and information technologies have allowed terrorist organizations to gain various advantages, making it easier for them to carry out their activities.

With the development of communication technologies worldwide, a new era of media has emerged. In this context, a new system has been established that people can access from anywhere in the world. At the same time, the media has become a social and cultural space. Different researchers and academics have started to define media as "old" and "new" media. Heated debates continue regarding old and new media. To clarify what constitutes old media, most academics define it as a period without digital developments and interactive television.

Since the media is an integral part of globalization, states have sought to exercise strict control over it. Global powers use media to carry out cultural attacks on other countries, aiming to impose their own culture. On the other hand, states attempt to use media to resist imperialism. Scholars have long tried to uncover the links between media, which exists in every corner of the world, and terrorism, a major global threat. However, it has become clear that demonstrating these connections convincingly is very difficult. Therefore, the relationship between media and terrorism remains a highly debated topic, and it should not be examined in a one-sided or subjective manner.

The Rise of Media Throughout History and Its True Purpose

The history of media can be traced back to the invention of the printing press in the 1450s. This technological development facilitated the dissemination of ideas on a large scale. However, the media was not only significant for the circulation of ideas but also emerged as a crucial instrument for the exchange of knowledge among societies. By the 1800s, media-related technologies coincided with the onset of industrialization. The first printing press in North America was established in 1628, primarily used for religious purposes, though it also produced cultural brochures

and books. Nevertheless, printing activities were subject to extensive restrictions. The invention and widespread adoption of the press enhanced the flow of information between individuals and societies, underscoring the importance of such exchanges. Furthermore, the printing press was intensively employed as a tool to influence people through different religions and ideologies.

As the printing press became increasingly prominent, the export of books was prohibited. Moreover, some authors were executed or severely punished by the Church. More conservative states, such as the Ottoman Empire and the Russian Empire, banned the printing press for more than two centuries. Consequently, between the 16th and 19th centuries, Western Europe and North America struggled against restrictions imposed on political freedoms and human rights. By the 18th century, freedom of publication had emerged in England and France, and similar liberties were extended to the Austrian and Hungarian empires. However, such freedoms never materialized in Russia.

In the 19th century, the notion of "media" began to take shape with the invention of the electric telegraph, followed by the telephone, which paved new dimensions on the way toward radio. These developments were regulated through international treaties and national laws. Media control was exercised by powerful governmental bodies, as exemplified in the United States. By the 20th century, the establishment of cinema contributed to the global expansion of media. Since the 1980s, the emergence of cable and satellite technologies, along with new mass communication tools, has added new layers to communication services (McQuail, 2010) and further reinforced media as a decisive factor in shaping the world.

Media can be defined as a sphere in which people engage in social communication. Its content can be understood both as technological forms and as a cultural practice of communication. Moreover, media may also be described as a popular, ritualized space of interaction that connects different people across the same landscape (Gitelman, 2006). When examining media content, three main categories can be identified. The first is informative content, which includes news, documentaries, opinion columns, articles, talk shows, and interviews. The second is entertainment content, encompassing games, radio plays, films, television series, quiz shows, and concerts. The third category consists of advertising content, such as commercials, announcements, promotional materials, and classified ads (Ekinci, 2016). In recent years, however, additional functions have been attributed to the media. In this regard, the media is considered to perform an essential public duty by contributing to the establishment of democratic norms and policies within societies. Another

function is the obligation of the media to provide space for the expression of not only a single perspective but also of diverse opinions and cultures in the form of news coverage. A third function concerns ensuring the maximum independence of the media, which represents one of the most important responsibilities of communication institutions toward society. Finally, it is recognized that within media structures, certain standards and strict rules must also be observed (Ekinci, 2016).

According to Bassiouni, the functions of the media can be outlined as follows:

- **Informative**: to provide a flow of news to an increasing number of people,
- **Judicial**: to establish standards of decision-making that are openly accessible to the public,
- **Educational**: to define and explain social objectives and social values,
- **Interactive**: to create a free forum for the exchange of ideas and opinions,
- **Recreational**: to provide entertainment, relieve tension, and facilitate learning situations (Bassiouni, 1983).

The emergence of media as a significant global factor has primarily been driven by technological advancements. In addition to technological innovations, the development of minerals and plastics has played a decisive role in shaping media. Other crucial elements contributing to its evolution have been politics and economics. In this context, the rise of electronic media, along with the institutionalization of media, was strongly influenced by governments and political ideologies. The advent of computers and the internet further introduced numerous innovations into the media sphere. In contemporary settings, it is evident that if media fails to meet human needs or to align with cultural and social conventions (Kortti, 2017), the question of whether it truly fulfills its intended purpose becomes a matter of debate.

It is almost impossible to imagine how our world could function without the telephone, computer, television, and the internet. Over the past fifty years, technological advancements have rapidly transformed the media (Taylor, 1997). Contemporary media keeps people informed about events from every corner of the world. Yet its role extends far beyond simply delivering news. The media contributes to reflecting truth during times of war, promoting peace, supporting cultural activities, stimulating the economy and tourism, providing vital information on health, and alerting nations to threats of disease. Its foremost duty is to inform the public with accurate and truthful information, free from vested interests. At the same time, there are areas where media must refrain from involvement: it should not

dictate political directions, serve as a tool of great powers, or operate in favor of the interests of any country, region, individual, or corporation. Although the duties of the media are regulated by national laws and international agreements, in practice, media outlets are often deliberately used as instruments for the pursuit of the political agendas of powerful states.

An example supporting the idea that media can serve as a tool of great powers is East Timor. While the genocides in Bosnia and Rwanda received extensive media coverage, the events in East Timor did not receive comparable attention (Taylor, 1997). The media's double standards are clearly reflected in its failure to adequately cover the ethnic cleansing of Muslims in Myanmar throughout history. Similar biases are evident in reporting on terrorist attacks. For instance, when the terrorist group Al-Shabaab carried out attacks in Somalia, resulting in the deaths of hundreds of people, the events were often reported only as third- or fourth-tier news stories. In contrast, comparatively smaller-scale attacks, such as the one in Manchester, are covered as major news across the globe. These double standards complicate efforts to combat terrorism and reflect biased approaches in media coverage.

Contemporary news media have played a significant role in shaping modern media and have also contributed substantially to the acceleration of globalization. This has been achieved by delivering news from every corner of the world. Through satellite communications and other advanced technologies, instantaneous connections can be established with various locations (Zhang, 2015). This has enabled the media to assume an extraordinary role on a global scale. However, developed countries have begun to exploit these information advantages for their own interests, turning news and media into instruments of propaganda. This propaganda tool is employed both within their own national borders and on the international stage.

The Debate between Old and New Media

In the 19th century, the printing press provided the greatest support for the development of modern society and culture, and it also had a revolutionary impact on the evolution of media. However, the current media revolution has produced a far deeper and more pervasive effect than previous revolutions. Similarly, the invention of photography affected only one domain—the static image. In contrast, the media revolution today encompasses all areas, including storage, distribution, communication, moving images, sound, and spatial structures (Manovich, 2001, pp. 5-6).

The media has no boundaries in terms of subject matter, providing information on everything from weather forecasts to political developments, war events, health issues, financial matters, science and education, fashion, and music. A defining feature of contemporary media is its ability to deliver the latest news or developments to people anytime and from anywhere they choose (Nasir, 2013). There are virtually no places in the world that the media cannot reach. This has significantly increased the importance and influence of the media globally.

With the advent of the internet, it is evident that new media have begun to play a significant role in our lives. To resolve debates over what constitutes old media, most scholars have defined media that lack digital developments and interactive television as "old media" (Hollingsworth & Stewart-Mole, 2003, pp. 37-39). Contemporary media is still in a stage of development, which makes it a challenging phenomenon to define and analyze.

The first and most important question in this context is: what exactly constitutes new media? Commonly discussed and widely recognized examples include the internet, digital televisions, computers, CD-ROMs and DVDs, and websites. However, debates continue regarding whether three-dimensional digital animations, advertisements, and computer-generated materials that are later printed can also be classified as new media (Manovich, 2001, pp. 5-6).

Globalization and the New Dimensions of Media

The rapid development of information and communication technologies has facilitated the spread of globalization across the world. Many scholars argue that globalization consists of extensive flows of information. In this context, the rapid dissemination of electronic information has also brought about changes in society and culture. The modern understanding of globalization remains filled with unresolved tensions and uncertainties. Some view globalization as a process, a system, or a condition, while others see it as the dismantling of geographical boundaries and the facilitation of international trade. Moreover, the rapid advancement and proliferation of information and communication technologies pose challenges to implementing social, cultural, and technological changes within society (Zajda & Gibbs, 2009).

At the political level, globalization enhances international cooperation. Technology has enabled the widespread dissemination of ideas across the globe, producing a profound cultural impact. Today, people form their opinions through television and gain direct exposure (Parekh, 2004, pp. 130-135) to different cultures, including information about cuisine, music, clothing, habits, values, and social norms.

Culturally, the media has been utilized by states, and governments around the world have sought to monitor, regulate, or employ their media in education and cultural spheres. In this context, globalization has profoundly influenced the natural relationship between states and media (Matos, 2012). As the media has become an inseparable component of globalization, states have sought to exert intensive control over it.

The emergence of media as a decisive factor in the cultural sphere, combined with the uneven cross-border dissemination of films, television, music, news, and information, has been defined by states as cultural imperialism. This form of dominance is particularly evident in the West, especially the United States, where it reflects and shapes societal attitudes and values across other societies (Jan, 2009).

The media holds a central position in globalization for three main reasons. First, media companies have globalized their own operations. Second, the global communication infrastructure allows for the rapid flow of information worldwide. Third, the media plays a guiding role in shaping how we perceive events around the world. Scholars focusing on cultural studies argue that media and globalization foster international dialogue and contribute to democratic processes. In contrast, scholars examining media and globalization from economic and political perspectives contend that media is a homogenizing process exploited by powerful actors, which, as a result, can lead to the misuse or weakening of democratic systems (Movius, 2010). Furthermore, the concept of global communication is closely linked to notions such as cultural imperialism and media imperialism. Global communication is often seen as a tool for controlling, invading, or weakening other cultures through political means. Cultural independence is threatened by media imperialism, and it can be argued that national identity faces the risk of erosion in the era of globalization (Wang, 2008).

The Relationship between Media and Terrorism

In 2006, former U.S. Secretary of Defense Donald Rumsfeld, speaking at the Council on Foreign Relations, acknowledged the significant relationship between media and terrorism, stating the following:

> *"...Violent extremists and terrorists establish various connections through the media, implementing their strategies not with bullets but through communication. All forms of communication tools are used to instill fear, and these same tools are employed to plan their attacks. Terrorists are well aware that communication transcends all boundaries and can directly harm our cause. They understand that this form of communication can be far more effective*

> *than any other military method. Consequently, it is used extensively. They are able to act very quickly and carry out attacks with a minimal number of people..."*(Conway, 2007, pp. 235-236).

Rumsfeld delivered this speech in 2006, a period when the media held considerable influence. However, major social media platforms such as Facebook, Twitter, and YouTube were not yet at the forefront. This indicates that Rumsfeld's assessment did not solely refer to internet-based interactions but rather to the multidimensional connection between media and terrorism in general. Moreover, as a global power, the United States had already recognized the potential threats arising from this connection and had begun to take preventive measures.

In his speech at the "Countering Violent Extremism" summit, former U.S. President Barack Obama focused on media and terrorism. Explaining what kind of measures should be taken against violence, extremism, and terrorism, Obama stated the following:

> *" In our struggle against extremism and terrorism, we must recognize that some of our best partners are the family members of those who lost their lives in terrorist attacks. Alongside individuals who have been victimized by extremism and terrorism, society itself is also a victim. On this matter, we must be honest with ourselves. Terrorist organizations such as al-Qaeda and ISIS seek to target young Muslims whose minds have been manipulated. In particular, there is intense propaganda directed at young people who feel disillusioned about their own identity. This is a reality. High-quality videos, online magazines, the use of social media, and pro-terrorism Twitter accounts are all media platforms specifically designed to appeal to young people."* (The White House, 2015).

Terrorist organizations have not always had access to the internet, television, and other technologies to disseminate their ideologies, recruit militants, influence the public, and display their objectives. Throughout history, they carried out their activities by employing traditional methods of warfare. In addition to these conventional tactics, they sought to achieve their aims through practices such as hostage-taking and abductions (Lumbaca & Gray, 2011). However, informing societies about such incidents or ensuring that these reports were read often took days, sometimes even weeks. Instead of relying on telegrams to transmit the details of an attack across thousands of kilometers, today's terrorists can initiate their propaganda through the media with just a single photograph taken on even the simplest of modern mobile phones. In contemporary incidents, advanced technology, professional equipment, and rapid means of transportation enable the immediate transmission of information directly from the scene. Journalists, moreover,

go beyond this by collecting various videos capable of creating impact in multiple ways and sending them to editors located thousands of kilometers away, who can then publish them online within a very short period of time (Eugenis, 2013). The connection between media and terrorism is influenced by various factors. Among the most significant is whether a terrorist organization operates at the national or international level, as this largely determines the extent of its strength.

The primary aim of terrorist incidents is to deeply influence the public. Those directly affected by terrorism or who witness such events firsthand are the first to experience its impact. However, if terrorists intend to achieve broader objectives through an attack, the media will often amplify fear and panic among the general population. This is particularly evident when terrorists aim to influence political decisions, demand resources, or seek revenge. In such cases, the messages conveyed to the public typically aim to convince people that chaos and fear are ever-present in their lives; to draw attention to issues that the public might normally overlook; and to coerce individuals into actions they would not normally take, using the pressure and threat of terrorism as leverage (Tuman, 2003, p. 20-23). This entire process occurs within the media, which simultaneously constructs and maintains its relationships with its audiences. Media outlets engage in this practice to increase their viewership. However, news related to terrorism is often reported with the anticipation of potential future threats, including similar or even larger attacks (Hoskins et al., 2011). Information regarding terrorist incidents is initially disseminated by the media. This information plays a crucial role in shaping how the public responds to acts of terrorism.

Laqueur, on the other hand, states that "journalists are said to be the best friends of terrorists because terrorists want to give maximum publicity to their operations. Terrorists need the media, and the media finds all the elements of an exciting story within terrorism. Media coverage has consistently reinforced the terrorist agenda and has amplified the political significance of many terrorist acts far beyond their actual scale" (Laqueur, 1999, p. 44). Hoffman summarizes the media–terrorism relationship as follows: "Terrorism and the media are inherently linked in a symbiotic relationship, each feeding and exploiting the other for its own purposes. The real issue is not the relationship itself, but whether it genuinely influences public opinion and government decision-making in ways that favor or assist terrorists. The answer to this question is far more complex and uncertain than traditional wisdom suggests" (Hoffman, 2017, p. 183).

In some cases, the media engages in efforts to legitimize terrorism. By choosing either not to cover terrorism or to present it in certain ways when it is covered,

the media can become a tool in struggles over legitimization. However, some researchers argue that if the media does not report on terrorist incidents, it allows unfounded rumors to spread, and therefore, the media can play an educational role in informing the public about counterterrorism efforts (Crelinsten, 1989).

After a terrorist incident occurs, both the media and the terrorists strive to prolong public attention to the event. The longer the reporting lasts, the more it captures audience interest. The presence of terrorist lifestyles, struggles, and related narratives in the media agenda enables terrorists to achieve their objectives, such as recruiting new militants and opening channels for financial support (Perešin, 2007, pp. 7-11).

The Challenge of Defining Terrorism

The history of terrorism stretches back to the very history of humanity. The first documented terrorist attacks were carried out by the Jewish Zealots – Sicarii, who sought to initiate an uprising against Roman rule. In the heart of Jerusalem, Jewish terrorists launched attacks against the Roman administration in an attempt to incite mass uprisings among the people (Brown et al., 2010, pp. 32). What we call "modern terrorism" today is often thought to have its roots in the French Revolution. In this regard, if we look at some of the world's most renowned dictionaries—such as the Oxford English Dictionary and Webster's New Twentieth Century Dictionary—they trace the term back to France in the late 1700s. It is noted that during the Revolution of 1793–94, the term *terrorism* was first coined etymologically. More importantly, however, in those years, acts of terror carried a *positive* connotation and had no external connection. The French revolutionaries, believing that conspiracies were being plotted by émigrés, began taking precautionary measures, and later, under Jacobin leadership, implemented every possible step and sanction to counter perceived threats (Williamson, 2009, pp. 42-43). The birth of terrorism in its present sense can be traced back to this event. The French Revolution shares at least two fundamental aspects with modern terrorism. First, the regime of terror was not accidental but rather organized, deliberate, and systematic. Second, much like contemporary terrorism, its purpose and justification lay in the aspiration to replace a non-democratic system and deep-rooted corruption with the creation of a "new and better society (Ayhan, 2015, p. 123). Thus, terrorism has undergone significant transformations from period to period and has persisted up to the present day. The Cold War, which began after World War II, marked another turning point in the evolution of terrorism. From this period onward, terrorism came to be used as a dirty tool of politics (Kanat, 2014, p. 196).

The word terror comes from the Latin "terrere," which means "to frighten" or "to terrify" (Alkan, 2013, p. 19). Terrorism, however, is a different term from terror, as it systematically and continuously involves the use of violence or the threat of violence. Nevertheless, there is no universally accepted definition of the term. Terrorist organizations, however, are nearly as old a phenomenon as states themselves (Ceylan, 2012, p.21).

The objectives of terrorist organizations have undergone significant changes throughout history. In this context, their goals have included regime change, political change, territorial change, and social control (Kydd & Walter, 2006, pp. 96-97). However, the choice of victims is carefully calculated to achieve objectives, and there is no randomness in their selection. In this context, terrorist attacks are carried out in open and crowded places—busy streets, train stations, airports, shops, shopping malls, and embassies—in order to create fear and panic among the public and to exert pressure on governments. Individual attacks are typically aimed at state representatives, diplomats, prominent journalists, writers, academics, and scientists (Flory & Higgins, 2014, pp. 30-31). When terrorist attacks against these targets occur, the aim is to influence the entire public through the media by spreading panic and fear. This, in turn, helps terrorist organizations achieve their objectives more quickly.

Political scientists have produced numerous definitions of terrorism. In this context, Alex Schmid analyzed the term "terrorism" from a comprehensive and distinct perspective. Since the common response among scholars was that "there is no sufficient definition," Schmid examined 109 existing definitions to identify the characteristic features of terrorism. From these 109 definitions, he extracted 22 common elements. Schmid attempted to develop a definition that could be internationally acceptable, but he was ultimately unsuccessful (Williamson, 2009, pp. 45-49). It is evident how much effort has been devoted to defining terrorism and how difficult this task is.

Bruce Hoffman defines terrorism as follows: "Terrorism, in its most widely accepted contemporary usage, is fundamentally and inherently political. It is also concerned with power: the pursuit of power, the acquisition of power, and the use of power to effect political change. Terrorism, therefore, is violence—or the threat of violence—used for, or in service of, a political purpose" (Hoffman, 2006, pp. 2-3).

Media organizations attempt to define terrorism from different perspectives. For example, they do not hesitate to label foreign-based individuals or groups as "terrorists." However, when local terrorist attacks occur and killings are carried out

for political objectives, these acts are often described as "anti-government citizen movements." Another example is that attacks by the United States on civilians—whether carried out by political groups or states—are often labeled as terrorist acts, which is an accurate classification. On the other hand, when the U.S. or its allies carry out similar attacks against civilians abroad, killing thousands, these actions are framed under the term "counter-terrorism operations" (McQueeney, 2014, pp. 2). This reflects a double-standard approach, which indicates that the media can never truly be independent.

Another issue arising from the problem of defining terrorism is its multidimensional nature. This is particularly evident in three main aspects: first, the objectives, operational methods, and targets of terrorism; second, the use of the term "terrorism" in different regions and by members of different religions to justify actions according to their own political beliefs; and third, the dynamic nature of terrorism. Its methods, targets, and objectives constantly change, making it complex to define. As a result, in recent years, terrorism has been adopted as a method of struggle by independent groups waging war in the name of religion (Perliger, 2006, pp. 10-12). Another significant factor complicating the term "terrorism" is whether terrorism can be carried out by states. There is disagreement over whether it is conducted solely by non-state actors, such as national or clandestine groups, or also by state actors. Additionally, there is debate over whether terrorist attacks are directed exclusively at civilians or can also target military objectives (Williamson, 2009, pp. 45-48). Schmid identifies four reasons why defining terrorism is difficult:

- Because terrorism is a "contested concept," and political, legal, social science, and other popular interpretations continue to diverge;
- Because the definitional issue is linked to delegitimization and "criminalization";
- Because there are many types of terrorism with different forms and manifestations;
- Because over its existence of more than 200 years, the term has undergone continuous changes in meaning (Schmid, 2004, pp. 395).

Taşdemir evaluates the inability to define terrorism as follows: "There are many reasons why a single definition of terrorism has not been reached at the international level, including differences in the power capacities, political systems, ideologies, and individual interests and priorities of states. This situation makes it difficult to distinguish terrorism from other forms of political violence and also hinders the effective fight against terrorism" (Taşdemir, 2015, pp. 47-48).

Globalization and New Terrorism

In general, it is emphasized that traditional terrorism had well-defined command and control structures and a clear hierarchical organization. This is followed by a larger and active layer of terrorists who carry out attacks and are usually specialized in specific activities such as bomb-making, assassinations, or surveillance. The next level consists of active supporters who provide intelligence, weapons, equipment, communication, transportation, and safe houses. At the base are passive supporters who agree with the terrorist organization's goals, spread its ideas, and express emotional support (Spencer, 2006, p. 8-9).

Jonathan Matusitz claims that the emergence of new terrorism occurred at a certain point in the transition from old to new terrorism with the 1990 bombing of the World Trade Center in New York and the 1995 sarin gas attack by Aum Shinrikyo on the Tokyo subway system. He also states that new terrorism rejects all other ways of life and advocates a categorical and inflexible worldview consistent with religious belief (Matusitz, 2012, p. 11).

Post–Cold War terrorism, also referred to as "new terrorism," has become far more unpredictable, harder to combat, and less constrained compared to its predecessor. The transformation of terrorism can be attributed to two main dynamics. The first is the disruption of the power balance that existed during the Cold War. The second key dynamic underlying this transformation is globalization, which has affected terrorism in two ways: first, by widening the gap between the rich and the poor, and second, through technological advancements—one of the developments that fueled globalization—which have produced significant consequences for terrorism (Kanat, 2014). While symbolic elements persist in new terrorism, a "higher body count equals greater success" mentality has become dominant. The aim of old terrorism had been to inflict minimal harm through symbolic acts while attracting the maximum possible attention to the cause. With the end of the Cold War, that restraint disappeared, and violence shifted toward more indiscriminate acts designed to kill larger numbers of people. Until the 1990s, many terrorist organizations operated within limited regions, but the evolutionary processes driven by globalization transformed them into genuinely global threats. Concurrently, innovations associated with globalization enabled terrorist groups to extend their operations transnationally, diversify their tactics, and amplify the effects of their actions at both national and international levels. Market competition produced by globalization has also led to an increase and expansion of arms markets worldwide, facilitating the sale of more lethal,

varied, and cheaper weapons to buyers regardless of their identity, provided they can pay (Erdogan, 2013, pp. 278-279).

Terrorism evolves with changing global conditions, and with the opportunities and capabilities provided by advancing technology, its influence and power continue to grow both nationally and internationally. Over the past 20 years, terrorism has taken on a global dimension, becoming a major issue that affects the world not only politically, culturally, and psychologically, but also economically. The revolutions brought about by globalization and technology, along with developments in transportation and communication, have provided terrorists with significant opportunities, thereby creating an increased need for security (Ekinci, 2016).

The New Dimension of Terrorism: The Role of the Internet

The Internet has become a "terrorist space" that allows terrorists to conduct their activities more easily, making it the most utilized medium by terrorist organizations compared to all other media platforms. Examining the advantages offered by the Internet, it is clear that it is not used solely by political activists. Terrorist groups extensively use the Internet to communicate, organize, recruit civilians into terrorism, conduct various online trainings, and carry out propaganda (Dean, et al., 2012, p. 112).

Walter Laqueur assessed the emergence of entirely new dimensions of terrorism as follows:

> "Everything—from how to build electronic bombs to how to produce electronic terror mail—can be found on the Internet. To use computer jargon, 'anarchy toys' and anti-modem weapons have been incorporated into these hacking and code-breaking libraries. The Internet also carries far more extremist right-wing terrorist propaganda than material from any other part of the political or religious spectrum. These statements and propaganda are not illegal (at least not in the United States), and they do not represent something radically new, since similar materials have always existed in pamphlets and books. What distinguishes cyberterrorism is the ease with which a very small number of people, operating at great distance and under low personal risk, can inflict enormous damage on the technological infrastructure of a political entity" (Laqueur, 1999, p. 75).

The Internet now provides terrorist organizations with rapid communication and various extensive opportunities to influence the media and public opinion. These opportunities have been deeply exploited by terrorist organizations (Brunst, 2010). From this brief analysis, it's clear that terrorist organizations can now carry out

their activities on the Internet much more easily and with lower risk. Propaganda can be conducted by launching a website from anywhere in the world. While in the past it was much more difficult for terrorist groups to conduct their activities, the Internet has facilitated the execution of all their operations. Through media, social media, communication tools, and the Internet, terrorist organizations have succeeded in becoming a global threat.

Terrorists' Online Weapon: Social Media

One of the most powerful weapons of terrorist organizations is undoubtedly social media. Social media has emerged as one of the greatest threats used by terrorist groups and their supporters. As a freely accessible and legally underregulated platform, social media has provided numerous opportunities for terrorist organizations to carry out their activities. Through the Internet—especially via social media—terrorist groups have the capacity to run various support programs. Terrorist operations that were once difficult to execute can now be carried out far more easily on social media.

Terrorist organizations exploit all the opportunities provided by social media to recruit potential members. In addition to routinely used platforms such as Facebook and YouTube, there are many other sites employed for terrorist purposes. For example, a video depicting terrorist activities can be far more effective for young people than a written text about terrorism. There are various examples of how terrorist groups use YouTube: videos demonstrating weaponhandling drills and other types of training provide effective instruction via YouTube channels. Moreover, many such videos do not contain explicit violence and therefore do not violate YouTube's rules, so they are not removed. However, terrorist groups also benefit from posting videos that show how to place different types of bombs; these videos are viewed and shared thousands of times until they are reported to YouTube and removed (Dean, 2012, pp. 109-112).

Hoffman summarizes the relationship between online sites and terrorism as follows: "Online sites are often colorful, well-designed, and visually striking. They aim particularly at computer-savvy, media-saturated, video game–addicted generations. Most sites present the terrorist group's history, goals, objectives, and the damage inflicted by enemy states. They also typically include biographies of the group's leaders, founders, and key figures, as well as current news and stories, speeches, ideological analyses, and especially the organization's proclamations and other significant statements" (Hoffman, 2006, pp. 206-207).

In 2013, a member of the Al-Qaeda terrorist organization opened a Twitter account that quickly gained approximately 5,500 followers. The same account also had close connections with the official accounts of the Al-Shabaab and Al-Nusra terrorist groups, and later began following another terrorist group based in Aleppo. This clearly demonstrates how terrorist organizations attempt to establish global connections through social media. Social media, in particular, serves as a powerful tool for spreading radical ideologies among young people. There are also various accounts on social media accessible only to certain individuals—these are pages where terrorist leaders exchange information about different terrorist activities, plans, and tactics (Osaherumwen, 2017, pp. 86-87). Supporters of a terrorist organization can provide assistance to the group from other parts of the world through social media. This problem typically arises when terrorist attacks receive widespread support. For instance, if a terrorist attack is endorsed by thousands of people from different parts of the world, it becomes extremely difficult for the authorities to bring it under control.

Conclusion

In conclusion, social media has become a crucial tool for terrorist organizations, enabling them to extend their influence beyond local borders and operate on a global scale. It provides these groups with unprecedented opportunities to communicate, organize, and propagate their ideologies efficiently, often with minimal risk. Unlike traditional media, social media allows anonymity, rapid dissemination of content, and access to a massive audience, making it a powerful platform for recruiting supporters and spreading radical beliefs.

Moreover, the global nature of social media creates significant challenges for authorities attempting to combat terrorism online. Supporters from different parts of the world can provide financial, logistical, or moral assistance, making the containment of terrorist activities increasingly difficult. The interconnectedness of terrorist groups through social media also facilitates the sharing of tactics, strategies, and propaganda, which strengthens their operational capacity and enhances their resilience against law enforcement efforts.

Finally, the widespread use of social media by terrorist organizations raises concerns about legitimacy and public perception. Media-based support can contribute to the normalization or perceived legitimacy of such groups, especially among vulnerable populations. Therefore, combating terrorism in the digital age requires not

only monitoring and controlling online platforms but also developing strategies to counter radical narratives and reduce the appeal of extremist ideologies to global audiences.

References

Alkan, N. (2013). *Gençlik ve radikalizm* (1st ed.). Kara Kutu Yayınları.

Ayhan, H. (2025). Terör kavramı, Güvenlik Konseyi ve Genel Kurul özelinde Birleşmiş Milletler'in 2001 sonrası terör yaklaşımı. *Güvenlik Stratejileri, 11*(21), 117–130. https://dergipark.org.tr/tr/download/article-file/84596

Bassiouni, M. C. (1983). Problems in media coverage of nonstate-sponsored terror-violence incidents. In L. Z. Freedman & Y. Alexander (Eds.), *Perspectives on terrorism* (pp. 177–200). Scholarly Resources.

Brunst, P. W. (2010). Terrorism and the Internet: New threats posed by cyberterrorism and terrorist use of the Internet. In M. Wade & A. Maljevic (Eds.), *A war on terror? The European stance on a new threat, changing laws and human rights implications* (pp. 51–79). Springer. https://doi.org/10.1007/978-0-387-89291-7_3

Brown, M. E., Coté, O. R., Lynn-Jones, S. M., & Miller, S. E. (Eds.). (2010). *Contending with terrorism: Roots, strategies, and responses.* MIT Press. https://www.belfercenter.org/publication/contending-terrorism-roots-strategies-and-responses

Ceylan, A. K. (2012). *Terör* (1st ed.). Yeni Yüzyıl Yayınları.

Conway, M. (2007). Terrorism and the making of the 'New Middle East': New media strategies of Hizbollah and al Qaeda (Working Paper No. 7). *Centre for International Studies, Dublin City University.* https://doras.dcu.ie/2144/1/2008-7.pdf

Crelinsten, R. D. (1989). Terrorism and the media: Problems, solutions, and counterproblems. *Political Communication, 6*(4), 311–339. https://doi.org/10.1080/10584609.1989.9962881

Dean, G., Bell, P., & Newman, J. (2012). The dark side of social media: Review of online terrorism. *Pakistan Journal of Criminology, 3*(3), 107–126.

Ekinci, N. (2016). Medya bataklığında büyüyen bir sorun: Terörizm. *Karadeniz Sosyal Bilimler Dergisi, 8*(15), 217–236.

Erdogan, I. (2013). Küreselleşme olgusu bağlamında yeni güvenlik algısı. *Gazi Akademik Bakış, 6*(12), 265–292.

Eugenis, K. (2013). Who will tell the story? Terrorism's relationship with the international news media (Master's thesis, University of Nevada, Las Vegas). *UNLV Digital Scholarship Repository.* https://oasis.library.unlv.edu/cgi/viewcontent.cgi?article=2823&context=thesesdissertations

Flory, M., & Higgins, R. (Eds.). (2014). *Terrorism and international law.* Routledge. https://www.routledge.com/Terrorism-and-International-Law/Flory-Higgins/p/book/9781138874329

Gitelman, L. (2006). *Always already new: Media, history, and the data of culture.* MIT Press. https://www.mediastudies.asia/wp-content/uploads/2016/10/Gitelman-Always-Already-New-Intro-excerpts.pdf

Hoffman, B. (2006). *Inside terrorism* (2nd ed.). Columbia University Press.

Hoffman, B. (2017). *Inside terrorism* (3rd ed.). Columbia University Press. https://cup.columbia.edu/book/inside-terrorism/9780231174770

Hollingsworth, M., & Stewart-Mole, K. (2003). *How to get into television, radio and new media*. Continuum.

Hoskins, A., Awan, A., & O'Loughlin, B. (2011). *Radicalisation and media: Connectivity and terrorism in the new media ecology* (1st ed.). Routledge. https://doi.org/10.4324/9780203829677

Jan, M. (2009). Globalization of media: Key issues and dimensions. *European Journal of Scientific Research, 29*(1), 66–75.

Kanat, S. (2014). Terörizmin dünü, bugünü yarını: Siyasal gerçekçi bir değerlendirme. *Süleyman Demirel Üniversitesi İktisadi ve İdari Bilimler Fakültesi Dergisi, 19*(3), 195–210.

Kortti, J. (2016). Media history and the mediatization of everyday life. *Media History, 23*(1), 115–129. https://doi.org/10.1080/13688804.2016.1207509

Kozlowski, A. (2013). Perceptions of guilt in sensational cases: The influence of media (Master's thesis, Texas Tech University), 8–9.

Kydd, A. H., & Walter, B. F. (2006). The strategies of terrorism. *International Security, 31*(1), 49–80. https://doi.org/10.1162/ISEC.2006.31.1.49

Laqueur, W. (2006). *The new terrorism: Fanaticism and the arms of mass destruction*. Oxford University Press. https://public.ebookcentral.proquest.com/choice/publicfullrecord.aspx?p=273087

Lee, K. (2015). Social media and terrorism. *ASA Institute for Risk & Innovation*, 2.

Lieberman, A. V. (2017). Terrorism, the Internet, and propaganda: A deadly combination. *Journal of National Security Law & Policy, 9*, 95–103.

Lumbaca, S., & Gray, H. D. (2011). The media as an enabler for acts of terrorism. *Global Security Studies, 2*(1), 46.

Manovich, L. (2001). *The language of new media*. MIT Press.

Matos, C. (2012). Globalization and the mass media. In *Encyclopedia of globalization*. Wiley-Blackwell. https://doi.org/10.1002/9780470670590.wbeog369

Matusitz, J. (2012). *Terrorism and communication: A critical introduction* (1st ed.). SAGE Publications.

McQuail, D. (2010). *McQuail's mass communication theory* (6th ed.). SAGE.

McQueeney, K. (2014). Disrupting Islamophobia: Teaching the social construction of terrorism in the mass media. *International Journal of Teaching and Learning in Higher Education, 26*(2), 297–309. https://files.eric.ed.gov/fulltext/EJ1060841.pdf

Movius, L. (2010). Cultural globalisation and challenges to traditional communication theories. *Platform Journal of Media and Communication, 2*(1), 6–17.

Nasir, M. (2013). Role of media in a developed society. *Interdisciplinary Journal of Contemporary Research in Business, 5*(2), 407–415.

Norris, P., Kern, M., & Just, M. (Eds.). (2003). *Framing terrorism: The news media, the government and the public.* Routledge.

Osaherumwen, I. S. (2017). International terrorism: The influence of social media in perspective. *World Wide Journal of Multidisciplinary Research and Development, 3*(10), 86–91.

Parekh, B. (2004). Globalisation for a multicultural world. In K. Horton & H. Patapan (Eds.), *Globalisation and equality* (1st ed., pp. 129–145). Routledge. https://doi.org/10.4324/9780203358252

Perešin, A. (2007). Mass media and terrorism. *Medijska Istraživanja, 13*(1), 5–22. https://hrcak.srce.hr/file/28073

Perliger, A. (2006). *Middle Eastern terrorism (Roots of Terrorism).* Chelsea House Publishers.

Schmid, A. P. (2004). Terrorism – The definitional problem. *Case Western Reserve Journal of International Law, 36*(2), 375–419. https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1400&context=jil

Smith, M., & İgoe Walsh, J. (2013). Do drone strikes degrade Al Qaeda? Evidence from propaganda output. *Terrorism and Political Violence, 25*, 314. Routledge.

Spencer, A. (2006). Questioning the concept of 'new terrorism'. *Peace, Conflict & Development, 8*, 1–33. https://www.bradford.ac.uk/library/library-resources/journal-of-peace-conflict-and-development/Questioning-the-Concept.pdf

Taşdemir, F. (2015). İç savaş çerçevesinde terörizm ve IŞİD örneği. *Uluslararası Hukuk ve Politika, 11*(42), 41–67.

Taylor, P. (1997). *Global communications, international affairs and the media since 1945.* Routledge.

The White House. (2015, February 18). Remarks by the president in closing of the summit on countering violent extremism. https://obamawhitehouse.archives.gov/the-press-office/2015/02/18/remarks-president-closing-summit-countering-violent-extremism

Tsesis, A. (2017). Terrorist incitement on the Internet. *Fordham Law Review, 86*(2), 367–373.

Tugwell, M. (1986). Terrorism and propaganda: Problem and response. *Conflict Quarterly,* 5–7.

Tuman, J. S. (2010). *Communicating terror: The rhetorical dimensions of terrorism* (2nd ed.). SAGE Publications. https://doi.org/10.4135/9781452275161

Van de Voorde, C. V. (2005). Freedom fighters, freedom haters, martyrs, and evildoers: The social construction of suicide terrorism (Doctoral dissertation, University of South Florida), 113.

Wang, D. (2008). Globalization of the media: Does it undermine national cultures? *Intercultural Communication Studies, 17*(2), 203–211. https://scispace.com/pdf/globalization-of-the-media-does-it-undermine-national-50cq4m3k6d.pdf

Wilkinson, P. (1974). *Political terrorism* (1st ed.). The MacMillan Press.

Williamson, M. (2009). *Terrorism, war and international law: The legality of the use of force against Afghanistan in 2001* (1st ed.). Routledge. https://doi.org/10.4324/9781315612133

Zajda, J., & Gibbs, D. (Eds.). (2009). *Comparative information technology: Languages, societies and the internet*. Springer.

Zhang, X. (2015). Media coverage of the ISIS threat: Transnational media and global journalism (Master's thesis, Texas Tech University). https://ttu-ir.tdl.org/server/api/core/bitstreams/527032ed-cc1a-41e9-978e-7e6302622687/content

JLP JOURNAL OF LAW AND POLITICS

Legal Violence in Postcolonial South Asia: Typologies of Exclusion and the Politics of Citizenship Law

Md. Tarik Morshed

DOI: https://doi.org//10.69648/ADIC7162
Journal of Law and Politics (JLP), 2025; 6(2): 65-79
jlp.ibupress.com
Online ISSN: 2671-3438

Application: 01.09.2025
Revision: 22.10.2025
Acceptance: 25.10.2025
Publication: 30.10.2025

Morshed, T. (2025). Legal violence in postcolonial South Asia: Typologies of exclusion and the politics of citizenship law. Journal of Law and Politics, 6(2), 65-79. https://doi.org//10.69648/ADIC7162

Md. Tarik Morshed
Khulna University, Khulna, Bangladesh

https://orcid.org/0000-0001-9924-6147

We declare no conflicts of interest.

Correspondence concerning this article should be addressed to Md. Tarik Morshed, Email: tarikmorshed@law.ku.ac.bd

BALKAN JOURNALS

Abstract

This article explores how postcolonial states in South Asia employ citizenship law as an instrument of 'legal violence'. It argues that India, Myanmar, and Bangladesh have repurposed the colonial legacies of classification, division, and bureaucratic control to disenfranchise and marginalise certain groups. Taking inspiration from critical legal studies and postcolonial theories, this article demonstrates that law, commonly presented as neutral and objective, is a political instrument with the power to suspend rights and reinterpret identity and belonging. Three different and yet interlinked forms of legal violence have been identified. In India, procedural violence takes the form of legal instruments such as the National Register of Citizens and Citizenship Amendment Act, which together have been deliberately designed to exclude Muslims from their status and rights as citizens. In Myanmar, annihilative violence is institutionalised via the 1982 Citizenship Law, which reduces the Rohingya to a state of non-citizenship and, in formal ensure, brings statelessness and persecution. In Bangladesh, attritional violence is experienced by the marginalized minorities in terms of administrative neglect. Together, these cases help to reveal how postcolonial citizenship regimes recycle colonial logics, produce statelessness, and undermine inclusive democracy.

Keywords: legal violence, postcolonial citizenship, critical legal studies, statelessness, minority rights

Introduction

The post-colonial states of South Asia, the products of the violent partitions of the British empire, inherited from the empire not just its territories and populations but also its laws and bureaucratic structure (Saxena & McClure, 2023). The article contends that this legacy is being repurposed as an instrument of 'legal violence' in India, Bangladesh, and Myanmar. This violence does not necessarily operate through the direct command of physical force, but through the so-called 'neutral, rational, and objective' language of law to unmake some populations as citizens. In these societies, citizenship regimes are not merely flawed systems of administration, but extremely complex political projects that employ laws, regulations, and courts in the making and also the erasure of citizens, who are excluded, marginalized, and in some cases, made subject to death. This is a direct and continuing inheritance of colonial rule, which perfected the techniques of population control by classification and division that sustained in the post-colonial states in the making of exclusive, majoritarian national identities.

The analysis in this article is a combination of two theoretical perspectives, namely Critical Legal Studies (CLS) and Postcolonial Theory. CLS provided a powerful conceptual tool for debunking the myth of neutrality in law. Emerging in the 1970s, CLS theorists challenge the positivist understanding of 'law' as an objective, rational, politically-neutral set of rules; rather, they describe law as an instrument of power (Bianchi, 2017). Quite understandably, they observe law as politics by another means, a mode of stylized discourse that privileges power against the backdrop of given social inequalities and works as a source of new social hierarchies (Wilson & Cella, 2022). One of the central tenets of this critical movement is "legal indeterminacy", that legal rules are often vague and contradictory, allowing judges and administrators to use their personal and political biases to reach an interpretation that favors the powerful (Bianchi, 2017).

The CLS is informed by postcolonial legal studies, which examine the lasting cultural, economic, and political effects of colonialism (Mawani, 2020). Postcolonialism challenges the Eurocentric legal frameworks and knowledge systems that are imposed on colonized societies and demonstrates how colonial legal logics, power asymmetries, and material injustices continue long after the formal end of the empire (Quijano, 2000). It exposes how colonial powers constructed the colonized as the 'other' and created the colonial subject, whose voice and agency have been hegemonic in hegemonic historical narratives (Quijano, 2000). More significantly, a postcolonial analysis reveals how, under the pretense of modernization, and nation

building, post-independence states often reproduce an oppressive legal and ideological infrastructure inherited from the colonial power: reinscribing the colonial system of governance in terms of national sovereignty.

Through the synthesis of the theories above, it is possible to theorize 'legal violence' as a feature of postcolonial state-formation (Mawani, 2011). It is the mechanism through which the state utilizes the *form* of modern, rational law to achieve the *function* of exclusionary social ordering. The law here becomes a technology for producing some people as "illegal" within their own homelands, depriving them of what Arendt (1951) called the "right to have rights". This article will first situate this phenomenon within the colonial architecture of population control in the British Empire, a shared historical root for all three nations. It will thereafter conduct detailed case studies on India, Myanmar, and Bangladesh, illustrating the particularities of the legal violence in these contexts. The analysis shall conclude with a comparative synthesis that brings out the disparate yet connected strategies of weaponization of law in unmaking the citizen in postcolonial South Asia.

The Colonial Blueprint

The crises around citizenship in Bangladesh, India, and Myanmar do not simply originate after independence; it is the direct and deliberate result of a colonial design that categorized, divided, and managed populations for the purposes of imperial control. The British Raj did not simply rule over existing societies, but engaged in an active process of reshaping and even creating them: transforming the fluid social identities into stable, politically charged categories, and drawing administrative lines that became the intractable borders of the future.

The Census and the Reification of Identity

The British colonial census, which was introduced in the late 19th century, was a technology of profound social and political transformation. It was more than the mere act of enumeration: it was an instrument of social engineering through which the complex and fluid social world of South Asia was organized by the logic of a Western, classificatory scheme (Ashesh & Thiruvengadam, 2017). Indigenous concepts of identity, which were often contextual, overlapping, and localized, were forced into discrete, pan-Indian categories of 'religion' and 'caste' (Samarendra, 2011). Colonial administrators, struggling to comprehend Indian society, based their conception of the social on textual interpretation and Brahmin opinion in

order to construct a hierarchical and fixed society that could be quantified, mapped out, and administered (Bhagat, 2006).

In British India, this process of classification and counting had the effect of sharpening and hardening the lines of division between Hindus and Muslims, transforming what once had been porous communities into adversarial, politically competitive blocs (Ashesh & Thiruvengadam, 2017). In the same manner, caste identities reified as previously flexible and local notions of *jati* became incorporated into a more inflexible and pan-Indian hierarchy of *jati*, which was described by the Commissioner for the 1901 Census as "the cement that holds together the myriad units of Indian society" (Shaikh, 2010). Drawing on its experience in India, the colonial administration in Burma created and ranked groups into ethnic categories that separated the majority known as Bamar as different from the 'hill tribes' and other minorities (Prasse-Freeman, 2023). This reification of identity as a bureaucratic construct also laid the foundation for all later forms of political mobilization and conflict in the region.

Divide and Rule: Politicizing Difference

The colonial state did not merely categorize, but it also instrumentalized these new categories in a direct 'divide and rule' (*divide et impera*) politics. By institutionalizing these divisions in the political and administrative system, the British ensured that the communities would compete with one another for the patronage of the state instead of uniting against the colonial administration (Biswas, 2018). The Reforms that granted Muslims separate electorates, and other like Acts which extended this principle to Sikhs, Indian Christians, and others, are evidence of the principle (Biswas, 2018). In this system, religious communities became separate political communities, and politics started taking the path of communalism.

In Burma, this was reflected in preferential treatment towards ethnic minorities like the *Karen* and *Kachin* over the majority Bamar population, when it came to recruitment into the colonial army and administration (Gravers, 2015). This created a deep-seated resentment from the Bamar, who began to view "the massive immigration from India, the Christian conversion, and ethnic favoritism as subversion of their meaningful order and as a foreign disorder" (Gravers, 2015). During World War II, these divisions were further exploited when the British armed *Rohingya* volunteers to fight the Japanese and their Bamar nationalist allies, leading to brutal inter-communal violence (Bhattacharjee, 2024). In transforming social difference into political antagonism, the colonial state generated enmity amongst rival

communities and passed on a legacy of profound mistrust that would become the hallmark of post-independence politics.

Arbitrary Borders and Manufactured Minorities

The final and most persistent act of colonial violence was to establish international borders arbitrarily. These were not lines between communities based on ethnic, linguistic, or geographical logic but rather based on administrative and strategic considerations of the departing empire (Dalrymple, 2025). The postcolonial borders of India, Pakistan, and Myanmar cross the ancestral or existing homelands of various ethnicities, leaving single communities and networks of kinship stranded between two future nation-states (Dalrymple, 2025).

The British Empire actively promoted and facilitated the migration of huge groups to meet its commercial needs (Bose & Sarkar, 2023). These movements were, at the time as internal migrations within a single imperial boundary. But the drawing of new national borders made these same of these people 'illegal immigrants' (Sadiq & Gerasimos, 2021). Post-colonial states inherited this complex demographic situation and froze these borders as the fundamental reality. Here, the 'foreigner' is not an outside danger but a product of the colonial state, creating populations through its imperial projects and then rendering them illegal through later actions.

Procedural Violence in India

The Republic of India was founded on a promise of secular, inclusive citizenship, a vision conceived amid the trauma of the subcontinent's violent partition. But since the country gained its independence, this essential promise has been eroded by a series of laws and processes. This trajectory of legal transformation contains a distinct sort of legal violence: the procedural and bureaucratic violence that employs documentation and law as a weapon to unmake its citizens, and implant a majoritarian, ethno-religious idea of the nation.

From Civic to Ethnic Nation

The framers of the Indian Constitution were deeply traumatized by the religious bloodshed of Partition that led them to deliberately establish a form of citizenship that went beyond religious and communitarian identity. The members of the Constituent Assembly predominantly accepted *jus soli* (right of the soil) as the qualifying principle: all persons born within the territory of India were entitled to be

citizens of India (Constitutional Assembly of India, 1949). This was a hallmark of a "modern, civilized" and democratic nation, in deliberate contrast to the religious logic that led to the creation of Pakistan's inception.

Yet, the seeds of an alternative, more exclusionary logic were present from the beginning. The trauma of Partition inevitably shaped the debates, and this created pressure to respond to the plight of refugees (Judge, 2022). This resulted in the enactment of the Citizenship Act of 1955. The Assam Accord, signed in 1985, was a significant event that ended six years of agitation against the perceived influx of Bangladeshi immigrants (Das, 2024). For the first time, they undertook a special citizenship mechanism to be operative only in Assam. For citizenship of the state, the Accord provided that all persons who entered Assam after 25 March 1971 would be treated as foreign nationals (Das, 2024). It also codified the decades-old political project to identify and expel people deemed to be "foreigners" who came to Assam after that day. Enshrined in section 6A of the Citizenship Act, this amendment fundamentally altered the fabric of Indian citizenship based on jus soli and set a legal precedent of regarding this group of dwellers, largely Bengali-speaking Muslims, as presumptive aliens.

The National Register of Citizens (NRC) in Assam

The Assam Accord's mandate to identify foreigners remained largely unimplemented for many decades, until the Supreme Court of India directed the update of the 1951 National Register of Citizens (NRC) (Das, 2024). The process required that each resident demonstrate, with specific and almost inaccessible historical documents, that they or their ancestors had lived in India prior to the 1971 cut-off date (Das, 2024). This shifted the general process of the onus of proof; it was not for the state to demonstrate that someone was a foreigner, but for every individual to prove they were a citizen.

This imposed an almost impossible condition on millions, especially amongst the poor, illiterate women, who often lack land papers, birth certificates, or education certificates (Das, 2024). Women were particularly vulnerable since they moved out of their natal villages after marriage, their names were changed, and they were less likely to have property or their name in official records, which is supposed to preclude them from demonstrating the lineage link to a pre-1971 ancestor (Bhowmick, 2020). The final NRC, published in August 2019, excluded approximately 1.9 million people (Das, 2024). There are reports of widespread psychological trauma, severe anxiety about deportation, family separation, and indefinite detention

faced by these people (Bahn, 2019). This is violence not of baton or bullet but of the slow grinding of the inexorable machinery of the state's legal and administrative apparatus.

The Final Crisis

The political implications of the NRC, which surprisingly excluded large numbers of Bengali Hindus, generated a major challenge to the ruling BJP that self-identifies as a Hindu nationalist party (Saikia, 2019). The central government responded to this situation by enacting the Citizenship (Amendment) Act in 2019. This new amendment grants Indian citizenship to Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians who fled persecution from Afghanistan, Bangladesh, and Pakistan and entered India on or before December 31, 2014. For the first time, the CAA makes religion a test of citizenship in India. The law's selective approach is also interesting because it leaves out persecuted Muslim minorities like the *Rohingya* from Myanmar and the Ahmadiyya and Hazara from Pakistan while ignoring non-Muslim refugees like Tamil Hindus from Sri Lanka (Ellis-Petersen, 2024).

The CAA becomes particularly problematic when it is read in conjunction with the proposed nationwide NRC. This combination produces what might be described as a legal pincer movement. The NRC is the first arm of the pincer: a broad net that will disenfranchise millions of people who lack perfect documents and are now threatened with losing their citizenship and being rendered presumptively illegal. The CAA serves as the second arm: a selective filter that provides a lawful escape, a way back to citizenship, but only for non-Muslims. Like Hindus and Sikhs, many Muslims may find the new evidentiary requirements impossible to meet. But what sets Muslims apart is that they do not have an alternative route to citizenship. Even though the law does not formally call Muslims foreigners, it makes them outsiders through the technicalities of documentation and through the discriminatory structure of CAA. Multiple petitions challenging the CAA on grounds of religious discrimination and violation of constitutional principles of equality and secularism are pending before the Supreme Court, which has not yet delivered a verdict. The very legal order itself thus becomes a form of violence, which works to subtly and efficiently undermine the belonging of Muslim citizens and create a hierarchy that endangers their sense of security and dignity by using 'legal indeterminacy'.

Myanmar: The Legal Architecture of Annihilation

In Myanmar, citizenship law is not merely a vehicle of marginalization but an architecture for annihilation. This weaponization of law has played the role of an indispensable legal and moral precondition for decades of persecution, ethnic cleansing, and genocidal violence inflicted upon the *Rohingya* and other ethnic minorities. It provides a stark illustration of how legal violence can function to unmake the existence of a people, rather than just their citizenship.

Citizenship Law as a Tool for Exclusion

The 1982 Citizenship Law is one of the most sophisticated pieces of discriminatory legislation on citizenship. From a more open, post-independence framework to a racialized system, it fundamentally changed who was considered to belong to Myanmar. Quite uniquely, the law distinguishes between three types of citizenship: full citizenship, associate citizenship, and naturalized citizenship. This structure establishes a two-tier system of first- and second-class citizens, where the rights of associate and naturalized citizens are contingent upon the discretion of the state, a clear violation of the principle of legal equality.

At the basis of the lies is the concept of full citizenship. This privileged status is strictly reserved for members of the 135 officially recognized *taingyintha* or "national races". These groups are designated by the state as those with ancestors that settled in the area now known as Myanmar before 1823, the year of the first Anglo-Burmese War and the onset of the British colonial expansion (Waller, 2020). Anyone who cannot document "conclusive evidence" of such a pre-colonial lineage and who does not fall within one of the officially recognized *taingyintha* groups is denied full citizenship. The *Rohingya,* who are notably excluded from the official list of 135 national races, were therefore made non-nationals in their country of origin. The law effectively institutionalized their statelessness and removed their citizenship, and with it, all basic rights to protection, freedom of movement, education, and political participation.

The Political Construction of the *Taingyintha*

The concept of *taingyintha* is the ideological core of the 1982 law, yet it is a modern political invention. Although the term was used in the colonial period to signify "native" identity, it was developed and weaponized by the post-1962 military regime in its project to construct a particular kind of Burmese nation (Cheesman, 2017). This vision was expressly exclusionary, forging a homogenous national

identity in contrast to "foreign" elements such as 'Indians' and Chinese who had come to the colony during the colonial era (Cheesman, 2017). The 1823 is not a mere 'neutral' political historical marker; it is an arbitrary, politically charged cut-off year because it post-dates the foundation of the ancient Arakanese kingdom, where early literature on this kingdom clearly reveals the existence of the Rohingyas, and pre-dates the two waves of migration from the rest of British India. Thus, the state can conflate the long-settled people with those coming either later in the colonial period, or still later in the early twentieth century.

Legal Violence as a Precursor to Physical Violence

The 1982 Citizenship Law is a clear example of 'lawfare', in which legal means are used to attain strategic political and military objectives (Rusconi, 2023). By re-casting the legal status of *Rohingyas* as the "illegal Bengali immigrants" and the "resident foreigner" (Rusconi, 2023), the regime had conducted an act of profound dehumanization. This legal erasure of their identity and history served nothing but to strip away the moral or legal barriers to their persecution during the next few decades. If the *Rohingya* are not citizens, but illegal infiltrators, then the state is not violating their rights but merely enforcing its immigration laws. This legal fiction provided the justification for this 'apartheid' and, finally, the rationalization of physical extermination.

The law was the basis of a series of oppressive regulations that followed. Rohingyas' statelessness rendered them vulnerable to widespread human rights abuses, such as restrictions on movement, marriage, and childbirth, denial of education and healthcare, arbitrary land confiscation, and forced labor (Bhattacharjee, 2024). The 2012 pogroms, 2016–2017 genocidal "clearance operations" by the military (Bhattacharjee, 2024) were the inevitable result of a 'legal project' that had for decades already defined the Rohingya as an unwanted foreign element to be expelled from the nation-state. The lawfare of 1982 intended to transform legislative non-existence into real non-existence. It is this process that epitomizes what can be called the most disturbing forms of legal violence, an annihilative dehumanization where the law is used, not only to exclude, but to efface, the history and identity of people to the end of legitimizing their physical annihilation.

Bangladesh: The Legacıes of Partıtıon and War

The mode of legal violence in Bangladesh is unlike the proceduralism of India and the annihilative legalism of Myanmar, as Bangladesh pursues a kind of 'attritional violence' that works through legal uncertainty, administrative neglect, and deliberate non-implementation of rights. Based on the traumas of the 1947 Partition and the 1971 Liberation War, the conception of citizenship in this country has always been shadowed by the question of identity and belonging. This has forced minority groups into a precarious legal existence, caught in a legal uncertainty where they are citizens in principle, but in practice are not allowed to exercise their rights.

The Bihari Question

Bangladeshi citizenship is primarily regulated by the Citizenship Act of 1951 and the legislation passed regarding this subject. The Act provides the rules for citizenship by birth, by descent, by registration, and by naturalization, and also for renunciation and deprivation of citizenship. These rules have been repeatedly amended to suit the post-1971 context. The Constitution itself does not fix a definition but instead leaves the matter to legislation. The Bihari community, primarily descendants of Urdu-speaking Muslims, migrated from Bihar and other regions into East Bengal (which later became Bangladesh) around the 1947 Partition of British India (Chatterji, 2007). During their early years, they were neatly accommodated within the Pakistani citizenship regime. The Biharis generally supported the Pakistani army during the 1971 war of independence that gave birth to Bangladesh, and Biharis were increasingly viewed as collaborators of a foreign government (Hashmi, 2024). After independence, the Bangladesh Citizenship (Temporary Provisions) Order 1972 granted citizenship to those who were permanent residents on 25 March 1971 or whose father or grandfather was born in Bangladesh. On paper, this provision included most long-term Bihari residents.

The legal scenario changed with the judgment in *Md Sadaqat Khan v Chief Election Commissioner* (Writ Petition No. 10129 of 2007), where the Court ruled that Urdu-speaking individuals born in Bangladesh who meet legal requirements are entitled to Bangladeshi citizenship and inclusion in the electoral roll. The case established the legal principle of jus soli in Bangladesh and was a notable case in Bangladeshi jurisprudence. Quite disappointingly, the lived reality of Biharis presents a different picture. The majority of Urdu speakers still encounter substantial barriers to obtaining documentation, accessing public services, and achieving social recognition, indicating that challenges persist despite the presence of legal

status (Muquim, 2023; Hossain & Billah, 2020). They live in camps, in informal settlements, having little access to identity papers (Muquim, 2023) and thus find themselves stuck in a gap between law on the books and law in action. This situation reinforces a core assumption of Critical Legal Studies: that formal recognition of rights in themselves is not sufficient to secure emancipation, as legal recognition of citizenship does not adequately resolve the deeply ingrained social and structural injustices.

The Thin Citizenship of Jumma Peoples

The Jumma (Chakma, Marma, Tripura, and others) are *de jure* citizens according to the citizenship laws of the country, but their struggle moves from formal recognition to being recognized as indigenous peoples and as an autonomous entity under the 1997 Chittagong Hill Tracts (CHT) Accord. While the Accord had committed to demilitarization, resolution of land disputes, and devolved governance, its implementation has been incomplete, and continuing reports of militarization, dispossession of lands, and obstacles to local governance remain (Asia Indigenous Peoples' Pact et al, 2025). Their formal citizenship is not contested, but they are confronted with daily struggles, delays in the issuance of national IDs, conflicts in mixed-settlement areas, and complications in land–related records (Chakma 2023). It can be observed that the citizenship is formally full, but in fact thin, which obstructs full civic membership in practice.

From the CLS perspective, the citizenship regime of Bangladesh illustrates 'legal indeterminacy' and its political nature in implementation (Unger, 1983). While the liberal courts may issue progressive rulings, it is a broader process of administration, one subject to financial constraints, political decisions, and social prejudice that actually determines the extent to which rights can be realized. When a law is enacted or declared without changes at the structural level, it becomes powerless. From the perspective of postcolonial critique, Bangladeshi citizenship law is underwritten by continuities with colonial notions of nation and territory. The majoritarian cultural characteristics (Bangalee) are endorsed by Article 6 (also Article 23A deals with a similar issue) Constitution, whereas citizenship is referred to as "Bangladeshi." This dualism homogenized cultural nationalism in the legal order by defining the minorities as abnormal in the national imagination. The CHT historically governed a "capitalist frontier" during the colonial period (Hasan & Sharmeen, 2023). continues to be managed through exceptional regimes of militarisation and settlement despite the 1997 Accord. This could be understood as a

form of the existence of a 'coloniality of power' (Restrepo, 2017): citizenship is formally equal, but hierarchized by territorialized governance and narratives of state security.

This combination of Critical Legal Studies (CLS) with postcolonial approaches highlights the different thicknesses of citizenship (Bauböck, 1999) experienced by Biharis and Jummas in Bangladesh, illustrating how these frameworks jointly address the complexities of citizenship. While the legal barrier against Biharis was lifted in 2008, they continue to be subject to systematic material exclusion. Such formal citizenship remains 'thin' in substance, based on their residence in separate camp settlements, municipal exclusion, and periodic politicization. For Jummas, formal citizenship is contrastingly coupled with the denial of their indigenous status and partial devolution or autonomy according to the CHT Accord. They continue to be restricted in their formal citizenship rights by the de facto militarisation, land disputes, and administrative hurdles. In both cases, citizenship refers not only to a technical legal status but to a lived experience that is fraught and uneven. The Biharis and the Jummas are examples of how the Bangladeshi legal order (informed, as it is, by both historical legacies and contemporary politics) continues to render citizens as unequal in reality even as it proclaims them to be legally equal.

Conclusion

While the contemporary citizenship regimes of India, Myanmar, and Bangladesh have been formed by different national histories and political projects, they bear a common and deeply disturbing legacy of a colonial administration. Citizenship law has been systematically weaponized in these three countries as an instrument of violence. However, this legal violence is not homogeneous in character; it shows various modalities as the preceding analysis indicates: procedural, annihilative, attritional. All of them are designed to unmake the citizen and regulate the boundaries of the nation along exclusionary, majoritarian principles.

This analysis shows that the legal identity of 'citizen' in postcolonial contexts is not a stable source of rights and protection, but a site of contestation and struggle. The transformative power of even defining who is a member of the political community involves the violent 'unmaking' of those who are not. In India, the combination of the NRC and CA is a model that can be called a complex procedural violence that facilitates a generalized state of precarity open to escape, except for Muslims. The 1982 Citizenship Law in Myanmar is an annihilative violence through which the

history and identity of the *Rohingya* people are legally erased to legitimize their later physical annihilation. In India, the combination of the NRC and CA is a model that can be called a complex procedural violence that facilitates a generalized state of precarity open to escape, except for Muslims. The 1982 Citizenship Law in Myanmar is an annihilative violence through which the history and identity of the Rohingya people are legally erased to legitimize their later physical annihilation. In Bangladesh, violence is attritional because it possesses the characteristic of administrative neglect and an absence of implementation. This has placed communities such as the Biharis and the Jumma in an absolute conundrum where their legitimate rights, legally granted in law books, are rendered meaningless in reality.

Each of these crises of citizenship brings to the surface an essential and possibly terminal paradox of the postcolonial nation-states in South Asia. These states use the liberal modern narrative of constitutionalism, the rule of law, and human rights to realize deeply illiberal, majoritarian ends based on colonial-era identity classifications. The result is a long-lasting conflict and the creation of massive stateless and dispossessed populations. No real resolution to these crises can be sought within the military-juridical structures of violence. It will require a profound re-imagination of political community, one that transcends the colonial logics of ethnic and religious categorization and majoritarian impulse that derive from it, and is instead based on an inclusive, rights-based model of citizenship grounded in the universal principles of international human rights law. Until such transformation occurs, the law will operate not as an instrument for protecting the weak, but as a weapon of the nation-state to target its 'other'.

References

Arendt, H. (1951). *The origins of totalitarianism*. Schocken Books.

Ashesh, A., & Thiruvengadam, A. K. (2017). *Report on citizenship law: India* (GLOBALCIT Country Report No. RSCAS/GLOBALCIT-CR 2017/12). European University Institute. https://hdl.handle.net/1814/47124

Asia Indigenous Peoples' Pact et al. (2025, June 20). *Urgent appeal regarding systemic racial discrimination against Indigenous Peoples in the Chittagong Hill Tracts (CHT), Bangladesh* (Submission to the UN Committee on the Elimination of Racial Discrimination [CERD])

Bahn, D. (2019, August 23). Most people left out of NRC are suffering from trauma and humiliation, finds survey. *The New Indian Express*. https://www.newindianexpress.com

Bauböck, R. (1999). *Recombinant citizenship* (IHS Political Science Series No. 67). Institute for Advanced Studies. https://irihs.ihs.ac.at/id/eprint/1225/1/pw_67.pdf

Bhagat, R. B. (2006). Census and caste enumeration: British legacy and contemporary practice in India. *Genus, 62*(2), 119–134.https://www.jstor.org/stable/29789312

Bhattacharjee, M. (2024). Statelessness of an ethnic minority: The case of Rohingya. *Frontiers in Political Science, 6,* 1144493. https://doi.org/10.3389/fpos.2024.1144493

Bhowmick, N. (2020, February 4). *India's new laws hurt women most of all*. Foreign Policy. https://foreignpolicy.com/2020/02/04/india-citizenship-law-women/

Bianchi, A. (2017). Critical Legal Studies and the New Stream. In *International Law Theories: An Inquiry into Different Ways of Thinking* (online ed., Chapter 7). Oxford University Press. https://doi.org/10.1093/acprof:oso/9780198725114.003.0007

Biswas, S. (2018). Gandhi, Ambedkar and British policy on the communal award. *Studies in People's History, 5*(1), 48–64. https://doi.org/10.1177/2348448918759867

Bose, S., & Sarkar, S. (2023). Labour coercion and commodification: From the British Empire to postcolonial migration states. *Journal of Ethnic and Migration Studies, 50*(3), 657–674. https://doi.org/10.1080/1369183X.2023.2269778

Chakma, A. (Ed.). (2023). *Human Rights Annual Report 2022 on Indigenous Peoples in Bangladesh: Women and Girls*. Kapaeeng Foundation. https://doi.org/10.13140/RG.2.2.29271.24487

Chatterji, J. (2007). *The spoils of partition: Bengal and India, 1947–1967*. Cambridge University Press.

Cheesman, N. (2017). How in Myanmar 'National Races' came to surpass citizenship and exclude Rohingya. *Journal of Contemporary Asia, 47*(1), 1–24. https://doi.org/10.1080/00472336.2017.1297476

Constituent Assembly of India. (1949, August 11). *Constituent Assembly Debates: Volume 9*. https://www.constitutionofindia.net/debates/11-aug-1949/

Dalrymple, S. (2025). *Shattered lands: Five partitions and the making of modern Asia*. HarperCollins.

Das, H. (2024). *Balancing heritage and citizenship: An analysis of Section 6A and the Assam Accord*. White & Black Legal.

Gravers, M. (2015). Disorder as order: The ethno-nationalist struggle of the Karen in Burma/Myanmar—A discussion of the dynamics of an ethicized civil war and its historical roots. *Journal of Burma Studies, 19*(1), 27–78. https://doi.org/10.1163/22134379-12340035

Hasan, M. T., & Sharmeen, S. (2023). Making of a capitalist frontier: Tobacco cultivation and changing agrarian relations in the Chittagong Hill Tracts, Bangladesh. *Asian Anthropology, 22*(4), 255–274. https://doi.org/10.1080/1683478X.2023.2262292

Hashmi, T. (2024). *Biharis in Bangladesh: Organized elimination and marginalization of a community*. In A. Ranjan, T. Hashmi, & M. Abbas (Eds.), *The aftermath of the Bangladesh Liberation War of 1971: Enduring impact* (Routledge). https://doi.org/10.4324/9781003463627-5

Hossain, Z., & Billah, M. (2020). *State of statelessness in Bangladesh: An overview*. In *South Asia State of Minorities Report 2019: Migrants, refugees and the stateless* (pp. 15–31). South Asia Collective.

Hussain, A. (2008). The end of Bihari statelessness. *Forced Migration Review*, 31, 18–19. https://www.fmreview.org/hussain/

Judge, P. S. (2022). Citizenship and minorities in the Constituent Assembly debates: Making sense of the present. *Sociological Bulletin, 71*(1), 7–23. https://doi.org/10.1177/00380229211063388

Mawani, R. (2011). Legal violence: Immigration law and the lives of Central American immigrants. *American Journal of Sociology, 116*(5), 1383–1429. https://doi.org/10.1086/663575

Mawani, R. (2020). Postcolonial legal studies. In S. Stern, M. Del Mar, & B. Meyler (Eds.), *The Oxford Handbook of Law and Humanities* (online edn). Oxford University Press. https://doi.org/10.1093/oxfordhb/9780190695620.013.7

Muquim, N. (2023). The Urdu-speaking community of Bangladesh: Forgotten denizens or putative citizens? *37 Emory International Law Review*, 689

Prasse-Freeman, E. (2023). Reassessing reification: Ethnicity amidst "failed" governmentality in Burma and India. *Comparative Studies in Society and History, 65*(3), 670–701. https://doi.org/10.1017/S0010417523000075

Quijano, A. (2000). Coloniality of power, Eurocentrism, and Latin America. *Nepantla: Views from South, 1*(3), 533–580. https://doi.org/10.1515/9780822388883-009

Restrepo, E. (2017). Coloniality of power. In *International Encyclopedia of the Social & Behavioral Sciences* (2nd ed., Vol. 5, pp. 344–348). Elsevier. https://doi.org/10.1016/B978-0-08-097086-8.92037-9

Rusconi, I. (2023, March 16). *The Rohingya crisis in Myanmar: Analysing the use of citizenship status as lawfare*. The Defence Horizon Journal. https://tdhj.org/blog/post/rohingya-myanmar-lawfare/?

Sadiq, K., & Gerasimos, M. (2021). The postcolonial migration state. *European Journal of International Relations*, 27(4), 1001–1026. https://doi.org/10.1177/13540661211000114

Saikia, Y. (2019, August 13). The National Registry of Citizens: Violating Muslims, violating humanity in Assam. *Globalcit*. https://globalcit.eu/the-national-registry-of-citizens-violating-muslims-violating-humanity-in-assam/

Samarendra, P. (2011). Census in colonial India and the birth of caste. *Economic & Political Weekly, 46*(33), 51–58. https://www.tamilnet.com/img/publish/2011/08/16430.pdf

Saxena, S., & McClure, A. (2023). Law, courts, and constitutions in twentieth-century South Asia. *Law and History Review, 41*(2), 241–251. https://doi.org/10.1017/S0738248023000093

Shaikh, J. (2010). Democracy and the Recasting of Caste in India. *India Review*, *9*(4), 450–461. https://doi.org/10.1080/14736489.2010.523634

Unger, R. M. (1983). *The Critical Legal Studies Movement*. 96 Harvard Law Review, 561–675. https://doi.org/10.2307/1341032

Waller, R. (2020, December 28). *Incompatible identities: Ethnicity, belonging, and exclusion in making Myanmar's democracy*. Modern Southeast Asia. Yale University. https://seasia.yale.edu

Wilson, C. S., & Cella, A. S. (2022). Deconstructing the worldview of the Neo-Brandeisians through Marxism and Critical Legal Studies. *George Mason Law Review, 29*(4), 961.

JLP JOURNAL OF LAW AND POLITICS

CC BY NC ND

DOI: https://doi.org//10.69648/SSMO9354

Journal of Law and Politics (JLP), 2025; 6(2): 81-92

jlp.ibupress.com

Online ISSN: 2671-3438

Application: 03.09.2025

Revision: 22.09.2025

Acceptance: 25.10.2025

Publication: 30.10.2025

Veseli, S., & Arifi, B. (2025). Victims of violent extremism. Journal of Law and Politics, 6(2), 81-92. https://doi.org//10.69648/SSMO9354

Shkelqim Veseli and Besa Arifi

South East European University, Tetovo, North Macedonia, https://orcid.org/0009-0001-4033-5871

South East European University, Tetovo, North Macedonia, https://orcid.org/0000-0001-5611-5358

We declare no conflicts of interest.

Correspondence concerning this article should be addressed to Shkelqim Veseli.

Email: shkelqim.veseli123@gmail.com

BALKAN JOURNALS

Victims of Violent Extremism

Shkelqim Veseli and Besa Arifi

Abstract

In the present era, humanity is confronted with a wide range of challenges across different spheres of life, with security and economic issues standing out as the most pressing. Phenomena such as terrorism, radicalization, violent extremism, insecurity, poverty, and unemployment have become enduring concerns for both individuals and societies worldwide. These conditions underscore the necessity of examining the problem within the framework of scientific inquiry. Furthermore, an additional factor that motivates such research is the frequent association, within contemporary discourse, of violent extremism with Islam.

By examining the origins, forms, and driving factors of extremism, along with its consequences for victims and the broader dimensions linked to this phenomenon, the objective is to establish a comprehensive knowledge framework regarding this complex and detrimental issue. Such an analytical approach is essential for gaining a deeper understanding of the scope and repercussions of extremism, which, even when not directly experienced by every individual, inevitably produces indirect effects on social, political, and economic structures. In this way, the analysis contributes not only to the advancement of scholarly understanding of extremism but also provides a foundation for developing policies and protective strategies aimed at preventing and mitigating its influence at both the individual and collective levels.

Within this framework, the research is directed along two primary dimensions: first, toward analyzing and conceptualizing violent extremism as a phenomenon that generates deeply harmful effects on both individuals and society; and second, toward exploring the mechanisms and opportunities available for safeguarding communities from its risks and consequences, including approaches to addressing the needs and treatment of its victims.

Keywords: Violent extremism, victim, violence.

The Meaning of Violent Extremism

A clearer understanding of violent extremism requires an initial exploration of the goals and motivations that lead individuals or groups to adopt extremist orientations. The drivers behind such behavior are diverse, yet they converge on the justification or application of violence as a means of advancing ideological, religious, or political objectives. At present, no single, universally agreed-upon definition of violent extremism exists; however, the academic literature provides multiple conceptualizations. In this context, Gus Martin (2011) emphasizes that extremism constitutes a core element of violent and terrorist conduct, arising as a radical ideology—particularly in the political domain—marked by intolerance toward opposing viewpoints and interests. He further argues that violent extremism becomes evident when individuals or groups articulate their ideological commitments through acts of violence or through incitement to such actions (Halili, 2007).

Violent extremism is a concept that still lacks a universally standardized definition; however, it is commonly linked to the instrumental use of violence for advancing particular ideological, political, social, or religious convictions. At its core, the notion implies that the radicalization of ideas and beliefs often serves as a precursor to violent extremism. It encompasses the attitudes and practices of individuals or groups who endorse, justify, or engage in violence as a strategy for achieving their objectives. When violence, fear, or terror are legitimized and employed as tools for goal attainment, such actions constitute clear expressions of violent extremism. Within the religious sphere, this phenomenon is frequently understood as the rigid enforcement or intensification of religious norms and prescriptions beyond their traditional or conventional boundaries (Halili, 2008).

From the range of existing definitions, it can be inferred that violent extremism reflects a radicalizing process in which individuals or groups regard violence as an essential means for achieving their aims, or actively promote and encourage its use. In this context, violence becomes the primary instrument for enforcing ideological, political, social, or religious change, whether within a single state or on a global scale. A more comprehensive conceptualization of violent extremism would therefore define it as the inclination to pursue ideological, political, or religious transformations through violence as the central method of action.

Types of Violent Extremism

Violent extremism may appear in various forms, yet its core characteristic remains unchanged: the reliance on violence, or the promotion and encouragement of its use, as a means of pursuing specific goals. In practice, violent extremism often shares common features with terrorism; however, scholarly discourse has devoted greater attention to categorizing terrorism than to systematizing violent extremism. Prior to attempting a typology of this phenomenon, it should be emphasized that every manifestation of violent extremism is, in one way or another, underpinned by political dimensions (Halili, 2007).

In this context, violent extremism may be categorized into several principal forms, including:

1. Religious-driven violent extremism,
2. Politically motivated violent extremism,
3. Ethnically based violent extremism,
4. Nationalist-oriented violent extremism, and
5. Racially motivated violent extremism.

1. Religiously motivated violent extremism constitutes one of the most pervasive and complex forms of contemporary extremism. This phenomenon typically emerges when certain individuals or groups diverge from the fundamental tenets of their respective religions, engaging in processes of radicalization, indoctrination, and mass mobilization, which are then exploited to advance specific agendas. In such cases, religion is not pursued as an ultimate goal but is instrumentalized to legitimize and justify primarily political or ideological objectives that contradict the core teachings of the faith. Numerous extremist groups have been identified across various religious traditions, often erroneously associated with particular religions despite lacking a genuine connection to their principles. Within Islam, prominent examples include organizations such as the so-called Islamic State (ISIS), Al-Qaeda, Al-Nusra, and certain self-proclaimed Salafist movements. In the Christian context, groups frequently cited include the Amana Ecclesiastical Society, the Church of True Inspiration, the Assemblers of Christian Soldiers, the Church of Israel, Antoinism, and the Brothers of Jim Roberts. Buddhist-related extremist movements encompass entities such as the American Buddhist Movement, Aum Shinrikyo (Aleph), the Dalitic Buddhist Movement, and the Friends of the Western Buddhist Order. In Hinduism, notable examples include Adidam (or Free Deists),

Ananda Marga, and Arya Samaj. These cases collectively illustrate that religious extremism, irrespective of the faith it claims to represent, fundamentally reflects the instrumentalization of religion to serve political, ideological, or social ends, thereby transforming spiritual teachings into a pretext for violence (Akkoc, 2015).

2. Political violent extremism constitutes a distinct form of extremism in which individuals or groups pursue political objectives through the application of violence or by promoting and inciting violent actions. Members of such movements consider violence a necessary instrument for achieving their political aims and often engage in deliberate acts of aggression to capture public attention and advance their agendas. Notable examples of organizations associated with this form of extremism include the Kurdistan Workers' Party (PKK), the Irish Republican Army (IRA), Euskadi Ta Askatasuna (ETA), and the Liberation Tigers of Tamil Eelam (Tamil Tigers) (Miller, 2012).

3. Ethnic violent extremism refers to a form of extremism in which actions are undertaken to advance the interests of a particular ethnic group, frequently at the expense of other ethnic communities, through the use of violence or by promoting and inciting violent behavior. A notable illustration of this phenomenon in the Balkans is the campaign of the Milošević regime against the Albanian population in Kosovo during 1998–1999, when Serbian forces employed violence to forcibly remove Albanians from their territories to assert control. Other historical examples include the Cham issue in Greece and the forced migration of Albanians from what is now North Macedonia to Turkey during the Ranković era, highlighting the pattern of ethnic-based violence employed to achieve political or territorial objectives (Halili, 2008).

4. Nationalist violent extremism represents a specific form of extremism in which the exercise of state power plays a central role. While its manifestations vary across countries, it is particularly evident in multiethnic states where certain groups are systematically treated unequally by state institutions, often being perceived as second-class citizens. Tensions intensify when particular ethnic communities enjoy privileges relative to others within the state's population. In the case of the Republic of North Macedonia, nationalist organizations have, at times, engaged in or incited violence under the pretext of safeguarding state security. Such actions contribute to heightened polarization between the country's major ethnic communities. Furthermore, instances of violence frequently remain unpunished, or when addressed, are handled with inconsistency by law enforcement, undermining both justice and public trust in civic institutions (Veseli, 2018).

5. Racially motivated violent extremism has manifested prominently at various points in history, particularly in the United States. This form of extremism is defined by the deployment of violence or the promotion of violent acts against individuals based solely on their race, rooted in racial prejudice and discrimination. Historically, African Americans in the United States have experienced systemic marginalization across social, political, and economic spheres and have often been stereotyped as inherently criminal because of their skin color. Contemporary examples of racial extremism include organizations such as the Ku Klux Klan, which continue to employ violence and intimidation against racial minorities. Over time, however, the dynamics and public perception of racial extremism have evolved, particularly following the presidency of Barack Obama, whose eight-year tenure represented a historic milestone in the political representation of African Americans and challenged entrenched racial stereotypes (Halili, 2008).

The Causes of Violent Extremism

Since the dawn of human history, social life has been marked by ongoing conflicts between opposing forces. This dualistic nature persists in contemporary society, where notions of good and evil, life and death (manifested, for example, through acts of homicide), and morality versus immorality are constantly in tension. Similarly, the ideals of peace, security, and stability are continually threatened by violence, terrorism, radicalism, and violent extremism, including armed conflict. Among these, violent extremism stands out as one of the most alarming phenomena in modern society, significantly disrupting social order and stability. It has emerged as a global security concern, impacting nearly every nation to varying extents. As a result, states are compelled to implement comprehensive strategies and policies aimed at safeguarding their populations, as ensuring peace, security, and stability constitutes a core obligation of governance.

The academic literature highlights multiple factors that contribute to the development of violent extremism. These include ideological beliefs, economic hardships, ongoing armed conflicts, the role of prisons as environments conducive to radicalization, media influence, familial and social networks, as well as the individual's level of education and overall educational background.

Ideology

Ideology constitutes a structured set of ideas and beliefs that guide individuals in understanding reality and directing their social actions. It provides a framework for interpreting the current social order, envisions a desired future, and prescribes methods for achieving change, particularly in the political domain. Social discontent, often arising when the interests of a particular group are perceived as universal, can contribute to the emergence of extremism. In numerous instances, individuals or groups pursuing these goals resort to violence as their primary means of effecting change. While democracy is broadly recognized as the most functional and acceptable form of political organization in modern society, challenges emerge when extremist groups distort its principles, exploiting democratic freedoms to justify incitement, advocacy, or politically motivated violent acts. By manipulating the liberties inherent in democratic systems, such groups propagate messages of hatred, exacerbate societal divisions, and openly exhibit radical tendencies that conflict with the foundational principles of democracy. Within this framework, ideology may serve as a motivating factor for violent extremism but should never be considered a legitimate instrument for violence. All forms of violence are unjustifiable and must be addressed and prevented through institutional, legal, and societal measures (Hoffman, 2017).

Economic Factors

Economic challenges constitute significant contributors to the rise of extremist phenomena, including violent extremism. Conditions such as economic crises, high unemployment, poverty, and general hardship influence decision-making, often prompting non-violent yet extreme responses, such as the emigration of youth and other segments of the population in search of stable employment and improved living standards. This trend reflects a form of economic extremism, frequently resulting from inadequate economic policies and inefficient public resource management. The failure to ensure genuine opportunities for economic growth and social inclusion has fueled widespread discontent and mass migration, complicating state efforts to prevent these outcomes. Economic instability, unemployment, and poverty are closely linked not only to criminal behavior but also to the emergence of violent extremism. Rising prices, production slowdowns, and financial uncertainty often create conditions conducive to criminal activities such as theft, extortion, fraud, and other illicit practices. As Aristotle observed, “poverty is the mother of crime, but prosperity is the mother of immorality.” Extremist groups exploit

deteriorating economic circumstances to recruit individuals, promising solutions to their hardships. This manipulation drives many to join radical organizations, resulting in serious consequences for individuals, families, and society at large. A notable example is the Gülen movement in Turkey, which, leveraging financial resources, established a parallel structure that ultimately culminated in the failed coup attempt of July 16, 2016 (Halili, 2008, pp.241-248).

Violent Extremism and Armed Conflict

Violent extremism and war are closely interconnected, as both rely on the use of violence to achieve specific objectives. War typically involves armed confrontation between nations, states, or groups, often arising when peaceful solutions are unattainable and driven by factors such as territorial disputes, competition over resources, cultural tensions, or ideological, political, and religious disagreements. The connection between these phenomena lies in their shared aim: the pursuit of change through violent means. Although war can have profound and long-lasting effects on a nation's population and infrastructure, violent extremism has the potential to inflict even wider-reaching harm, given its capacity to transcend borders and operate opportunistically across different times and locations (Halili, 2008, pp. 257-259).

Prisons and Radicalization

Prisons, as institutions designed for punishment and correction, are intended to facilitate the re-socialization, rehabilitation, and reintegration of individuals who have engaged in criminal activity, in line with national and international standards and principles of penology. In practice, however, these objectives are often inadequately met, and in many countries, prisons function more as instruments of retribution than as centers for rehabilitation. In developing and transitional nations, incarcerated individuals frequently experience substandard living conditions, including insufficient food, inadequate shelter, lack of heating, and limited access to meaningful employment. Such deficiencies impede effective rehabilitation and increase the vulnerability of inmates to recruitment by radical groups. The situation is similarly concerning in the Republic of North Macedonia. Idrizovo Prison, for instance, suffers from overcrowding, inhumane conditions, and limited medical care, resulting in fatalities. Upon release, the absence of post-incarceration support further elevates the likelihood of recidivism or integration into extremist networks. As Franz von Liszt observed, one of the greatest threats arises from individuals with criminal tendencies operating in freedom (The Independent, 2014).

Victims of Violent Extremism

In legal and scientific discourse, a "victim" denotes an entity—individual, group, or even non-human—that suffers material, moral, physical, or psychological harm due to unlawful acts or events infringing upon fundamental rights. The term originates from the Latin *victima* and *vincere*, conveying notions of suffering and injury. Victimology, the discipline examining this phenomenon, investigates its causes, consequences, and protective measures. Central to the field is victimization, understood as the process by which an individual's essential rights are violated, characterized by the scale, intensity, and forms of harm. In criminal justice, the victim's role has shifted from a passive source of evidence to an active participant with legally recognized rights. The concept of victimhood captures the prevalence and extent of victimization in a society over time, providing an empirical basis for the development of criminal policies and interventions (Halili, 2015, pp. 7-15).

From a criminological standpoint, the concept of victimhood encompasses not only legal recognition but also the broader consequences that individuals or groups endure due to actions or omissions constituting criminal offenses. The Declaration on Fundamental Principles of Justice for Victims of Crime and Abuse of Power defines a victim as any person who has suffered physical, psychological, emotional, or economic harm, or whose fundamental rights have been violated, either individually or collectively. This definition underscores that victim status is independent of religion, race, gender, age, ethnicity, or political affiliation. In contexts of violent extremism and terrorism, victims frequently endure severe social and psychological impacts. According to Recommendation No. 8/2006 of the Committee of Ministers of the Council of Europe, victims are recognized as civilians who have sustained physical or mental injury, economic loss, or emotional distress, including family members and those directly dependent on the affected individual (Halili, 2008).

Violent extremism and terrorism exert multifaceted effects on society: beyond the immediate loss of life and physical injuries, victims frequently experience psychological trauma, heightened anxiety, social marginalization, and material deprivation. From a criminological perspective, these outcomes extend beyond the individual, serving as indicators of broader societal challenges such as insecurity, community fragmentation, and increased vulnerability to further violence. This understanding emphasizes the necessity of comprehensive victim support and rehabilitation strategies that address both personal and societal consequences of criminal and terrorist acts (Halili, 2015, pp. 47).

Victims of terrorism include individuals who have been killed or injured during a terrorist attack, as well as members of their immediate families. In contrast, victims of violent extremism are those directly involved in extremist groups or adversely affected by their actions, which typically aim to achieve political, ideological, or religious objectives. Engagement in extremist formations represents a unique form of victimization, as harm is initially inflicted upon the individuals themselves and their relatives before extending to others. Terrorist and extremist acts are generally not targeted personally at the victims but are directed against the political, ideological, or religious structures of a state. Consequently, these victims differ from those of conventional crimes and require formal recognition and specialized support from both institutions and society. Effective protection necessitates a coordinated effort among state authorities, civil society, and relevant religious organizations. Drawing on prior experiences, preventive measures and mobilization programs should be designed at both individual and collective levels. Ensuring victims are equipped to withstand violent extremism requires several conditions: acknowledgment by the state and reassurance that they are not isolated; access to legal or community protection and social support; comprehensive management of physical, emotional, psychological, economic, and social consequences; avoidance of guilt or stigma within family and society; and recognition of trauma, including psychosomatic effects. This recovery and support process is often extensive, potentially requiring months or even years to achieve (Law on Criminal Procedure, 2018).

Individuals who have experienced the effects of violent extremism can play a crucial role in its prevention and mitigation. Victims possess unique insights into the processes and consequences of extremism, making their contribution to society particularly valuable. Their involvement can take multiple forms, including sharing personal testimonies, participating in public discussions to identify factors that drive individuals toward extremist groups, evaluating the effectiveness of educational and cultural programs, and disseminating their experiences through media outlets. Additionally, victims can provide support to others affected, safeguard themselves and others from secondary victimization, raise societal awareness about potential harms, and contribute to the development of strategic policies by state authorities, civil society, and religious institutions. They may also offer recommendations and intelligence relevant to deradicalization initiatives. Through these actions, victims serve not only as participants in preventive efforts but also as societal ambassadors in the collective fight against violent extremism (Halili, 2015).

Ranking of Victims of Violent Extremism

The occurrence of a negative event, criminal act, or harmful phenomenon inherently involves at least two participants: one assuming the role of the offender, and the other of the victim. This dynamic is equally applicable in the context of violent extremism. Victimological studies, taking into account both the relationship between the offender and the victim and the respective roles each plays in the event, have proposed various typologies of victims of crimes and other hazardous phenomena, including terrorism and violent extremism. The following section presents several of these classifications, as identified by prominent scholars in the field of victimology.

Despite the general typologies of crime victims, those affected by violent extremism and terrorism exhibit distinct characteristics that set them apart from victims of conventional crimes. A defining feature is that, in many instances, perpetrators do not specifically target identifiable individuals, yet the number of victims can be substantial. Terrorist and extremist actions are frequently directed at influencing ideological, religious, or political beliefs, rendering individuals or groups associated with these values automatic targets. Additionally, victims may be harmed merely due to their presence in public spaces at the time of an attack. Unlike ordinary crimes, which are often spontaneous and carried out with efforts to avoid detection, acts of terrorism and violent extremism are meticulously planned to maximize damage, and perpetrators are often willing to assume responsibility for both the attack and its consequences (Martin, 2011).

The classification of victims of violent extremism can vary, although many frameworks developed for crime victims are also applicable in this context. Two principal typologies are particularly useful for identifying victims of violent extremism or terrorism, as both phenomena share the common objective of employing violence. The first distinction is between direct and indirect victims of violent extremism. The second categorization differentiates between immediate victims and subsequent victims. Additional classifications may consider the nature of the extremism—whether political, religious, ethnic, national, or racial—but the aforementioned typologies provide a comprehensive framework encompassing all forms of victimization resulting from violent extremism or terrorism.

The term “direct victim” denotes individuals, groups, or even entire populations who experience immediate harm—such as injury, loss of life, property damage, or emotional and material suffering—resulting from violence aimed at enforcing

ideological, religious, or political changes within a given territory. In contrast, indirect victims are those who endure the repercussions of extreme violence without being the immediate targets, experiencing harm as a secondary consequence of actions intended to achieve the aforementioned objectives.

Based on the timing of the event, immediate victims are those who are directly impacted at the moment the violence occurs. In contrast, subsequent victims are individuals who experience the enduring effects of ideological, religious, or political changes enforced through violence, suffering consequences that persist over the long term.

Conclusion

Violent extremism represents a global phenomenon that poses direct threats to societal stability and collective interests. Due to its complexity, it generates a wide range of challenges, particularly within the security domain. Examining this issue from both theoretical and practical perspectives allows for the development of effective strategies aimed at its prevention and mitigation. Evidence from multiple studies indicates that violence functions as a central and indispensable instrument for extremist individuals and groups in pursuing their political, ideological, or religious objectives.

Violent extremist organizations pursue their objectives through a variety of methods, employing all available means, either directly via their own actions or indirectly through media channels. Youth represent a particularly vulnerable group to the influence of violent extremism, a susceptibility linked to factors such as limited educational opportunities, unemployment, familial challenges, difficulties in adapting to life's demands, and other social determinants. In order to examine and elucidate this phenomenon, several critical dimensions have been explored, including its origins and sources, definitions and classifications, as well as its connections to other hazardous phenomena, notably terrorism. Additionally, the factors influencing its emergence, the underlying causes, and the consequent effects on victims have been systematically analyzed.

A defining feature of violent extremism is the instrumental use of violence to achieve political, social, ideological, or religious objectives. Extremist actors direct their actions exclusively toward realizing these aims, which necessitates a comprehensive and coordinated response from societal structures to safeguard both individuals and the broader community. Effective intervention requires the

collaborative involvement of state authorities, religious organizations, civil society, and citizens, operating in a mutually reinforcing manner. In the absence of such an integrated approach, efforts to mitigate this phenomenon remain inadequate.

The analysis offers valuable insights into the dynamics of violent extremism and can inform practical strategies for addressing specific cases. Additionally, access to quality education is identified as a critical instrument for overcoming societal challenges and addressing complex issues, including violent extremism. Within this framework, collaborative engagement across all segments of society can facilitate the prevention of such phenomena and the promotion of positive values, ultimately fostering the triumph of constructive over destructive forces.

References

Akkoc, R. (2015). *Mapped: The countries facing the greatest threat from terrorism. The Telegraph.* https://www.telegraph.co.uk/news/worldnews/islamic-state/11629161/Mapped-The-countries-facing-the-greatest-threat-from-Islamic-extremists.html

Halili, R. (2007). *Viktimology.* Pristina.

Halili, R. (2008). *Criminology.* Pristina.

Halili, R. (2015). *Viktimology.* Pristina.

Hoffman, B. (2017). *Inside terrorism* (3rd ed.). Columbia University Press.

Law on Criminal Procedure, Articles 53–57. *Official Gazette of the Republic of Macedonia*, no. 150/2010, 100/2012, 142/2016, & 198/2018.

Martin, G. (2011). *Terrorism and homeland security* (1st ed.). SAGE Publications.

Miller, M. A. (2012). *The foundations of modern terrorism: State, society and the dynamics of political violence.* Cambridge University Press.

Silke, A. (Ed.). (2014). *Prisons, terrorism and extremism: Critical issues in management, radicalisation and reform.* Routledge.

Southers, E. (2013). *Homegrown violent extremism.* Elsevier.

The Independent. (2014, November 4). *Camp Bucca: The US prison that became the birthplace of ISIS.* http://www.independent.co.uk/news/world/middle-east/camp-bucca-the-us-prison-that-became-the-birthplace-of-isis-9838905.html

Veseli, S. (2018). *Countering violent extremism: Comparative Balkan aspects.* Tetovo.

JLP JOURNAL OF LAW AND POLITICS

CC BY NC ND

DOI: https://doi.org//10.69648/HYPD1709

Journal of Law and Politics (JLP), 2025; 6(2): 93-107

jlp.ibupress.com

Online ISSN: 2671-3438

Application: 03.09.2025

Revision: 22.09.2025

Acceptance: 25.10.2025

Publication: 30.10.2025

Dimeska, N., & Dabeski, M. (2025). Mental health, poverty, risks, and equality for incarcerated girls (ages 14–17) in North Macedonia and Italy. Journal of Law and Politics, 6(2), 93-107. https://doi.org//10.69648/HYPD1709

Natasa Dimeska and Marjan Dabeski

Cyril Methodius University, Skopje, North Macedonia, https://orcid.org/0009-0001-6932-3305

University St. Kliment Ohridski, Kichevo, North Macedonia, https://orcid.org/0009-0003-3807-6529

We declare no conflicts of interest.

Correspondence concerning this article should be addressed to Natasa Dimeska

Email: dimeskanatasa@yahoo.com

BALKAN JOURNALS

Mental Health, Poverty, Risks, and Equality for Incarcerated Girls (Ages 14–17) in North Macedonia and Italy

Natasa Dimeska and Marjan Dabeski

Abstract

This paper examines the intersecting issues of mental health, poverty, and systemic inequality affecting incarcerated girls aged 14 to 17 in North Macedonia and Italy. Although constituting a small proportion of the juvenile justice population—only 2.6% in Italy and even fewer in North Macedonia—these girls face disproportionately severe vulnerabilities. The paper analyzes the socio-economic and psychological profiles of incarcerated girls, highlighting the overrepresentation of marginalized groups such as foreign-born minors in Italy and Romani youth in North Macedonia. It explores how poverty, lack of education, and absence of family or community support contribute to incarceration and complicate reintegration post-release. The study further investigates institutional shortcomings, including inadequate mental health services, the absence of girl-specific correctional infrastructure, and limited access to gender-sensitive rehabilitation programs. Drawing on national reports, EU legal frameworks, and recent legal and policy reforms, the paper calls for a rights-based, gender-responsive approach that includes educational continuity, mental health support, and non-custodial alternatives. The analysis demonstrates that a shift from punitive to rehabilitative, community-based models is essential to protect and empower one of the most vulnerable groups in Europe's justice systems.

Keywords: Juvenile justice, girls in detention, mental health, poverty, social exclusion, gender equality

Overview of Girls in Juvenile Justice Systems in North Macedonia and Italy

Girls aged 14–17 who come into conflict with the law constitute a very small percentage of the juvenile justice population in both Italy and North Macedonia. However, their marginal statistical representation belies the severity of the structural, social, and psychological challenges they face. Despite the fact that their incarceration numbers are low, these girls often confront a lack of gender-sensitive services, insufficient institutional infrastructure, and social invisibility. Their unique needs, including mental health care, trauma recovery, education, and reintegration support, are frequently unmet due to systems that are largely designed around male detainees.

Population Distribution and Institutional Infrastructure

In Italy, as of early 2024, only 13 girls were held in juvenile detention centers, representing a mere 2.6% of approximately 500 total juvenile detainees (Antigone, 2024). These girls were distributed as follows:

- 8 girls were detained in Pontremoli, Tuscany—the only dedicated all-female juvenile facility in the country.
- The remaining 5 girls were held in co-educational institutions located in Rome and Naples, raising concerns about access to gender-appropriate care, programming, and protection (Antigone, 2024).

Italy's juvenile justice system does recognize the principle of rehabilitation over punishment, but gender-specific accommodations are limited due to the low number of female detainees, leading to a shortage of tailored services such as trauma therapy, reproductive health care, and education programs specific to girls' developmental needs.

In North Macedonia, the situation has been more acute. Until 2024, there was no dedicated facility for incarcerated girls under the age of 18. Girls sentenced by juvenile courts were frequently placed in improvised units at Idrizovo Prison, a facility intended for adult women, or held in temporary arrangements that lacked both legal and psychological safeguards appropriate for minors. This arrangement was in violation of international norms, particularly the UN Convention on the Rights of the Child, which mandates separation of juveniles from adults in custodial settings (United Nations, 1989, art. 37[c]).

A legal reform adopted in 2024 amended the Law on Juvenile Justice, mandating that female juvenile offenders now be accommodated in the Tetovo Correctional Facility, which had previously only housed male offenders. This marks a step forward, though challenges remain in terms of transforming the Tetovo facility into a truly gender-sensitive and rehabilitative environment for girls (APT, 2024).

Social Background and Marginalization

In both countries, girls in conflict with the law overwhelmingly come from marginalized socio-economic backgrounds, including poverty-stricken households, ethnic minorities, and immigrant communities. Their pathway to detention often involves a history of trauma, domestic abuse, school dropout, and inadequate access to mental health or social services.

In Italy, systemic data reveal the following:

- 51.2% of youths in juvenile detention are foreign-born (Antigone, 2024).
- Nearly 48.7% of all minors admitted to custody in 2023 were non-Italian nationals (Fondazione Compagnia di San Paolo, 2024).
- Migrant children and children of asylum seekers are overrepresented, largely due to their limited access to community support and legal advocacy. Observers report that Italian-born minors with stable family and social networks are more often diverted to community-based alternatives, while marginalized youth are sent to custodial institutions.

In North Macedonia, poverty and discrimination intersect sharply with juvenile justice:

- Over 25% of the population lives in moderate poverty as of 2023 (Dimoski, 2023).
- The Roma minority—often living in segregated and impoverished communities—is significantly overrepresented among juvenile offenders.
- A 2024 Supreme Court judgment confirmed that Romani juveniles detained in the Tetovo Correctional Home were denied access to formal education during their incarceration (ERRC, 2024). As a result, many girls and boys left detention without even primary school completion, placing them at long-term risk of unemployment and social exclusion.

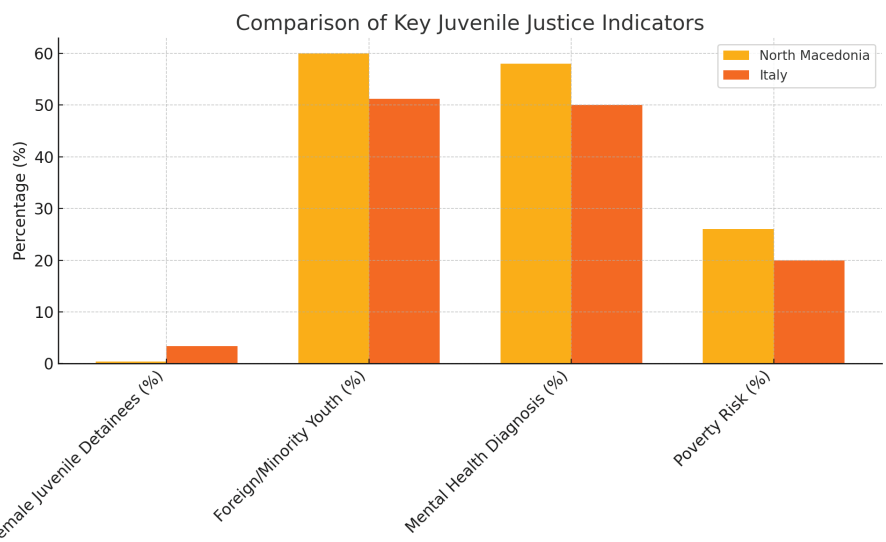
Implications and Gendered Vulnerability

This context illustrates how gender, poverty, and ethnicity intersect to create layered disadvantages for girls in detention. Unlike their male counterparts, girls are more likely to have experienced sexual abuse, neglect, or gender-based violence prior to incarceration. These prior experiences intensify their vulnerability and necessitate targeted interventions during detention.

The neglect of gender-specific programming within juvenile facilities, including the lack of trained female staff, mental health professionals, or access to menstrual hygiene, further alienates girls from rehabilitative opportunities. Isolation within male-dominated institutions can also increase risks of psychological distress and self-harm. This marginalization continues post-release, where limited reintegration support leads to high rates of recidivism, unemployment, or exposure to new forms of exploitation.

Figure 1:

Juvenile Justice Indicators – North Macedonia vs Italy



Notes: Data compiled from national and international government reports, NGO monitoring, and statistical bodies. Some figures are estimates due to lack of standardized juvenile justice statistics across countries.

Mental Health Needs and Socio-Economic Vulnerability of Incarcerated Girls (Ages 14–17)

International evidence consistently indicates that justice-involved girls experience disproportionately high levels of mental health issues. Compared to their male peers, they report greater incidences of trauma exposure, anxiety disorders, depression, and post-traumatic stress disorder (PTSD). According to a prominent U.S. study, nearly 84% of detained girls presented serious mental health needs, compared to only 27% of boys, with girls also far more likely to have attempted suicide (Quraishi, 2013). These trends resonate across different regions, including North Macedonia and Italy.

In North Macedonia, official reporting by the U.S. State Department in 2022 revealed that 58% of incarcerated juveniles under the age of 18 had diagnosed mental health disorders. Alarmingly, systemic overmedication was noted as a widespread practice, likely used to manage behavior in the absence of therapeutic support. Inadequate infrastructure further compounds these issues. Overcrowded conditions – with reports of 16 to 19 juveniles sharing a single cell – intensify psychological stress and hinder recovery. Despite the introduction of new facilities in Tetovo in 2024 for juvenile girls, longstanding gaps remain. Notably, the women's unit in Idrizovo prison, where some girls were previously held, still lacks a permanent psychologist (APT, 2024).

Italy faces a similar crisis. Monitoring reports from 2023–2024 have documented a notable rise in mental health and substance use problems among youth in detention. However, access to consistent psychological care remains fragmented. Many juvenile facilities lack in-house psychologists, and few programs are specifically tailored to the needs of detained girls. Advocates have called for the introduction of "low-threshold interventions"—mental health support that is accessible without bureaucratic delay or extensive screening. The absence of such services risks exacerbating mental illness, fueling incidents of aggression, self-harm, or prolonged institutional dependency (Antigone, 2024).

The socio-economic background of incarcerated girls also demands close attention. Poverty is a recognized driver of juvenile offending, and in both North Macedonia and Italy, girls in conflict with the law often come from economically and socially disadvantaged contexts. In North Macedonia, roughly 26% of the population lives in moderate poverty, with even higher rates in Roma communities (Dimoski, 2023). Romani children are especially vulnerable to exclusion, and their

overrepresentation in juvenile facilities highlights the intersection of ethnic marginalization and legal vulnerability. A landmark 2024 court ruling found that Romani juveniles in a Tetovo facility were systematically denied access to education. Without basic literacy or vocational skills, these children leave the system more stigmatized and less prepared for reintegration (ERRC, 2024).

Italy's experience mirrors this dynamic. While foreign-born individuals make up only about 9% of the national population, they represent over 50% of detained minors. Many of these youth are unaccompanied migrants or children of low-income families living in precarious conditions. According to reports by Antigone and Fondazione Compagnia di San Paolo (2024), Italian courts are more likely to impose custodial sentences on minors without stable family support—an indirect penalization of social vulnerability. In contrast, Italian youths with middle-class support networks more often benefit from alternative sanctions or community-based diversion programs. This disparity reinforces systemic inequalities and perpetuates cycles of disadvantage.

In both countries, incarceration thus acts as a multiplier of prior trauma. Girls enter juvenile systems already burdened by poverty, discrimination, and unaddressed mental health problems, only to face further institutional harm. Disruptions to education, the absence of gender-specific rehabilitation programs, and stigmatization upon release limit their chances for positive reentry. A comprehensive response must combine legal reform, mental health integration, and strong community-based services, especially in marginalized areas. Without targeted interventions, justice-involved girls remain locked in a pattern of vulnerability, rather than being supported through recovery and reintegration.

Detention Conditions and Gender-Specific Risks

Once inside detention facilities, adolescent girls face complex risks and unmet needs that justice systems—historically designed for male populations—often fail to address. Until 2024, North Macedonia had no dedicated juvenile correctional home for girls. Instead, sentenced girls were held in makeshift arrangements within the women's unit at Idrizovo, a high-security adult prison. This posed serious risks to safety, mental health, and age-appropriate rehabilitation. In response, a legislative reform in 2024 mandated that girls be transferred to the Tetovo Juvenile Correctional Home, previously used only for boys (APT, 2024).

While this reform marks progress, substantial gaps remain. National oversight institutions, including the Ombudsman and the European Committee for the

Prevention of Torture (CPT), have consistently reported overcrowding, unhygienic conditions, and inter-prisoner violence across Macedonian prisons (APT, 2024). These structural failings are mirrored in juvenile units, where girls have voiced concerns about inadequate living quarters, the absence of formal education, and a lack of vocational or psychosocial programming (ERRC, 2024). The Ombudsman's 2022 report explicitly criticized the poor conditions and noted the near-total absence of educational and rehabilitative services for juvenile girls (Nikolic, 2024). Human rights monitors recommend an increase in trained female staff—guards, educators, and psychologists—to ensure that girls in custody can safely report abuse and receive trauma-informed care (APT, 2024; ERRC, 2024).

Italy's juvenile justice system benefits from relatively better infrastructure, yet it too struggles to address the specific needs of detained girls. As of 2024, just 18 girls were incarcerated across the country—8 in Pontremoli (Tuscany), the sole all-girls institution, and the remainder in co-educational centers in Rome and Naples (Antigone, 2024). Due to their small numbers, detained girls often receive generic treatment designed for boys, including in-group activities, counseling, and education. Gender-specific services such as reproductive healthcare, parenting classes (for young mothers), or trauma-focused therapy are often unavailable.

Mental health issues among detained youth in Italy are rising, with monitoring bodies reporting increasing psychological distress and substance dependency (Fondazione Compagnia di San Paolo, 2024). However, staffing shortages mean that many institutions lack on-site mental health professionals. Girls with complex trauma histories are left without adequate support, increasing the risk of self-harm and suicidal ideation. Research from the National Center for Youth Law highlights that justice-involved girls globally exhibit significantly higher rates of mental health needs and self-harming behavior compared to boys (Quraishi, 2013). Without gender-responsive policies and sufficient mental health resources, these girls face re-traumatization and limited opportunities for rehabilitation. In both countries, the systemic failure to deliver tailored, safe, and dignified care for justice-involved girls highlights a critical gap in the protection of children's rights.

Education and Reintegration Challenges

The harms of incarceration for girls frequently persist long after release, especially in the domains of education and reintegration. In North Macedonia, educational deprivation during detention is particularly severe. Many incarcerated girls—especially those from Roma backgrounds—do not receive any formal schooling while

in custody. A 2024 court ruling confirmed that Roma juveniles in the Tetovo correctional facility were denied access to primary and secondary education (ERRC, 2024). Consequently, these girls are released into society without basic education certificates, which severely limits their employment prospects and increases their vulnerability to reoffending.

This educational deficit also affects non-Roma detainees, as many experience interrupted schooling during confinement without remedial support. As a result, their reintegration into mainstream education or the job market becomes tenuous. The lack of structured vocational training and psychosocial rehabilitation in North Macedonia further compounds these challenges. There is no formal system for continuing education post-release, and mental health care continuity is practically nonexistent. Many girls leave detention with no access to therapy, medication, or support networks. In most cases, families or NGOs are left to fill the gap without systemic support.

In Italy, the legal framework mandates access to education for all juvenile detainees, and most facilities provide basic schooling. However, the short duration of many sentences prevents meaningful educational attainment. Moreover, reentry into regular schools post-release is inconsistent and largely uncoordinated. A 2023 monitoring report from Fondazione Compagnia di San Paolo (2023) criticized Italy's juvenile justice system for lacking structured reintegration programs and post-release support services. It particularly noted the absence of transitional programs like halfway houses, mentorship schemes, or tailored job training for girls.

Unaccompanied foreign girls are among the most at-risk populations in Italy. Without family networks or dedicated aftercare services, these girls face high risks of homelessness, exploitation, and continued marginalization. Formal aftercare mechanisms—including counseling, vocational apprenticeships, and family-based interventions—are essential yet still insufficient. Stakeholders emphasize the need for holistic reintegration programs that address the multi-layered challenges faced by justice-involved girls, especially those from impoverished or marginalized communities.

Gender-Sensitive Standards and Equality

International legal and human rights frameworks underscore the importance of gender-responsive approaches in juvenile justice. The United Nations' Beijing Rules (1985) and Havana Rules (1990) establish foundational principles for the treatment of children in detention, emphasizing education, rehabilitation, and

proportionality. The Bangkok Rules (2010), which focus specifically on women and girls in the criminal justice system, advocate for gender-specific care, including mental health treatment, trauma recovery, and alternatives to custodial sentences.

Both North Macedonia and Italy have taken preliminary steps to align with these global standards. North Macedonia's 2024 legal reform mandating the transfer of female juveniles to a child-specific facility in Tetovo reflects movement toward a child-friendly justice model (APT, 2024). However, implementation remains a challenge due to infrastructural and staffing limitations.

Italy's juvenile system, which emphasizes rehabilitation over punishment, already incorporates diversion and community-based measures. Nevertheless, detained girls often lack equal access to gender-specific services and are disproportionately affected by systemic resource constraints. For instance, female detainees are less likely to receive reproductive health counseling or therapy for gender-based violence.

The 2021 European Union Strategy on the Rights of the Child explicitly calls for the use of detention only as a last resort and for the shortest appropriate duration (European Commission, 2021). It also emphasizes the right to education and healthcare during detention, as well as post-release support. In line with these recommendations, both countries are urged to expand non-custodial alternatives—such as supervised community programs, foster care, and therapeutic placements—and to invest in dedicated services for girls. These should include trauma-informed care, gender-specific education pathways, and reintegration planning from the first day of custody. Only then can the juvenile justice systems of Italy and North Macedonia uphold their obligations to ensure equality, dignity, and opportunity for all detained children.

Recommendations: Enhancing Mental Health and Reintegration Support for Incarcerated Girls

In light of the findings, we propose the following strategic recommendations to address the mental health, educational, and socio-economic challenges affecting incarcerated girls in North Macedonia and Italy. These recommendations are grounded in a rights-based, trauma-informed, and gender-sensitive framework designed to transform both detention practices and the broader juvenile justice system.

Expand Gender-Responsive, Trauma-Informed Mental Health Support

Justice-involved girls frequently enter detention with extensive trauma histories, stemming from poverty, abuse, neglect, or exploitation. Detention, in such cases, may intensify psychological distress rather than alleviate it. A transformative approach necessitates facilities that offer tailored, trauma-informed, and gender-sensitive mental health care.

This includes the permanent presence of trained psychologists and mental health professionals who specialize in female adolescent trauma. Upon intake, each girl must undergo a confidential mental health assessment, which should be revisited regularly. Therapy plans—both individual and group-based—should be developed and continually adjusted to reflect progress and evolving needs.

Designating female professionals in key institutional roles—such as social workers, educators, and guards—helps foster trust and a sense of safety for girls, particularly those with prior abuse histories. Furthermore, each girl should receive a comprehensive case plan, integrating educational goals, therapeutic needs, and an evaluation of her familial and social environment. A girl with a history of neglect or violence should not be returned to that environment post-release without a rigorous professional family assessment.

Establish Structured Family Engagement Programs

Understanding and addressing the family context is fundamental to successful rehabilitation. Many detained girls originate from homes marked by poverty, violence, substance abuse, or emotional neglect. These factors often exacerbate or even catalyze the psychological distress and behavioral difficulties that lead to contact with the justice system.

A dedicated, multidisciplinary team—comprising a psychologist, social worker, and probation officer—should conduct professional family assessments to determine the emotional and relational dynamics within the household. These sessions should explore whether the girl experiences increased anxiety, withdrawal, or behavioral issues in response to family interactions. This step is vital in evaluating the appropriateness of reunification and informing decisions around post-release arrangements.

If familial contact exacerbates psychological harm, alternative care pathways must be considered, including foster care or supervised independent living. Structured family therapy, both during and after incarceration, is essential to rebuilding safe and healthy relationships when possible. These therapeutic sessions can help

address intergenerational trauma, communication challenges, and behavioral patterns that contribute to family conflict.

Improve Detention Conditions and Safeguards

Girls' dignity and safety must be upheld in all detention settings. In many cases, conditions in detention exacerbate trauma through overcrowding, lack of privacy, and exposure to harassment or institutional neglect. To mitigate these harms, facilities must:

- Provide separate sleeping quarters, gender-sensitive hygiene provisions (including menstrual care), and adequate recreational space;
- Prohibit solitary confinement for behavioral issues rooted in trauma or mental health challenges;
- Establish secure and confidential mechanisms for girls to report abuse or harassment;
- Ensure regular inspections by independent national and international bodies;

Hiring female psychologists and trained mental health staff is crucial, particularly in facilities like those in North Macedonia, where such positions remain unfilled despite repeated recommendations by the Ombudsman and other monitoring bodies.

Ensure Uninterrupted Education and Vocational Training

Education is not only a right but also a key pillar of rehabilitation. Many girls in detention have histories of interrupted or inadequate schooling. In custody, systems must guarantee access to formal education consistent with national standards.

Instruction should be delivered by qualified teachers, and curricula must be adapted for individual learning needs. Where a girl has missed prior schooling, remedial programs must be available. Certification should be pursued and facilitated through exam access and tutoring. Vocational training—particularly in digital literacy, entrepreneurship, or gender-relevant trades—must be a core offering, especially for girls nearing the age of legal adulthood.

Italy should continue investing in tailored short-term vocational models, while North Macedonia must implement judicial recommendations mandating the provision of schooling within detention settings, particularly for marginalized populations such as Roma youth.

Strengthen Reentry and Aftercare Systems

Effective reintegration requires early planning and holistic support systems. From the first day of detention, a girl's release plan should begin forming, involving mentorship, psychosocial support, and vocational pathways.

Halfway houses and supervised transitional housing must be available, especially for girls lacking stable home environments. Reentry support should include ongoing access to mental health care, job placement services, legal aid, and peer support networks.

Family members or guardians must be supported to become partners in rehabilitation. This includes:

- Parenting workshops focused on trauma-informed care and communication;
- Conflict resolution counseling;
- Material assistance (e.g., housing, food, transportation support) to reduce financial strain that may affect reintegration outcomes.

Unaccompanied minors or girls from dysfunctional homes require guardianship and ongoing case management to prevent homelessness, trafficking, or return to abusive situations.

Expand Diversion and Alternatives to Custody

Custodial sentences should be a last resort, in accordance with both EU standards and UN principles. Community-based responses that include social work engagement are often more effective in addressing the root causes of behavior while reducing harm.

Alternatives include:

- Supervised probation with regular psychosocial check-ins;
- Restorative justice practices, such as mediated encounters between victim and offender;
- Placement in therapeutic or gender-sensitive group homes that offer daily structure and support.

These approaches reduce recidivism, minimize institutional trauma, and provide a more appropriate developmental context for girls.

Address Structural Inequalities and Root Causes

The juvenile justice system reflects—and often amplifies—structural inequalities in society. Poverty, marginalization, ethnic discrimination, and lack of access to quality education form the backdrop against which many girls enter the justice system. Effective prevention and reintegration strategies must therefore address these broader social determinants that increase a girl's risk of incarceration.

Girls in North Macedonia and Italy who enter detention are disproportionately from poor, minority, or migrant communities, where education is often disrupted, services are underfunded, and family life is shaped by economic instability or trauma. Roma girls in North Macedonia and foreign-born girls in Italy are consistently overrepresented in detention, highlighting the need to confront institutional biases and systemic barriers.

Governments must expand access to inclusive, quality education in underserved communities, particularly in Roma settlements, inner-city neighborhoods, and migrant-dense regions. Education access must begin early and include retention strategies, mentorship, and safe school environments that are responsive to girls' needs.

Community-based programs for girls' empowerment—including leadership training, mental health workshops, and violence prevention—should be prioritized. These initiatives build resilience, social capital, and confidence, equipping girls with tools to resist risky behaviors or exploitative relationships.

Schools, health clinics, and child welfare services must be empowered to identify at-risk girls before delinquency occurs. Early identification programs—like trauma screening in schools, social work outreach in high-poverty areas, and peer mediation—can serve as the first line of defense.

Equally important is systemic coordination. Governments must strengthen collaboration across education, health, justice, and child protection sectors to ensure girls receive continuous, holistic support. For example, a school counselor identifying behavioral distress should be able to refer the case to a social worker and health team without bureaucratic delays.

Preventive social services—including safe spaces, after-school programs, and mobile counseling units—can intercept vulnerable girls before they come into contact with the justice system. Investing in these services is not merely a welfare expense—it is a long-term societal investment in reducing incarceration, improving public safety, and fostering gender equity.

Finally, addressing inequality requires dismantling the intergenerational transmission of poverty and trauma. Programs that support caregivers through employment assistance, parenting support, and access to psychosocial care contribute to more stable homes and reduce the likelihood of family crises that precipitate justice involvement.

By adopting a structural lens and investing in communities, governments in North Macedonia and Italy can proactively reduce girls' contact with the justice system and build pathways to inclusion and dignity.

Conclusion

Girls in juvenile detention in North Macedonia and Italy reflect deep intersections of trauma, poverty, and gender inequality. Evidence shows they bear disproportionately high mental health burdens and are often failed by under-resourced justice systems. The pathways into and out of incarceration are rarely linear: many girls arrive in custody already harmed, and without significant psychosocial support, they leave further marginalized.

International frameworks—such as the UN's Bangkok Rules and the EU Child Rights Strategy—highlight states' obligations to uphold the rights and dignity of all children in conflict with the law. Implementing these frameworks in practice requires investment, training, and a gendered lens across all stages of the justice process. From intake assessments to family meetings, educational continuity to reentry planning, systems must be equipped to serve girls not as anomalies, but as full rights-bearers.

Giving incarcerated girls the opportunity to heal, learn, and reintegrate is not only a human rights obligation—it is a long-term investment in social cohesion and justice. By centering girls' mental health and life circumstances in justice reform, North Macedonia and Italy can lead by example in building rehabilitative, inclusive, and equitable systems.

References

Antigone. (2024). *Nodo alla gola: Report on conditions of juvenile detention in Italy.* Antigone. https://www.antigone.it/upload/NODO_ALLA_GOLA_Eng.pdf

Antigone. (2024). *Prospettive minori: Overview of the situation of juvenile justice in Italy.* Antigone. https://www.antigone.it/upload/Prospettive_minori_Antigone_Eng.pdf

APT (Association for the Prevention of Torture). (2024). *North Macedonia country report 2024.* APT. https://www.apt.ch/sites/default/files/2024-12/north_macedonia_country_report.pdf

Dimoski, A. (2023). *Quarter of country's population to drop below poverty line by end of 2023: Economist*. MIA News. https://new.mia.mk/en/story/quarter-of-countrys-population-to-drop-below-poverty-line-by-end-of-2023-economist

European Commission. (2021, March 24). *EU strategy on the rights of the child* (COM[2021] 142 final). https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021DC0142

European Roma Rights Centre (ERRC). (2024). *Groundbreaking Supreme Court judgment for Romani children denied education in juvenile detention in North Macedonia.* ERRC. https://www.errc.org/press-releases/groundbreaking-supreme-court-judgment-for-romani-children-denied-education-in-juvenile-detention-in-north-macedonia

Fondazione Compagnia di San Paolo. (2024). *Seventh Antigone report on juvenile justice.* Compagnia di San Paolo. https://www.compagniadisanpaolo.it/en/news-en/seventh-antigone-report-on-juvenile-justice/

Nikolic, N. (2024). *U.S. State Dept: Authorities take measures to improve situation, but still cases of significant human rights issues.* MIA News. https://mia.mk/en/story/u.s.-state-dept-authorities-take-measures-to-improve-situation-but-still-cases-of-significant-human-rights-issues

Quraishi, F. (2013). *Enhancing mental health advocacy for girls in the juvenile justice system.* National Center for Youth Law. https://youthlaw.org/news/enhancing-mental-health-advocacy-girls-juvenile-justice-system

United Nations. (1989). *Convention on the Rights of the Child.* United Nations Human Rights Office of the High Commissioner. https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child

JLP JOURNAL OF LAW AND POLITICS

CC BY NC ND

DOI: https://doi.org//10.69648/PIZP7833
Journal of Law and Politics (JLP), 2025; 6(2): 109-119
jlp.ibupress.com
Online ISSN: 2671-3438

Application: 13.09.2025
Revision: 25.09.2025
Acceptance: 25.10.2025
Publication: 30.10.2025

Bochvarska, D. (2025). The essence of the EU's strategic partnerships: Relations between the EU and the USA after the implementation of the Lisbon Treaty. Journal of Law and Politics, 6(2), 109-119. https://doi.org//10.69648/PIZP7833

Daniela Bochvarska
University Ss. Cyril and Methodius, Skopje, North Macedonia
https://orcid.org/0009-0004-8989-0624

We declare no conflicts of interest.

Correspondence concerning this article should be addressed to Daniela Bochvarska. Email: daniela.bocvarska@gmail.com

BALKAN JOURNALS

The Essence of the EU's Strategic Partnerships: Relations Between the EU and the USA After The Implementation of the Lisbon Treaty

Daniela Bochvarska

Abstract

In order to increase its strategic and autonomous capacity, the European Union needs greater visibility in its global partnerships. After the entry into force of the Lisbon Treaty, this issue became highly relevant, particularly in assessing the impact of the Treaty—namely, whether it contributed to the establishment of the EU as an actor both at the regional and global level. One of its main contributions was the attempt to create a framework that would strengthen the coherence and effectiveness of the EU in the field of foreign and, above all, security policy.

The wars taking place today on a global scale pose a real challenge to the European foreign and security policy, putting pressure on EU institutions as well as member states for proactive engagement and wise collective decision-making. In order to deliver more in this regard, the EU's partnerships with its strategic partners must be prioritized, because only through greater engagement with its partners can the EU remain focused on its interests.

The emphasis in this paper is placed on analyzing the novelties introduced by the Lisbon Treaty in redefining the EU as a global actor, and whether it enabled—or failed to enable—the achievement of political cohesion and greater authenticity of the EU in foreign policy and security cooperation with its strategic partners, above all with the United States.

Keywords: strategic partnerships, treaty, policy, global power.

Introduction

The profile and behavior of the European Union on the international stage cannot be viewed separately from global processes and trends. The development and strengthening of its policies—above all, the strengthening of the European Foreign and Security Policy—creates challenges in its relations with the EU's strategic partners, especially with the United States of America. Namely, the USA represents an external factor that, depending on the context, often influences developments within the EU more than a whole range of internal actors. The influence of the USA is constant, regardless of serious geopolitical repositionings. As the EU strives to develop its own recognizable foreign policy, the USA, in turn, continually makes efforts to position itself closer to events and decision-making processes within the Union. For the United States, the EU has always represented a regional power seeking to transform and advance its position on the global stage. At the same time, the EU aspires to possess legal mechanisms that will provide a framework for coordinated and effective cooperation with strategic partners, regardless of the political orientations and individual positions of its member states.

Cooperation Between the European Union and The USA Before the Lisbon Treaty

The ambitious agenda and framework for cooperation between the EU and the USA were established as a result of continuous and intensive dialogue between the two, ranging from technical to expert levels. The emergence of the European Movement in 1948 aimed to support the process of European integration toward a federal Europe (Sotiroski, 2011). The countries that later formed the EU aspired to create their own foreign policy as well as their own defense and military institutions. Attempts to create an independent foreign policy and a European Defense Community were the subject of numerous debates: on the one hand, there was a clear desire among member states to strengthen integration (through the possible creation of a European foreign policy, including the defense element); on the other hand, the realization of these essential goals placed special emphasis on the United States and its military power, led by NATO.

Namely, the USA supported European integration for numerous reasons, including those of a historical nature. There were opinions that integration could reduce the risk of future conflict among the states that belonged to the EC, in which case the USA might once again be required to resolve European problems. Accordingly,

the USA expressed support for the creation of a European defense and security complex within the framework of existing Euro-Atlantic structures. Of course, in practice, the USA imposed a fundamental precondition: the development of such European initiatives must not run counter to the strategic national interests of the United States (Hunter, 2002). Diplomatic relations between the EU and the USA were established in 1953, and the USA was the first country outside the EU to officially recognize the European Coal and Steel Community. The agreement that the United States signed with the European Atomic Energy Community (EURATOM) in 1959 represents the first formal act of cooperation between the two entities. However, it was not until 1990 that cooperation between the EU and the USA was formalized through the Transatlantic Declaration. (European Parliament Declaration, 1990). This Declaration laid the foundation for the so-called "structured political dialogue," within which issues related to foreign affairs were addressed.

Five years later, the New Transatlantic Agenda created a revised framework for relations, including a plan for joint action in four key areas: promoting peace, stability, democracy, and development; responding to global challenges; participating in liberalization, expansion, and the improvement of communication; ensuring a long-term commitment to the partnership. This format of communication between the two politically distinct sides contributed to better basic coordination of the foreign policy activities of the USA and the EU. Within this established framework, issues of defense and security, as well as the status of NATO in Europe, represented matters of strategic importance for the United States. (European Parliament Declaration, 1995).

Regarding cooperation in the field of security, the concept of security in 21st-century Europe raises the question of the role of the USA in this domain. The transatlantic debate on the relationship between NATO and European "defense," which has lasted for decades, has gone through various phases.

The end of the Cold War brought new decisions among EU member states regarding institutional arrangements in foreign and security policy, along with significant changes in the USA's perspective. Namely, the USA recognized that European efforts to enhance defense represented an additional incentive for Western European states to continue maintaining military budgets, which also benefited NATO (Hunter, 2002). Although security matters during the entire Cold War period were exclusively managed by the USA, after 1991, certain forms of joint security management began to emerge, leading up to attempts within the EU to strengthen autonomy in decision-making.

The Maastricht Treaty established the EU's Common Foreign and Security Policy (CFSP). The CFSP advocates for the shared values and fundamental interests of the member states, for greater independence of the Union, for the strengthening of its security and the security of its members in every regard, for the preservation of peace, as well as for the promotion of international cooperation (Bindi & Angelescu, 2012). Thus, Article J.4.4 of the Treaty stipulates that European policies should be compatible with the common security and defense policy established within NATO. (Official Journal of the European Communities, 1992) In line with this, the question arose as to whether such initiatives might lead to rivalry between the EU and the USA, given that the Union was attempting to build an institutional structure similar to that of NATO.

A response to this potential dualism between the EU and NATO was provided through the so-called Grand Agreement on mutual institutional relations with the EU, achieved by the NATO foreign and defense ministers in Berlin in 1996. The most important aspect of this Agreement was the recognition by NATO that, in principle, missions led by the Union (at that time the WEU) were possible, from the planning stages to the execution of specific operations. Furthermore, NATO committed to previously identifying a portion of its capabilities and command structures that could be made available to the EU in such cases, with the use of these capacities to be continuously monitored by NATO (Hunter, 2002).

At the NATO Summit in Washington in 1999, a new NATO Strategic Concept (Washington Summit Communiqué) was adopted, emphasizing that European security and defense would continue to develop within the framework of NATO. (NATO Press, 1999) This reaffirmed the Alliance's well-known official position supporting European defense and security policy as a distinct pillar—but one that remains within NATO. The Washington Summit is also significant due to further progress in the agreement on bilateral relations between NATO and the European Union, better known as the "Berlin Plus" agreement. In the communiqué from this summit in April 1999, the logistical and operational prerequisites for EU-led missions using NATO capabilities were further specified. One of the outcomes of the conclusions from the Berlin Plus Agreement was the facilitation of the first EU peacekeeping operation—Operation Concordia in the Republic of Macedonia (March 15 – December 15, 2003) (Reka, 2016). The mission aimed to establish a stable security environment for the successful implementation of the Ohrid Framework Agreement. Nevertheless, the Berlin Plus Agreement proved to be an insufficient framework for cooperation between the two sides, as it was limited only to low-level military

cooperation and did not provide for broader collaboration, particularly in the process of post-conflict recovery and reconstruction (Cvrtila & Tatalovich, 2008).

Apart from defense, other aspects of cooperation between the USA and the EU were included in the New Transatlantic Agenda of 1995. As a result of the commitments made under this Agenda, an agreement was reached in London in 1998 to strengthen cooperation in the field of trade, which led to the creation of the Transatlantic Economic Partnership.

The Impact of The Lisbon Treaty on EU–US Relations

Although in terms of interests and economic ties, the EU and the USA are closer to each other than to any other international actor, at the same time, EU–US relations—diplomatic, economic, social, and security—remain among the most complex relationships.

Transatlantic relations between the EU and the USA have, over time, become more measurable than they were before the Cold War. EU policies have shown far greater convergence with those of the USA than, for example, with China. The EU's policy of promoting civilian power as opposed to military force reflected its global positioning (Bindi, 2010). However, in order to be effective, the partnership between the USA and the EU needed to focus on identifying shared strategic challenges and concrete priorities. The entry into force of the Lisbon Treaty (December 2009) was intended to serve as a legal framework for a more effective partnership between the EU and the USA, and for the realization of a common goal—to move into a new phase of European integration with transformed transatlantic relations that can promote security and prosperity for citizens.

With regard to the CFSP, the innovations introduced by the Lisbon Treaty focused on strengthening majority decision-making and enhancing cooperation among member states (Bindi, 2010). The Treaty included provisions for mutual assistance and solidarity and according to Article 13a-enabled the creation of the European External Action Service (EEAS), headed by the High Representative of the Union for Foreign Affairs and Security Policy, who also serves as Vice-President of the European Commission (HR/VP) (Official Journal of the European Union, 2007). An integral part of the Lisbon Treaty, directly related to relations with the USA, were the provisions concerning the Common Security and Defense Policy (CSDP). The High Representative did not hold full authority in this domain, and decisions regarding certain special arrangements remained under the control of the individual

member states. The Treaty expanded the scope of the so-called Petersberg tasks, which primarily concerned crisis management, allowing the EU to employ both civilian and military means to carry them out (Bindi, 2010). According to Article 42 of the Lisbon Treaty: "The obligations and commitments in the field of the Common Security and Defense Policy shall be consistent with commitments under NATO, which, for those states that are members of the organization, remains the foundation of their collective defense and the forum for its implementation." Based on this, NATO's role as the cornerstone of European collective defense is not questioned. In fact, for the first time, NATO's role in European security is explicitly mentioned in this Treaty. It is now up to the leaders of the member states and the European institutions to utilize the tools introduced by the Lisbon Treaty in order to develop an authentic CFSP (Bindi, 2010).

The development of bilateral relations between the USA and the EU directly depended on reaching a consensus between the United States on one side and the European Union on the other, regarding the nature of the challenges faced by both parties. According to Brzezinski, such a dialogue requires two things: that the United States genuinely—rather than merely rhetorically—respects Europe, and at the same time, that Europe acknowledges that its global obligations and responsibilities do not lie solely in the socio-economic sphere (Brzezinski, 2006). Mechanisms for other types of cooperation between the EU and the USA—particularly in the field of energy—were not explicitly included in the Lisbon Treaty. Both sides were expected to focus on how to make the broad scope of their relations more effective, and the development of a coordinated energy policy was deemed essential. The necessity of this step became evident given that European leaders had recognized the extent of the EU's dependence on energy imports, primarily from Russia and the Middle East (Bindi, 2010). Considering the fact that the energy sector will continue to be a dominant factor in shaping the global future, Europe and the United States share a strong interest in cooperation and mutual support in this area.

The Strategic Partnership Between the EU and the USA in the Field of Defense and Security

One of the conclusions of the special summit of the European Council held on September 16, 2010, emphasized that, in accordance with the Lisbon Treaty and in line with the European Security Strategy, the EU and its member states must act more strategically in order to project the true value of the EU on the international

stage. It was also emphasized that this requires not only a clear identification of European strategic goals and interests but also a full commitment to their realization. In this context, it was noted that the EU's strategic partnerships with key global actors represent a valuable tool for achieving European objectives and interests (European Council Conclusions, 2010).

The EU's key partnerships are, in fact, those with NATO, the USA, and the United Kingdom, for several reasons: the powerful membership within the Alliance, the specific global military power of the USA, and the importance of the UK for European security, as well as its military and industrial ties with EU member states. The foundation of all these strategic partnerships is the security of the EU, which is closely linked to European strategic autonomy (Major & Marrone, 2022).

In May 2011, the USA and the EU signed a Framework Agreement that provided a legal basis for American civilian participation in EU crisis management missions and enhanced coordination during crisis situations. Additionally, this Agreement enabled U.S. citizens to take part in EU CSDP (Common Security and Defense Policy) operations.

In 2016, the EU High Representative adopted the Global Strategy for the European Union's Foreign and Security Policy, which aimed to strengthen stability and security and contribute to addressing risks and threats to security both in the European neighborhood and beyond. It represented a broader security concept encompassing both external and internal threats (Gjuroski, 2021).

During their discussions on EU security and defence cooperation, the foreign and defence ministers at the 2018 Foreign Affairs Council adopted conclusions on security and defence. It also adopted a decision setting out governance rules for projects undertaken under PESCO (Permanent Structured Cooperation), and approved the overarching high-level part of the military requirements for military mobility within and beyond the EU (Foreign Affairs Council, 2018). In 2021, Washington joined the PESCO project on military mobility through a range of political and legal commitments concerning the CSDP. That same year, in March, U.S. Secretary of State Antony Blinken and EU High Representative Josep Borrell issued a joint statement establishing the U.S.–EU Dialogue on Security and Defense (EU External Action, 2021).

The USA has always been considered the most important strategic partner of the EU. Transatlantic cooperation, based on shared goals, represents an effort to be an effective part of the solution to numerous regional and global challenges—primarily

in Iran, Libya, Iraq, Syria, Ukraine, and the Balkans. However, the question arises whether the Lisbon Treaty provides the EU with a genuine framework to assert itself as a relevant strategic security partner. Namely, after the Lisbon Treaty entered into force, the commitments to unanimity and consensus among EU member states proved difficult to implement—even in situations where the Treaty technically provided a legal basis for majority decision-making. Disagreements emerged regarding policies, as well as about the priorities that had to be defined with respect to certain goals. This issue revealed the EU's incoherence and inconsistency. Disagreements were particularly pronounced regarding positions on the wars in Iraq (2003), Georgia (2008), and the intervention in Libya (2011) (Bindi & Angelescu, 2012).

In fact, the division among EU member states began even before the Lisbon Treaty, specifically regarding the policy toward Iraq in 2003. This raised the question of whether the EU's relations with the USA concerning Iraq represented a precedent. In matters of defense, the EU was not particularly effective and lacked a realistic mechanism to overcome internal disagreements. As a result, in the absence of consensus among member states, there was no unified political direction (Bindi, 2010).

Even after the Lisbon Treaty entered into force, the EU's continued dependence on the military capacity of the United States remained evident. This was particularly apparent in the case of NATO's intervention in Libya, which reignited debate over whether the 2011 U.S.-led intervention in Libya constituted a success and whether it was strategically well-directed.

Regarding the issue of Iran and nuclear weapons, the USA and the EU adopted a joint approach aimed at exerting pressure on the regime. With the support of China, Russia, the United Kingdom, France, and Germany, the USA and the EU initiated negotiations with Iran in November 2013, and by July 2015, an agreement on Iran's nuclear program, called Joint Comprehensive Plan of Action (JCPOA) was reached. (NDTV World News, 2025) Although this agreement demonstrated the EU's role in facilitating peace negotiations, the dominant military power of the USA remained evident even after the deal. A persistent dilemma for the United States remained the proper assessment of its security policy course toward Iran. The dilemma revolved around whether the USA should resort to unilateral sanctions against Iran—a concern that persists to this day, as illustrated by the recent unilateral attack on three of Iran's nuclear facilities, carried out as part of U.S. measures to counter Iran's nuclear weapons development.

As for Ukraine, although it had received support in its transformation into a democratic society and a free-market economy, the developments following the Russian aggression on February 24, 2022, raised the question of whether the EU and the USA, as strategic partners, are taking all necessary steps to stabilize the situation in the country. This particularly concerns the question of whether the EU would be capable—both from a security and defense perspective—of independently responding in the event of the war spilling over into its own borders.

In general, the EU continues to demonstrate deep dependence on U.S. capabilities in the field of defense and security. The security policy of EU member states remains nationally oriented and is primarily focused only on the most significant security issues. Most member states show little interest in advancing this field—some due to unwillingness to engage militarily beyond their national borders, and others due to financial constraints (Bindi, 2010).

On the other hand, the USA has consistently harbored concerns that the efforts of its strategic partner, the EU, may undermine NATO, as well as skepticism over the EU's limited commitments to investing in military equipment. As a result, Washington views the EU's defense-related efforts with suspicion, particularly in the area of the defense industry, where there is clear competition between American and European industries (Major & Marrone, 2022).

Conclusion

The new institutional structure introduced by the Lisbon Treaty was intended to enable the European Commission and the Council to act in a coordinated and effective manner, independent of the individual positions of member states. However, the Treaty failed to strengthen the EU's autonomy in decision-making. Although it created a legal framework for enhancing cooperation with strategic partners, significant obstacles remain, stemming from institutional complexities and the lack of unity within the EU. The Treaty did little not only in addressing the EU's institutional complexity but also in shaping the nature of the EU's external actions. It became evident that policymaking within the EU still depends on the consent of its member states, which retain their sovereignty, and that matters of national security continue to fall under the responsibility of each individual member state (Bindi, 2010).

Despite its commitment to building authentic cooperation with strategic partners—above all with the United States—the EU still remains merely a potential

"superpower for civilian crisis management," capable of filling security gaps only in cases where the USA and NATO are unable to act (Smith, 2011).

Regarding the partnership between the EU and the USA, the United States continues to rely on strong bilateral relations with individual EU member states. There remains a prevailing perception in the U.S. that the EU is overly complex and burdened by internal procedural struggles. Geopolitical developments—particularly in the Middle East and Ukraine—demonstrate that a stronger and more unified role of the EU on the global stage is still deeply dependent on the support of international allies, and that the EU cannot independently assert its influence as a stabilizing actor. Major moves and decisions in this area continue to be led by the United States. Nevertheless, the USA is attempting to support progress in the EU's efforts to strengthen its own capabilities in order to fully engage in the shared strategic partnership and to contribute to transatlantic and global security.

References

Bindi, F. (2010). *The foreign policy of the European Union: Accessing Europe's role in the world,* The Brookings Institution Press, Washington D.C. p. 41-49, 204, 217, 346-347

Bindi, F. & Angelescu, I. (2012). *The foreign policy of the European Union: Accessing Europe's role in the world, 2nd editon,* The Brookings Institution Press, Washington D.C. p. 25, 331-332

Bohrani, S. (2015, October 14). *Unilateral sanctions after nuclear deal will not change anything in Iran*. The Guardian. http://www.theguardian.com/world/iran-blog/2015/oct/14/us-iran-roadmap-after-nuclear-deal

Brzezinski, Z. (2006). *The Christopher Makins Lecture*, British Embassy Washington DC, https://www.atlanticcouncil.org/wpcontent/uploads/2006/05/makins060531brzezinski.pdf p. 6

Cvrtila, V., & Tatalovic, S. (2008, June 12). [*NATO i novi* strateški *concept]*. Izvorni znanstveni clanak međunarodne studije. godina 8, br. 2, p. 18-28, https://hrcak.srce.hr/file/421265 p. 24

European Council Conclusions. (2010, September 16). https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/116547.pdf,

European Parliament Declaration (1995). New Transatlantic Agenda. https://www.europarl.europa.eu/cmsdata/210469/New-Transatlantic-Agenda_EN.pdf

European Parliament Declaration (1990) Transatlantic Declaration on EC-US Relations. https://www.europarl.europa.eu/cmsdata/124320/trans_declaration_90_en.pdf

EU External Action (2021) Remarks by High Representative/Vice-President Josep Borrell at the Joint Press Statement with US Secretary of State Antony Blinken, (2021, March 24), Brussels, https://www.eeas.europa.eu/eeas/united-states-remarks-high-representativevice-president-josep-borrell-joint-press-statement-us_en

Foreign Affairs Council. (2018, June 25). Permanent Structured Cooperation Project: https://www.consilium.europa.eu/en/meetings/fac/2018/06/25/

Gjuroski, T. (2021). *Ulogata i pridonesot na civilnite sposobnosti na Evropskata Unija vo ostvaruvanjeto na Evropskata bezbednosna strategija* [The Role and Contribution of the Civil Capabilities of the European Union in the Implementation of the European Security Strategy]. UKIM, Filozofski Fakultet, Institut za bezbednost, odbrana i mir. https://repository.ukim.mk/bitstream/20.500.12188/15543/1/tgjuroski2021.pdf p. 14

Hunter, E. R. (2002). *The European Security and Defense Policy: NATO's Companion or Competitor?*. RAND Publishing, T. 7-10, http://www.rand.org/pubs/monograph_reports/MR1463.html,

Major, C., & Marrone, A. (2022). *Partnerships and European Strategic Autonomy*. Policy Brief, FEPS Foundation of European Progressive Studies T. 9-11

NATO Press (1999). Washington Summit Communique. (issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, D.C. NAC-S(99)64, April, 1999) http://www.nato.int/docu/pr/1999/p99-064e.htm,

NDTV Desk, World News, (2025, June 22). Explained: The 2015 Nuclear Agreement with Iran and Trump's Withdrawal. https://www.ndtv.com/world-news/the-2015-iran-nuclear-agreement-what-it-said-and-why-trump-withdrew-the-us-from-it-8730307

Official Journal of the European Communities, No C 191/1, (1992, July 29) Treaty Tn European Union, Maastricht, (1992, February 7). https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:11992M/TXT

Official Journal of the European Union, C 306, (2007, December 17). Treaty of Lisbon, https://eurlex.europa.eu/legalcontent/EN/ALL/?uri=OJ%3AC%3A2007%3A306%3ATOC

Reka, B. (2016). *Prosiruvanjeto na EU vo Zapaden Balkan vo noviot geo-politicki kontekst* [The enlargement of the EU in the Western Balkans in the new geopolitical context], Megjunarodna naucna konferencija-Republika Makedonija na patot kon EU 2020: iskustva, predizvici, perspektivi (pp. 48–62). https://manu.edu.mk/wp-content/uploads/2024/02/08-Publikacija-MANU-MKD___za_WEB.pdf p.53

Smith, M. E. (2011). A liberal grand strategy in a realist world? Power, purpose and the EU's changing global role. *Journal of European Public Policy*, *18*(2), 144–163. https://doi.org/10.1080/13501763.2011.544487

Sotiroski Lj. (2011). *Voved vo pravo na EU* [Introduction to EU Law]. Univerzitet Goce Delcev Štip-Praven Fakultet.

JLP JOURNAL OF LAW AND POLITICS

CC BY NC ND

DOI: https://doi.org//10.69648/KILT7607
Journal of Law and Politics (JLP), 2025; 6(2): 121-138
jlp.ibupress.com
Online ISSN: 2671-3438

Application: 13.09.2025
Revision: 25.09.2025
Acceptance: 25.10.2025
Publication: 30.10.2025

Doomen, J. (2025). The Factual and Normative Dimensions of Equality. Journal of Law and Politics, 6(2), 121-138. https://doi.org/10.69648/KILT7607

Jasper Doomen
Open University of Netherlands
0000-0002-4219-6350

I declare no conflict of interest.

Correspondence concerning this article should be addressed to Jasper Doomen.
Email: jasper.doomen@ou.nl

BALKAN JOURNALS

The Factual and Normative Dimensions of Equality

Jasper Doomen

Abstract

In order to be able to observe the dictates of equal treatment and material equality, it must become apparent, first, who is to be treated equally with whom and is the subject of material equality, and, second, what these dictates mean and entail. In response to the first question, a moral value such as dignity may be said to be decisive, but this position is unproductive and obscure. My alternative focuses on a characteristic that those who seek to be treated equally themselves share in common: rationality. Two or more beings are invariably considered each other's equals in regard to a characteristic; this is what basic equality means. Several characteristics are possible; I argue that rationality is a nonrandom characteristic. Rational beings should, then, treat other rational beings equally, but this is not a moral demand; rather, self-interest is decisive. This provides the basis for formal equality. It is difficult, by contrast, to determine at what point the demands of material equality are met, for 'material equality' may be interpreted in various ways, and even if one adheres to a strict interpretation, it must be acknowledged that this is compatible with conflicting perspectives, none of which is compelling.

Keywords: Formal equality, material equality, rationality, self-interest

Introduction

Equality may be said to be an important value, but the problem with this statement is that it may be specified in several ways. This does not entail that equality itself can mean anything and is thus senseless, but it does indicate that it must become clear in which respect(s) certain beings may be said to be equal or should be treated equally. The descriptive aspect (namely, the issue of which beings *are* equal) and the normative aspect (namely, the issue of which beings *should be* treated equally) have been presented here together, but it is important to realize that the latter aspect cannot straightforwardly be derived from the former; indeed, showing how both aspects may be integrated is one of the goals of this article. If I am successful in reaching that goal, it should become clear what the basis for formal equality is. Formal equality includes legal equality (or equality before the law), which entails the right to equal treatment, and political equality.

Formal equality is a normative principle. In order to be able to put it into practice, it must first become clear *which* beings are to be treated equally. The first two sections are focused on this issue. In the first section, I inquire whether an appeal to egalitarianism may be justified. The factual aspect that forms the basis of formal equality is inquired in section 2. Once these 'preliminary studies' have been completed, formal equality itself can be discussed. *Formal* equality must be distinguished from *material* equality. Difficultly, 'material equality' may be specified in various ways. The relation between formal and material equality will be explored in the final sections, with special attention for the perspective of John Rawls.

Equality and Egalitarianism

Formal equality demands that certain beings be treated equally. This means that it is not a state of affairs but rather a norm. This issue will be discussed below. It must be preceded by an analysis that clarifies which beings are concerned, an issue that is often disregarded or too easily dismissed as something that is supposedly evident. The question *of what basis* certain beings are considered equals must, in other words, be answered before the issue of formal equality can be addressed.

It is clear that the requirement of specifying equality as *identity* (in the sense that the beings in question must be identical) would be too demanding (and, depending on the precise meaning of 'identity', not even conceivable). Approximate equality is a viable alternative, but it must still become clear *which beings* are approximately equal and *in what respect*. There are various possibilities to proceed. Racial

distinctions have, in some states, implicitly or explicitly, been accepted by many individuals for long periods, and (anticipating the issue of formal equality) women have, on the basis of sex, been deprived of suffrage in many states until the beginning of the 20th century; they were also disadvantaged with respect to access to education. Apart from these characteristics, religion may be mentioned here as the basis to distinguish between individuals.

These factors (race, sex, and religion) are still relevant for considering individuals (un)equal in several places. The same may, more fundamentally, be said of humanity as such, which becomes apparent when the position of (non-human) animals is considered. The significance of the fact that inequality is at issue here is not, of course, that animals do not have rights such as suffrage (as they would be unable to exercise them), but that (depending on the specific laws of the state in question) some of them may be used as means in such a way that few people would presumably consider it acceptable to be in that position themselves.

A possible candidate that may provide the basis for formal equality is egalitarianism. Those who appeal to egalitarianism hold (or presuppose) the equal 'worth', or 'dignity', of every being (in accordance, of course, with a conception of 'every being'). One may be led to think that supporters of egalitarianism are thus liberated from the burden of pointing out why a certain characteristic, which may be said to be irrelevant, should be decisive (from the consideration that 'dignity' cannot be determined to exist in the same way as, for example, someone's practicing a religion), but, as I will show, this line of argument leads to another problem, on the basis of which this alternative will prove to be just as little productive.

Dworkin indicates what, according to him, the relevance of the concept of 'human dignity' is:

> "Anyone who professes to take rights seriously, and who praises our Government for respecting them, must have some sense of what that point is. He must accept, at the minimum, one or both of two important ideas. The first is the vague but powerful idea of human dignity. This idea, associated with Kant, but defended by philosophers of different schools, supposes that there are ways of treating a man that are inconsistent with recognizing him as a full member of the human community, and holds that such treatment is profoundly unjust. The second is the more familiar idea of political equality. This supposes that the weaker members of a political community are entitled to the same concern and respect of their government as the more powerful members have secured for themselves, so that if some men have freedom of decision whatever the effect on the general good, then all men must have the same freedom. I do not want to defend or elaborate these ideas here, but only to insist that anyone who claims that citizens have rights must accept ideas very close to these." (Dworkin, 1977, p. 198-99).

Importantly, these two ideas are two aspects of the same basic point: the (supposed) '(human) dignity' (which is the first idea) is supposed to serve as a shield, protecting (human) beings from the unjust treatment in question, but the same concern and respect to which the weaker members of a political community are supposedly entitled (as a result of the second idea) apparently has the same basis. (The alternative would be that political equality has no basis at all, or some basis that is left unexpressed here.) So 'human dignity' seems to be the (abstract) equivalent of political equality, in this line of reasoning. This does not derogate, however, from the fact that 'human dignity' still stands in need of clarification.

Dworkin does not define '(human) dignity'. He does appeal to Kant, however, part of whose practical philosophy is focused on expounding this idea. Kant holds that being autonomous is a necessary condition for being an end in itself (Kant, 1908, p. 87). Kant defines autonomy (of the will) as "the quality of the will by which it is a law to itself (independently of any quality of the objects of volition)" (Kant, 1903, p. 440). Autonomy cannot be proved to exist and must therefore, according to Kant, be postulated (Kant, 1908, pp. 122-34). 'Dignity' is associated with the capacity to act morally (Kant, 1903, p. 435). Accordingly, autonomy is the basis of the 'dignity' of every reasonable creature (Kant, 1903, p. 436). This is the basis of 'an inalienable dignity' (Kant, 1903, p. 436).

Practical reason is the decisive faculty here. By contrast, *theoretical* reason, while providing a basis to differentiate between human beings and animals because the former but not the latter are endowed with it, renders a distinction that only points to a relative difference (Kant, 1907, pp. 435-36). An important difficulty is that autonomy (in this sense) cannot be proved to exist. Indeed, this is, as I indicated above, the very reason why it must be postulated. (This is not the proper place to present and evaluate Kant's meticulous analyses.)

An alternative perspective stresses the importance of the capacity to suffer; all human beings and (dependent on the definition of 'pain') a number of animals would accordingly qualify as beings who have 'dignity'. One may wonder whether 'dignity' is the appropriate term in this case, but since it is unclear what, if anything, 'dignity' means, this is a minor issue.

The foregoing provides sufficient reason to conclude that the idea of 'dignity' and, by extension, the idea of 'egalitarianism', is at least problematic, so that it seems sensible not to use it as the basis for formal equality lest whatever is derived from formal equality be questionable as well.

Basic Equality

In the previous section, the issue that certain beings may be considered equal on account of the fact that they share one or more characteristics (such as race and sex) was briefly addressed. Such characteristics may be dismissed as irrelevant, but only if an alternative, on the basis of which the irrelevance indeed becomes apparent, is already available. After all, in the absence of such an alternative, it would not be possible to determine on what (alternative) basis certain beings are equals, nor could it be clarified *why* they are irrelevant, for the alternative is itself supposed to provide this reason.

In order to illustrate the first point, it must become clear what abstracting from all characteristics would mean. Presuming – for the sake of argument – that it would be possible to abstract in this way, no basis from which to start would be available: if no characteristic is to be decisive, nothing remains to serve as a criterion. One would have to decide that certain beings are to be considered equals, but *which* beings and *why* could not be determined. Kelsen rightly indicates that, since the principle of 'to each his own' may be interpreted in various ways, one must conclude that the decisive question of what is equal is not answered by the so-called principle of equality (Kelsen, 1953, p. 26).

Another objection may be raised if the presumption that this abstraction is possible is not accepted. It may be questioned whether a being can still be identified as such if *all* characteristics are disregarded. In the case of a human being, even the shape of the body (which, presumably, is an irrelevant element) is specifically human, so that the abstraction would result in the impossibility of distinguishing between human beings and animals, an issue that will be revisited briefly below. Such a consideration adds to the difficulty in deciding which beings are equal and are to be considered as such.

The foregoing leads to the conclusion that a certain characteristic must be accepted in order to tackle the equality conundrum. A moral principle may be considered, but this brings with it a considerable burden of proof, on the basis of similar considerations as those which were presented in the previous section. First of all, the meta-ethical question may be raised as to what 'moral value' or 'moral goodness' means (Mackie, 1977, pp. 15-17); second, even if the first issue may be resolved, the following difficulty readily emerges: *which* moral perspective is the right one? Neither of these problems affects my position, however, since my perspective is amoral, meaning that I do not appeal to moral elements, so there is no need to confront these problems here.

Finding a characteristic is tantamount to establishing factual equality with respect to that characteristic. As I have already said, equality is not to be taken to imply identity, so that factual equality in practice means approximate equality. There are a number of varieties with respect to which factual equality can exist; selecting one of those varieties as the relevant one results in what I call basic equality. The beings that specify basic equality as the result of a selection process are (of course) those who are capable of qualifying the characteristic as relevant. It will by now have become clear that 'basic equality' is an abstract concept that may be specified in various ways. The abstract concept may seem to be redundant (since factual equality and the actual specification of basic equality may seem to suffice in this account), but 'basic equality' is conceptually indispensable: it serves as an intermediary between factual equality and the specification of basic equality.

The foregoing may be illustrated as follows. Suppose a group of people is hunted by a group of lions. If the humans (quickly) deliberate in order to concoct a plan to escape the lions, they thereby acknowledge – whether they realize this or not – the existence of basic equality: they share a characteristic the lions lack. They are thus equal in that respect, while they differ in the same respect from the lions. In the case of the lions, basic equality also exists (in accordance with which they are equal among themselves and simultaneously unequal from the prey they hunt), albeit implicitly, since lions, it seems justified to say, cannot even realize that this state of affairs exists.

The relevant basic equality in the case of the humans that are being hunted is acknowledged on the basis of reason, while it may in the case of the lions be said to be based on their strength and the attributes that make them (instinctively) 'acknowledge' one other as members of the same species and, specifically, the same pride. There are a number of other characteristics on the basis of which factual equality (and basic equality) can be established, not only insofar as these two groups are concerned separately, but also with respect to all of these beings (an example of the latter case is that they all have a heart), none of which is relevant.

It may be inferred from the foregoing inquiry what the relevant basic equality is when human beings (and alien beings, if they exist and are sufficiently similar to human beings) are concerned insofar as formal equality is at issue: reason. This is the proper place to revisit the issue that was addressed in section 1: it is possible for characteristics such as race and sex to be decisive in specifying basic equality. Not all human beings are thus considered equal, but people are rather categorized and divided into groups, which brings with it the possibility to treat them differently;

this is the prescriptive aspect of equality, which will be inquired in the next section. It is possible, as is evidenced by many examples in history, that differences on the basis of such characteristics are decisive, even where citizens in democratic states are concerned, in granting (or acknowledging the existence of) (certain) rights.

This is, of course, decided in accordance with the views and preferences of those who are in power. In a democratic state, this is (the majority of) the people; in an indirect democracy, those who are elected (and, in a parliamentary democracy, those who are accountable to them) are supposed to act in accordance with the interests of the people. There is no guarantee, in this state of affairs, that the legal and political equality of all citizens will be guaranteed, or even that the majority of the people will take the interests of one or more minorities seriously to any degree, and in an extreme scenario suffrage may be withheld from them, so that being endowed with reason is no sufficient condition to be granted certain rights, not even if other citizens (with the same relevant capacities) do have those rights.

One may hold that such a perspective is (at present) morally objectionable, but this means that one appeals to a *particular* moral standard, namely, the standard which is adhered to by the (present) majority, unless one is willing to accept the burden to prove that (and why) that standard corresponds to morality (with an absolute nature). The alternative is accepting that the moral dimension must be reduced to the political dimension.

Basic equality is specified by appealing to reason, which can – obviously – only be done by those who are reasonable in the first place. This does not mean that every being who qualifies is *equally* reasonable (or always acts reasonably), let alone intelligent; nor is an idea such as *practical* reason (in Kant's sense) to be invoked. This means that the term 'basic rationality' may be used to refer to what I mean. 'Reasonableness' and 'rationality' may thus, at least in the sense intended here, be considered synonyms. This does not negate the significance of the difference between 'Vernunft' and 'Verstand' in Kant's philosophy (or between 'ratio' and 'intellectus' in medieval philosophy), since a distinction is concerned there which is not relevant to the situation to which I refer.

The relevance of rationality is that it is possible (for rational beings) to determine systematically which rights are to be granted (or acknowledged), and to whom. For example, once it becomes apparent that women are, just as men, endowed with the faculty of reason, and no relevant differences may be said to exist on account of one's race or worldview, the most consistent candidate to specify basic equality

is reason (or rationality, which, in accordance with what said above, is the same); again, reasonable beings are themselves those who reach this conclusion.

Still, the question presents itself why a selection of those who are reasonable would accept this conclusion if they are in power, and able to withhold certain rights from others, notwithstanding the fact that those others are also reasonable, since it may be advantageous for them to ignore or dismiss that fact. There are, however, two reasons why such a stance is not tenable, neither of which necessitates resorting to a moral view, so that there is no reason to commit to a more 'ambitious' account of reason than mine.

First, those who are not considered equals by those who are in power – and whose legal and political equality is not, as a consequence, acknowledged, in conflict with the yet to be discussed dictates of formal equality – may, being (*ex hypothesi*) rational, realizing that they have more to gain from refusing to accept this state of affairs than from resigning themselves to their position, rebel against those they may consider their oppressors, demanding that their basic rationality (still) be recognized. Peaceful protests may sometimes suffice to reach the desired goal; the introduction of women's suffrage in the wake of the suffragettes' demonstrations is a case in point.

Second, it is inconsistent to appeal to basic rationality as the basis for formal equality in one's own case without being willing to acknowledge this in the case of others. This is the case, for example, if basic rationality is not acknowledged on account of someone's race; in such a case, basic racial equality rather than basic rationality is considered the proper specification of basic equality, and only a semblance of basic rationality remains. Rational beings realize that characteristics such as race and sex are no more relevant characteristics in specifying basic equality than one's shoe size.

A number of objections may be raised to this conception of (basic) equality. One may point to the dividing line between human beings and animals. The argument from marginal cases (Narveson, 1977, p. 164) concerns the issue that no relevant distinction may be made between animals and human beings whose rational capacities do not extend beyond those which (some) animals have. I have already, in section 1, mentioned (some) animals' capacity to suffer; is this not a reason to conclude that basic rationality is no viable specification of basic equality and must be replaced by a basic capacity to suffer?

Indeed, the capacity to suffer is a crucial element in the analysis of a number of authors, such as Singer, who observes: "If a being suffers, there can be no moral justification for refusing to take that suffering into consideration." (Singer, 2011, p. 50). A *moral* criterion is apparently at issue, while I have presented a theory that does not require an appeal to such a criterion. Even a theory such as Singer's is unsatisfactory from a meta-ethical perspective; this issue need not be discussed here, however, since an appeal to one or more moral principles is (in my opinion) not necessary to resolve the present issue.

There is an interest for those who are basically rationally equal not to withhold certain rights from those who are cognitively impaired (namely, those rights which are still relevant for them), since they themselves may, as a result of an accident or illness, lose (some of) their rational capacities, in which case they may wish to be treated better than animals. However, first, some may not want to continue to live if those capacities are lost, so that basic rationality is not intended to safeguard any interests they may have at that point, second, some believe in reincarnation, relativizing the dividing line between animals and human beings, and third, some people simply want to take good care of (certain) animals, and not necessarily on the basis of a moral view.

In response to the first point, it cannot be ruled out, in a democratic state, that it will be decided, by a majority vote, that those whose rational capacities are diminished to a certain level (leaving the issue here how this may be measured) should not be treated significantly differently than animals. If they are not allowed to request that their life be terminated if they suffer (or may be presumed to suffer) because of a significant diminishment of their rational capacities (not being able to make the request anymore for the same reason), by means of an advance euthanasia directive, they have an interest in ensuring that the circumstances in which they (must) continue to live will be optimal.

With respect to the second point, a similar response may be given. If the majority believe in reincarnation, legislation may be introduced to realize special protection for (certain) animals, even to such an extent that the relevant rights are protected (resulting, for example, in a prohibition to kill (certain) animals). This does mean that basic rationality will not be the specification of basic equality, but that is no reason to conclude that the argument conflicts with my account. The third point concerns an issue that is not decided by specifying 'basic equality'. A majority vote will result in legislation to protect the relevant rights of (certain) animals, just like in the case just discussed, but not on the basis of a certain conception of basic equality.

Formal equality itself has not been discussed in sufficient detail. It was necessary to first analyze the preliminary matter of *who* may be deemed a subject of formal equality lest formal equality lack a (credible) basis. Having provided the analysis, I now turn to the vital subject matter.

Formal Equality

The previous section was focused on indicating *which beings* are to be the subjects of formal equality, laying the groundwork for the subsequent inquiry, which is focused on the question of why formal equality is to be accepted as a directive.

This question cannot be answered in the abstract, which is the reason why basic equality (and specifically basic rationality) had to be inquired first. Consequently, compared with basic rationality, formal equality may be likened to a 'superstructure'. Still, in order for the theory to be methodologically correct, another term must be introduced, namely, 'prescriptive equality': the *descriptive* stage is qualified as basic equality, while the *prescriptive* stage is at issue when formal equality is concerned. Prescriptive equality is the demand that those who are basically equal must be treated equally; formal equality is its (relatively) concrete realization. My perspective differs from Smith's, who not only clings to a different conception of 'basic equality' but also includes the prescriptive aspect into the conception: "The core idea of basic equality is well known, at least intuitively; we should treat people as equals." (Smith, 2011, p. 6).

The problem of bridging the gap between 'what is' and 'what ought to be' in ethics, famously addressed by Hume (1896, p. 469), is avoided here, since no moral duty is involved: 'prescriptive' has no moral meaning and prescriptive equality is simply the abstract form of formal equality. Likewise, 'normative' may have a moral or an amoral meaning; 'normative equality' is, accordingly, an equivalent of 'prescriptive equality'. The normative dictates that follow from a number of laws may serve as an illustration; for example, from a legal stance it is irrelevant whether one abstains from committing a murder if the desire to do so exists as a result of one's perceived moral duty to refrain from acting immorally, in which case the moral norm is (at the same time as the legal norm itself) a directive, or because one fears that one will be identified as the perpetrator and subsequently (probably) be tried and sentenced, see Kant (1907, pp. 214-225) for the distinction between a legal and a moral duty.

Hume rightly maintains that it is problematic to infer a moral norm from a state of affairs. This is one of the reasons why the factual and the normative domains

are separated by Kant, but this raises new problems, such as those which were addressed in section 1. In the case of basic rationality, conversely, the very fact that one is basically rational provides the reason why one must act in accordance with the dictates of formal equality, no moral considerations being decisive.

The answer to the question of why beings who are basically rational must be treated equally and have the same rights is that those beings realize that a reluctance to grant (or acknowledge the existence of) rights in the case of beings who are, like themselves, basically rational is inconsistent and brings with it the risk of an insurrection, as was argued above. The dictates of prescriptive equality are thus derived from basic rationality, which solves Hume's problem by denying its relevance. Prescriptive equality is, as has already been observed, the abstract form of formal equality, which, in turn, includes political equality and legal equality. An individual who is basically rational has an interest in accepting prescriptive equality, and thus in respecting the rights of others who are, like the individual itself, basically rational.

Material Equality

The foregoing suggests that the relevant aspects of legal and political equality have now been discussed, but specifying *formal* equality as the (relatively) concrete realization of prescriptive equality appears to overlook the dimension of *material* equality. Formal equality is focused on the principle, which means, applied to equal treatment, that the *result* of equal treatment is no decisive consideration: two or more beings are treated equally, regardless of what the result may be. The focus of attention in the case of material equality, by contrast, is precisely that: the result. 'Material equality' (in some respect) does not mean (precisely) the same result (in that respect), unless 'equality' is taken to mean sameness or, again, 'identity'.

This – simplified – comparison between formal and material equality suggests a dichotomy, but the domains of formal and material equality overlap, so that the principles may be said to converge, provided that 'material equality' is interpreted broadly. This becomes apparent from the following – typical – case of formal equality. An employer may not discriminate between prospective employees on the basis of race or sex (save for special cases, for example when the lead for Shakespeare's *Othello* must be cast and it is considered justified to limit the search for candidates to black men). Allowing discrimination would conflict with the dictates of formal equality, but also with those of material equality, since it would have

relevant *consequences* for those who would be discriminated against: the *result* (in terms of income, for example) is at issue here.

'Material equality' may be specified in a number of ways (apart from the interpretation that was mentioned above, which equates it with identity). The issue that it is difficult to say, or even imagine, how material equality may in some cases be realized, and how, for instance, the suffering – supposing this is experienced – of someone who is disabled may be compensated, apart from benefits for those who are, due to their disability, unable to provide for themselves, must be forgone here, just like the difficulty that there are different respects in which the result may be equal (Phillips, 2004, p. 1). Material equality cannot – unless the identity interpretation is accepted – be considered in binary terms, in contrast to formal equality, where those who are basically equal are either treated equally (and have the same rights) or not. Again, formal equality is concerned with equal treatment, irrespective of the effects of such treatment, while in the case of material equality, the result is what is decisive.

'Result' has a broader range than 'outcome', since it captures both equality of opportunity and equality of outcome. (Incidentally, the meanings of 'outcome' and 'result' might have been reversed; the reason why these terms are employed with their respective meanings is to avoid confusion, given the generally accepted meaning of 'equality of outcome', which is not, however, to be taken to imply that that there is consensus with respect to the precise meaning.) What, then, does an equal result mean? It may be equated with what Sen refers to as the 'equality of what', which may be specified on the basis of, for example, incomes, opportunities, achievements, and rights (Sen, 1992, p. 12).

Important perspectives in this respect are the following: equality of opportunity, equality of primary goods, equality of resources, equality of capabilities, and equality of well-being. These perspectives, apart from equality of opportunity, may be categorized under the heading 'equality of outcome'; this testifies to the relevance of the distinction between 'result' and 'outcome'. It is not possible to discuss these perspectives in detail here, but for the purposes of the present inquiry, a short presentation should suffice.

Equality of opportunity expresses the aim to provide all individuals with the same opportunities to realize the goals they want to achieve. The import of the equality aspect is that no irrelevant differences are accepted. An employer may, for example, use intelligence as a criterion in the hiring process, if this is relevant for the job,

whereas selecting an employee on the basis of race is not acceptable (save for special cases; the *Othello* example may again be mentioned here). There is an important similarity or overlap with formal equality (as the fact that the same example may be used attests): the *starting position* must be equal. Equality of opportunity is distinguished from equality of outcome, but shares with it that its goal is an equal *result* (for example the result that an employee is hired who would not even have the opportunity to apply for the job in the first place had the principle of equality of opportunity not been respected).

Rawls stresses the importance of equality of opportunity (Rawls, 1999, p. 62), but complements this with other considerations, specifically on the basis of *equality of primary goods*, so as to be able to present a balanced account. Primary goods are defined as "[…] things that every rational man is presumed to want." (Rawls, 1999, p. 54). This formulation is somewhat abstract, but Rawls indicates that such goods may be rights, liberties, opportunities, income and wealth. Some of these musts, according to Rawls, be distributed equally, in accordance with the second principle of justice (Rawls, 1999, p. 266).

Equality of resources, in the version defended by Dworkin, entails an equal distribution of means; an unequal distribution is not unacceptable, but only if it results from choices the individuals have made (Dworkin, 2011, p. 3).

Equality of capabilities, with Sen as a main representative (1992, pp. 4-5), focuses on developing the capabilities one may employ in shaping one's life. For example, a physically disabled person who is not mentally impaired may function 'normally' (and in the relevant respects equally as those who are not similarly disabled) if a (mobility) aid is provided, so that he can earn an income.

Equality of well-being stresses, as the names indicates, well-being. This is difficult to conceptualize (objectively), which makes it hard to determine whether the goal of equality of well-being is met. Here, too, an example of someone who is disabled is useful (Rioux, 2016, p. 482).

It is difficult to say on what basis a basically rational being is to decide which perspective on material equality is the 'right' one, if such a basis, waiting to be discovered, exists at all. Perhaps it cannot be decided which view is correct, namely, if preferences are decisive (Kelsen, 1953, pp. 8-9). Those who deem such a viewpoint (too) relativistic and hold that a 'right' political view is possible must confront a great burden of proof; I will leave this issue here, though, as it is a mere aside to the main issue.

Rawls' Attempt at Integrating Basic, Formal, and Material Equality

Acknowledging basic rationality as the specification of basic equality does not provide a cogent reason to opt for a specific view of material equality, as is the case with respect to formal equality: several views are compatible with basic rationality.

I have argued that material equality cannot, in contradistinction to formal equality, be conceived as a binary matter (with the exception of the identity interpretation), but one may, alternatively, hold that the analysis may still be based on a two-level structure, namely, if a perspective such as Rawls' is accepted, one of whose main ideas is the following:

> "Somehow we must nullify the effects of specific contingencies which put men at odds and tempt them to exploit social and natural circumstances to their own advantage. Now in order to do this I assume that the parties are situated behind a veil of ignorance. They do not know how the various alternatives will affect their own particular case and they are obliged to evaluate principles solely on the basis of general considerations." (Rawls, 1999, p. 118).

Importantly, Rawls does not make a clear distinction between the descriptive and the prescriptive domains. As I have indicated, the first domain is the domain where individuals' *factual* and *basic* equality is to be localized while *prescriptive* equality is associated with the second domain. Rawls says:

> "It seems reasonable to suppose that the parties in the original position are equal. That is, all have the same rights in the procedure for choosing principles; each can make proposals, submit reasons for their acceptance, and so on. Obviously, the purpose of these conditions is to represent equality between human beings as moral persons, as creatures having a conception of their good and capable of a sense of justice." (Rawls, 1999, p. 17).

On the one hand, Rawls addresses the given that the parties are equal, thus referring to the *descriptive* domain and thereby to the aspect of *factual* equality. On the other hand, he states that they have the same (procedural) rights, which is a *prescriptive* element. Since Rawls says 'That is', he – unjustifiably – identifies the descriptive and prescriptive domains.

In any event, Rawls argues that the principles of justice, the second of which concerns the arrangement of social and economic inequalities (Rawls, 1999, p. 266), are accepted by "[...] free and rational persons concerned to further their own interests", or "[...] to advance their interests [...]" (Rawls, 1999, p. 10; Rawls, 1999, p. 102). While I do not differentiate between 'reasonable' and 'rational' (as I remarked in section 2), Rawls does not consider them synonyms (Rawls, 2001).

At the same time, Rawls does not maintain that advancing or furthering one's interests is the decisive motivation in determining what the optimal arrangement might be. There is "[…] a definite limit on the strength of social and altruistic motivation" (Rawls, 1999, p. 248), but because one is unaware of one's own position, the individual interests are no decisive factors: "The veil of ignorance prevents us from shaping our moral view to accord with our own particular attachments and interests" (Rawls, 1999, p. 453).

For an egoist, i.e., "someone committed to the point of view of his own interests", only the own interests are relevant (Rawls, 1999, p. 497). Still, Rawls' conception of 'egoists', who are defined as "individuals with only certain kinds of interests, say in wealth, prestige, and domination" (Rawls, 1999, p. 12), is too narrow, on the basis of the following consideration. As long as one remains situated behind the veil of ignorance, one does not know what one's position will be once the veil will have been removed. An explanation why one would be motivated to accept the principles of justice may be found on the basis of a broader conception of 'egoism' than Rawls'.

Rawls holds that moral persons are the subjects of the principles of justice because "[…] they are capable of having (and are assumed to have) a conception of their good (as expressed by a rational plan of life) […] and […] are capable of having (and are assumed to acquire) a sense of justice, a normally effective desire to apply and to act upon the principles of justice, at least to a certain minimum degree" (Rawls, 1999, p. 442), but why the principles should, as Rawls says, be associated with morality (Rawls, 1999, pp. 414-415) is not clear. Accepting the principles from behind the veil because one does not know what will happen once it is lifted may be explained without an appeal to moral considerations.

The situation may be likened to the choice for an insurance policy: the position of these persons may turn out not to be favorable without the insurance policy in place, which incentivizes them to opt for it. The comparison with an insurance policy may come across as somewhat irrelevant, but is justified by the fact that the veil is itself part of the thought experiment. Someone who *did* have relevant information (and for whom the veil was transparent) would, if the conditions were (and presumably remained) favorable, see no need to agree with the consequences of the second principle, just as someone who is (somehow) sure that there will be no fire will not be motivated to take out fire insurance. If the consideration that certain principles must be accepted on account of their moral or just nature were decisive, the veil would be redundant.

Apart from this theoretical issue, it is not justified, with respect to the choice one will make from behind the veil, to hold, without additional reasons, that Rawls' second principle would be accepted universally. Some may want to risk the chance that they will be disadvantaged if this means that the contrary, namely, that they will be advantaged, could be the case, while others, who are risk-averse, may regard Rawls' proposal favorably.

What Rawls has not demonstrated is, first, on what basis, other than basic rationality, formal equality may be defended, an appeal to morality not being warranted unless either a sufficient meta-ethical analysis accompanying that appeal is proffered or self-evident principles are involved, neither of which conditions is met, and, second, why the second principle of justice should be accepted rather than an alternative. As for the second point, it may also be leveled against those who promote such an alternative, for the simple reason that what they argue may ultimately be reduced to a matter of preference, which, since preferences seem immune to (further) analysis, means that the limits of what a theory may accomplish appear to have been reached.

Which of the perspectives with respect to 'material equality' is the correct one (if 'correct' may even be said to be the proper term here) cannot, then, be said, at least not on the basis of the present inquiry. Each perspective, including Rawls', may be defended, but which arguments should prevail over others is difficult and perhaps even impossible to say without appealing to one of the perspectives, which would not be instrumental in convincing any of the adherents to the alternative perspectives, as they would not be confronted with a (new) reason to abandon their beliefs in favor of others. The upshot of this state of affairs is that material equality is ultimately to be decided by one's preferences. This may also be said of formal equality, but the variety of preferences is less problematic in that case, since it merely concerns the specific contents of legal and political equality.

Conclusion

Factual equality exists in a number of respects. Basic equality is a specification (qualified by those who are themselves basically equal with respect to the characteristic that serves to identify it). It serves as the basis for formal equality. I have argued that basic rationality is the most credible specification of basic equality in deciding which beings are to be the subjects of formal equality. Formal equality may thus be said to be derived from basic rationality. The same cannot be said of material equality: a number of perspectives are compatible with basic rationality.

I would respond to the objection that I have not proved that an alternative moral view, regardless of whether its adherents appeal to 'egalitarianism', cannot be defended on account of the mere given that I would not be able to provide the requested proof (just as I cannot prove that unicorns do not exist) that there is no need for me do so, the burden of proof that such an alternative view would indeed be superior or preferable to what I have argued being on the adherents of such a view. A moral perspective is not necessarily incompatible with the amoral view I have outlined: a moral view may be conceived as potentially complementary to the basic structure that consists of basic rationality, formal equality and (a conception of) material equality. Those who aspire to provide such an additional theory are of course free to do so, but would be advised to match their aspirations to the critical stance that is required to properly evaluate them.

Those who are basically rational may accept what I have presented, but it would be unrealistic to expect that basically rational beings will also always *act* rationally. It seems wise, then, to remain vigilant and not to take the status quo for granted.

References

Dworkin, R. (1977). *Taking rights seriously*. Harvard University Press.

Dworkin, R. (2011). *Justice for hedgehogs*. The Belknap Press of Harvard University Press.

Hume, D. (1896) [1739/1740]. *A treatise of human nature*. Clarendon Press.

Kant, I. (1903) [1785]. *Grundlegung zur Metaphysik der Sitten*. In Kant's *Gesammelte Schriften. Erste Abtheilung: Werke, Band 4*. Georg Reimer.

Kant, I. (1907) [1797]. *Die Metaphysik der Sitten*. In Kant's *Gesammelte Schriften. Erste Abtheilung: Werke, Band 6*. Georg Reimer.

Kant, I. (1908) [1788]. *Kritik der praktischen Vernunft*. In Kant's *Gesammelte Schriften. Erste Abtheilung: Werke, Band 5*. Georg Reimer.

Kelsen, H. (1953). *Was ist Gerechtigkeit?* Franz Deuticke.

Mackie, J. (1977). *Ethics: Inventing right and wrong*. Penguin.

Narveson, J. (1977). Animal rights. *Canadian Journal of Philosophy* 7(1), 161-178.

Phillips, A. (2004). Defending equality of outcome. *Journal of Political Philosophy 12*(1), 1-19.

Rawls, J. (1999). *A theory of justice*. Harvard University Press.

Rawls, J. (2001). *Justice as fairness: A restatement*. The Belknap Press of Harvard University Press.

Rioux, M. (2016). Towards a concept of equality of well-being: Overcoming the social and legal construction of inequality. In: P. Blanck (Ed.), *Disability rights* (pp. 467-487). Routledge.

Sen, A. (1992). *Inequality reexamined*. Clarendon Press.

Singer, P. (2011). *Practical ethics*. Cambridge University Press.

Smith, N. (2011). *Basic equality and discrimination*. Ashgate.

JLP JOURNAL OF LAW AND POLITICS

BALKAN JOURNALS

VOLUME 6 | ISSUE 2 | OCTOBER 2025 jlp.ibupress.com