

THE REALIST LIBERAL DEMOCRACY AND ITS POLICIES TOWARD
INDIVIDUAL LIBERTIES

by
Jesse L. Rostveit

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Abstract

When the Arab Spring began in late 2010 and continued into 2011, a rash of debate erupted in political science and international theory regarding the likelihood of a wave of liberal democracy spreading throughout the Middle East. As was the case with the fall of communism and the anticipated wave of liberal democracy, Arab Spring analysis mostly failed to capture or even acknowledge what a liberal democracy is or how it behaves, particularly in policies towards individual citizens. In the absence of widespread accepted theory regarding state domestic policies, the aim of this thesis is examine empirical data regarding Liberal and Realist theory in International Relations to help understand the relationship between today's liberal democracies and their citizenry.

The author combines empirical and theoretical research to uncover that liberal democracies today operate firmly within realist theory in both policy formation and practice. By identifying that liberal democracies operate today in line with realist theory, this thesis provides a series of considerations for United States policy makers and political scientists when analyzing, state currently considered to be liberal democracies, as well as those that are emerging. It offers areas of specific focus for U.S. policy makers to consider in terms of investing political and economic capital in encouraging liberal democracy.

Within the context of the policies of liberal democracies toward their individual citizenry, the first chapter investigates realist theory and the nature of the relationship between the liberal democracy and human rights policies. Using empirical research, this chapter reveals that today's liberal democracies represent realist theory and violate human rights, in the interests of state security. The second chapter reveals today's liberal democracy

policies towards internet freedom and exposes that, in line with realist theory, state interests have taken primacy over individual liberties. Lastly, the final chapter offers an in-depth examination of religious policy in liberal democracies by focusing on the decision-making process of two post-Soviet emerging liberal democracies. This chapter finds evidence supporting realist theory in terms of the state's focus on preserving its own power over the protection of individual religious liberties.

Thesis Advisors:

Chapter 1: Dr. Leila G. Austin

Chapter 2: Alexander T. Alden

Chapter 3: Dr. Ramez Abbas, Dr. Mark Stout

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Introduction

The Arab Spring began on December 17, 2010 when a 26-year-old roadside fresh fruits and vegetables salesman in rural Tunisia decided that he had enough of his own government's oppression. Mohamed Bouazizi was, by all accounts, a quiet and friendly man whose only interest that day was earning enough money to support his widowed mother and six siblings.¹ While preparing to sell his produce, Bouazizi was approached by a government inspector who asked Bouazizi to either produce a permit or a bribe if he wanted to continue with his business. When he refused, the inspector slapped him.² Publicly humiliated, Bouazizi elected to march down to the nearest municipal office and, in a now infamous single act of defiance, he set himself on fire.³ He died a few weeks later. The Tunisian population erupted in outrage and by January 14, 2011, the Tunisian government was overthrown.⁴

In the immediate aftermath of the Tunisian revolution, predictions began to pour in from scholars of International Relations (IR) theory, attempting to predict what the impact of the Tunisian revolution would be. Most liberalists predicted that the Arab Spring would eventually result in the spread of a wave of liberal democracy across the Middle East, an area that previously had been largely resistant to any form of democracy at all.⁵ For the realist, on the other hand, the impact of the Arab Spring would be muted,

¹ Guy Roz. "The Arab Spring: A Year Of Revolution." NPR. December 17, 2011. Accessed March 24, 2015. <http://www.npr.org/2011/12/17/143897126/the-arab-spring-a-year-of-revolution>.

² Ibid.

³ Ibid.

⁴ "Tunisia Swears in Interim Leader." Al Jazeera English. January 16, 2011. Accessed March 24, 2015. <http://www.aljazeera.com/news/africa/2011/01/201111513513854222.html>.

⁵ Laura Guazzone. *The Arab State and Neo-liberal Globalization the Restructuring of State Power in the Middle East*. Reading, UK: Ithaca, 2009.

mostly because, rather than embracing liberal democracy, states would place greater emphasis on maintain power and would not bow to the international pressure that was a result of the turmoil that gripped Tunisia, Libya, Egypt, and later Syria.⁶ What is most interesting about the analysis that followed the Arab Spring was that, in the rush to predict the chances of the spread of liberal democracy throughout the Middle East, little attention was paid to understanding what a liberal democracy even is today, and more importantly, how a liberal democracy behaves towards its own citizenry. You see, the relationship between the government and its citizenry was at the heart of the Arab Spring. It is what caused Mohamed Bouazizi to decide that he had no better option in front of himself, than death.

To be clear, this thesis uses the questions surrounding the Arab Spring as the impetus for the research but is not an investigation of the Arab Spring itself. Here, we are interested in the broader questions with regard to theory and practice. Specifically, in IR theory today, liberalism and realism are two predominant schools of thought in terms of categorizing, explaining, and understanding why and how every state in the world operates in the global sphere. However, there are no widespread accepted theories to explain how each state in the world calculates its policies towards its own citizenry. Nothing solidly answers whether countries that are viewed as autocracies internationally really behave as autocracies in policies towards their own citizenry or whether liberal democracies actually enact domestic policies that are truly in line with how a liberal democracy is expected to operate. In the absence of such theories, this thesis sought to

⁶ Zachary Keck. "Realism and the Arab Spring." The Majalla Magazine. July 3, 2012. Accessed March 28, 2015. <http://www.majalla.com/eng/2012/07/article55232816>.

uncover what is considered a liberal democracy today and how a liberal democracy operates in terms of its policies toward its citizenry using the existing liberalist and realist theory as a baseline and guidepost.

It is incredibly important for U.S. policy and decision makers to understand what a liberal democracy is today and how one behaves because the U.S. is world's foremost proponent of the global spread of liberal democracy. The U.S. spends countless dollars each year on a foreign policy, which the U.S. State Department declares is focused on promoting "democracy as a means to achieve security, stability, and prosperity for the entire world; assist(ing) newly formed democracies in implementing democratic principles; assist(ing) democracy advocates around the world to establish vibrant democracies in their own countries; and identify(ing) and denounce(ing) regimes that deny their citizens the right to choose their leaders in elections that are free, fair, and transparent."⁷ It is also important for policy makers to understand that, just because the state declares itself to be a liberal democracy, or is at least behaving like one in the international arena, its domestic policies might not necessarily reflect that status and that bears closer scrutiny.

In *The Democratic Century*, Lipset and Lakin remarked that there are just about as many definitions of liberal democracy as there are scholars studying it.⁸ So began the challenge of this thesis. How is liberal democracy defined today? Some would probably simply identify a liberal democracy in much the same way as U.S. President Abraham

⁷ "Democracy." U.S. Department of State. Accessed March 24, 2015. <http://www.state.gov/j/drl/democ/>.

⁸ Seymour Martin Lipset and Jason M Lakin. *The Democratic Century*. Norman: University of Oklahoma Press, 2004. 19

Lincoln did: government which is “of, by, and for the people.”⁹ While this simplistic definition is indeed open to criticism, this thesis remedies the problem through the empirical data of one of the most widely used assessments of liberal democracy, the annual global survey conducted by the U.S.-based independent watchdog organization, Freedom House but also by crosschecking that survey with data available from the Polity Project, an independent organization founded by Political Science Professor Ted Gurr, formerly of George Mason University and the University of Maryland. The Freedom House annual survey evaluates individual nation policies and practices toward civil liberties, political rights, and election processes and grades each nation using a scale of 'free,' 'partly free,' and 'not free' to grade countries on democracy.¹⁰ The Freedom House dataset is widely used as a data source for empirical academic research because the methodology and data is freely accessible, peer-reviewed, non-partisan, and independent. The Freedom House data is not without its critics, who question whether western political science experts might be inherently biased.¹¹ Nevertheless, Freedom House makes the data available, subjected to independent study and critique, and is still one of the most complete sources available for measuring a state’s governance. One important note to make with regards to Freedom House research is the distinction between electoral democracy and liberal democracy. The Freedom House methodology explained that “Freedom House’s term “electoral democracy” differs from “liberal democracy” in that

⁹ Robert Audi. "Chapter 4: Natural Reason, Religious Conviction, and the Justification of Coercion in Democratic Societies." *In Law, State and Religion in the New Europe: Debates and Dilemmas*. Cambridge: Cambridge University Press, 2012. 71

¹⁰ "Freedom in the World 2014 Methodology." Freedom House. November 1, 2014. Accessed November 30, 2014. <https://freedomhouse.org/report/freedom-world-2014/methodology#.VHtLcGd0wy8>.

¹¹ David F Campbell. *The Basic Concept for the Democracy Ranking of the Quality of Democracy*. Vienna: Democracy Ranking. 2008

the latter also implies “the presence of a substantial array of civil liberties.”¹² In their published findings, Freedom House further explains that ‘Free’ countries are considered liberal democracies and they are all electoral democracies.¹³ Some ‘Partly Free’ countries might be electoral democracies, but they are not liberal democracies. The Polity data ranks countries on a scale that ranges from “strongly autocratic” to “strongly democratic”. While the Polity project ranking data was comprehensive and did not differ significantly from the data from Freedom House, there was no clear way to delineate liberal democracies from within the data from those which might be called democratic or strongly democratic so, the Freedom House data identifying a total of 88 liberal democracies around the world was used throughout this thesis.

The case studies were selected for this thesis based on a careful examination of the policy areas might best represent state policies towards its own citizenry. Chapter 1 focuses on liberal democracy policies towards human rights, these are the broad set of rights, whether civil or political, economic, social or cultural, that are viewed as inherent to all human beings.¹⁴ The presence of the protection of these rights in policy and in law are often viewed as an absolute requirement for liberal democracies. Because the focus of this thesis is on the policies of liberal democracies today, Chapter 2 investigates liberal democracy policies toward, what is perhaps the newest area of policy and law development, the internet. And finally, Chapter 3 examines liberal democracy policies on, what is perhaps the longest running and most contentious area of policy formation,

¹² "Freedom in the World 2014 Methodology." Freedom House. November 1, 2014. Accessed November 30, 2014. <https://freedomhouse.org/report/freedom-world-2014/methodology#.VHtLcGd0wy8>.

¹³ Ibid.

¹⁴ "What Are Human Rights?". United Nations Office of the High Commissioner for Human Rights. Accessed March 28, 2015. <http://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>.

religion. Because Chapters 1 and 2 were focused broadly on understanding the current application of state policies, Chapter 3 specifically looks at how and why the policy is crafted by focusing on two post-Soviet states that are navigating the transition to liberal democracy. The idea was to get a sense of, not just the policies that are in place in a liberal democracy, but how they come into being, and how that impacts the state's journey towards being fully recognized as a liberal democracy.

In Chapter 1, a total of 88 countries around the world, which both Freedom House and Polity Project data agreed were liberal democracies as of 2013, were studied in terms of their policies and practices towards overall human rights. To measure how countries are behaving around the world, an empirical dataset widely used in academic research called the Political Terror Scale (PTS) was selected. The data used to populate the PTS index comes from two different sources: the yearly country reports of Amnesty International and the U.S. State Department Country Reports on Human Rights Practices.

¹⁵ The PTS scale uses a 1 to 5 numerical grading scale in terms of assessing a state's domestic human rights policies and record. States achieving a score of 1 on the PTS are judged to have minimal violations of human rights and correspondingly strong laws and procedures to protect human rights while states achieving a score of 5 are viewed as willfully violating human rights in both policy and in practice. Chapter 1 found that, of the liberal democracies that were under consideration in this study, a total of 9 of them had score of 3 or above of the PTS scale, meaning those states were judged to have at least a moderate level of serious human rights violations in policy and practice. Even

¹⁵ Reed M. Wood and Mark Gibney. "Political Terror Scale : About." Political Terror Scale. February 21, 2015. Accessed February 27, 2015. <http://politicalterror scale.org/about.php>.

more alarming, 5 of those liberal democracies-- Bangladesh, Brazil, India, Israel, and South Africa--were judged to be close to severe violators of human rights. The key finding of this analysis of data is that, as of 2013, not all liberal democracies are observant of human rights policies and practices to the extent that liberal democratic theorists would have predicted or expected. A review of the policies of the 5 states found that, in line with realist theory, the human rights violations benefited the state and the ruling majority, of the time. In other words, the state chose to ignore or perhaps even violate at least some human rights to benefit in such a way that it helped secure the position of the majority and governing authority.

Next, with the proliferation of the internet, a flurry of scholarly debate erupted regarding what the relationship between the internet policy and liberal democracy. Chapter 2 used the Freedom House Freedom in the World dataset to again identify the 88 countries around the world that are viewed as liberal democracies. The Freedom House data was also compared to the Polity IV project dataset, but because the two did not differ significantly, the Freedom House data was selected because of its comprehensiveness. Chapter 2 had the added complication of having to narrow the liberal democracies under consideration based on internet access and penetration. Essentially, there was no reason to study liberal democracy policies on the internet if, because of limitations such as economic or infrastructure, the population did not have access to the internet. Data from the International Telecommunication Union (ITU), a United Nations organization that measures internet penetration, was used to narrow the list of liberal democracies under consideration. Chapter 2 found that three liberal democracies--Brazil, India, and South Korea—all had highly restrictive internet policies, in line with the predictions of realist

theorists.¹⁶ The conclusion was that liberal democracies appear to use the same controls, in accordance with the interests that influenced restrictions on traditional media which, as realists argue, fortify the state's existing societal divisions, including social relationship and class, both domestically and internationally.

And, because state policies emerge over time, Chapter 3 specifically sought to investigate that process by looking at states that were transitioning to liberal democracy to understand how policy is formulated and what impact those policies have on the liberal democracy itself. Chapter 3 focused on the formation of religious policy by Uzbekistan and Kyrgyzstan following the fall of the Soviet Union to compare Uzbekistan's path to autocracy with Kyrgyzstan's struggle to transition to liberal democracy. As controls, it was important that the investigation focus on two states with similar backgrounds and populations. It was equally important that the states also be forming in the same time period, in the same region, so as to avoid uneven comparison influenced by what could be unequal outside global trend influences. Additionally, there needed to be evidence that religion ought to be investigated as having a role during the transition to democracy. Chapter 3 used Freedom House data to identify the states transitioning to democracy in the post-Soviet era. Most fascinating was that Kyrgyzstan presented a rather unique example of a state transitioning to liberal democracy while Uzbekistan solidified autocracy. Both states began their path to independence at the same time with the fall of the Soviet Union but also had to make religious policy decisions after having been part of a larger nation, which had seen little tolerance of or need for religion at all. Chapter 3

¹⁶ W.B. Van De Donk, et al. (eds). *Orwell in Athens. A Perspective on Informatization and Democracy*. Amsterdam: IOS Press. 1995

found that, in keeping with realist theory, state policy over religion can lead to real abuse of power in the name of regime survival or national security. Moreover, the chapter found that state suppression of religion leads to instability and even a recoil from democracy to autocracy, as evidenced by Uzbekistan. Referencing the case of Uzbekistan in particular, it almost seemed that at the very instance there appeared to be a religious-based threat to the regime, any hint of progress towards a democratic transition appeared to reverse and the institutions of the former Soviet system began to re-emerge. In the case of Kyrgyzstan, it was only with the complete removal of the “old guard” regime that the transition to democracy was judged to be progressing steadily and policies toward religion fell more in line with liberal democracy.

Finally, the research contained in this thesis fits within the broader context of theory that has been crafted for international relations but offers a new area of focus and consideration by looking at the theories in relation to state behavior in domestic policy as well. The thesis investigated the modern perceptions of liberal democracy and used data to identify the states that are considered to be liberal democracies and assessed the policy and practices of liberal democracies toward their own populations. The originality of the research is that it considered existing theory but applied it in a new and interesting way. The conclusion reached was that modern liberal democracies operate within realist prediction for state behavior in relation to domestic policy formation. Follow-on research is encouraged to continue to investigate this possible linkage and to approach the research by expanding the focus to look at other areas such as the domestic economic policies of liberal democracies or to look at other forms of governance such as autocracies to confirm or argue against the conclusions of this thesis.

Chapter 1: The Relationship between Humans Rights and Liberal Democracy: Empirical Evidence to Support Liberal or Realist Theory?

Introduction

The United States is the global proponent of liberal democracy and it contributes a significant amount of political and financial resources towards encouraging the spread of liberal democracy throughout the world. Understanding the health of the liberal democratic state helps policy makers decide which countries around the world require more focus, in terms of political and financial resources, to ensuring the continued practice of liberal democracy. For the U.S., a key element of the advocacy of liberal democracy is ensuring the protection of human rights. The U.S. maintains visibility on human rights policies around the world, focusing not just on the human rights policies of liberal democracies but also on the policies of autocracies and other forms of government. It accomplishes this monitoring through several initiatives including charging diplomats abroad to report on host-nation human rights policies and also through participation in the United Nations Human Rights Council. Because the U.S. views the theoretical linkages between human rights and liberal democracy strongly enough to devote U.S. State Department resources toward monitoring human rights, it is equally important for U.S. policy makers to recognize what the relationship between human rights and liberal democracy commitment is. By understanding the relationship between human rights and liberal democracy, policy makers will be better prepared in terms of identifying areas to spend political and economic capital to effect human rights policies changes that are consistent with liberal democracy.

In a review of published U.S. State Department messaging on human rights through 2014, it is not clear whether the U.S. measures commitment to human rights from the liberalist or realist perspective.¹⁷ The issue here is that theorists are not in agreement with regards to the specific manifestations of human rights policies that states should have in order to be considered liberal democracies. In fact, some theorists argue that human rights are not an essential element of a liberal democracy at all. Realists, for example, hold that liberal democracies will have varying forms of human rights policies, which are dictated by the politics of the day in each country. Liberalists, on the other hand, argue that in a liberal democracy, the policies the state has on human rights will reflect the belief that all individuals are born with the equal rights, that the state will not infringe on the inalienable rights of the individual, and that the states will only do what is minimally necessary to protect the rights of individuals.

In this paper, I investigate whether there is evidence to support the liberalist or realist perspective on the necessary human rights policies of liberal democracies. I will first describe the theoretical arguments regarding the linkages between liberal democracy and human rights from the liberal and realist point of view. I will then look for empirical evidence that will demonstrate which theory is actually in practice in today's liberal democracies. My thesis is that liberal democratic human rights policies today are reflective of the realist point of view in that, while human rights policies are an important element for a healthy liberal democracy, human rights policies of liberal democracies

¹⁷ "Human Rights." U.S. State Department. Accessed January 4, 2015.
<http://www.humanrights.gov/dyn/issues/human-rights.html>.

differ greatly based on each state's internal politics. I believe that some liberal democracies actually infringe on human rights quite dramatically and do not view individual rights equally. By identifying these countries, I'll be able to recommend the states where policy makers should consider focusing additional political and financial resources towards ensuring the health and continued spread of liberal democracy.

Literature Review

Perhaps the foremost International Relations theorist in terms of the relationship between liberal democracy and human rights policies was Jürgen Habermas. It is important to note that we have chosen Habermas as the representative theorist for the liberalist perspective on the relationship between human rights and democracy but he is not alone, Habermas used a body of scholarly work in support of his theory, see the foundational works of John Rawls¹⁸ and more recent work by J. Pederson¹⁹, for example.

Habermas argued essentially that human rights and liberal democratic governance have an intrinsic codependency. Basic human rights, according to Habermas, are a part of the concept of democracy itself because democracy is the “process of self-legislation.”²⁰ In other words, a democracy, liberal or otherwise, could not be formed without individuals already having and exercising their individual liberty to represent themselves in the formulation of ideas, the debate of those ideas, and the acceptance of the

¹⁸ John Rawls. *Political Liberalism*. New York: Columbia University Press, 1993.

¹⁹ J Pedersen. "Justification and Application: The Revival of the Rawls-Habermas Debate." *Philosophy of the Social Sciences*, 2012, 399-432.

²⁰ Jurgen Habermas. *Constitutional Democracy: A Paradoxical Union of Contradictory Principles?* Illinois State. December 1, 2001. Accessed February 7, 2015.
http://my.ilstu.edu/~jkshapi/Habermas_ConstitutionalDemocracy.pdf.

impending or established law. The argument is that, if individuals were not able to represent themselves or choose their representation, the practice of democracy would not exist. To paraphrase, Habermas has acknowledged that his argument begs the question of which comes first the democracy, or the recognition of basic human rights?²¹ This dilemma resembles the age old question of which came first, the chicken or the egg? Habermas explained that “in a certain way, we consider both principles as equally original. One is not possible without the other, but neither sets limits on the other.”²² To put it another way, consider that democracy is not in practice if individuals are not participating but, in order for the individual to participate, one has to have embraced the concept of individual autonomies or basic human rights. The idea is then that the democracy cannot place limits on the individual human rights and the individual human rights cannot limit the democracy.

Certainly, Habermas’ theory requires a bit more analysis. For one, readers today might immediately object to Habermas by questioning how, if democracy and human rights are so codependent, could standard-bearer liberal democracies such as the U.S., the U.K., France, and Germany be struggling so much with laws that essentially undermine basic human rights? In the U.S., one has to look no further than the current debate on the legality of gay marriage to question whether liberal democracy and basic human rights are indeed so codependent. At the heart of the gay marriage debate is whether the majority can, based on its own set of beliefs and idea of morality, set in place laws and conditions that essentially oppress the rights of a minority. After all, states have actually

²¹ Ibid. p 767.

²² Ibid. p 767.

passed laws and even held propositional votes, to determine whether the majority believe that minority possesses the same basic human rights as themselves. On the same question, the U.K., has felt it necessary to pass a federal law that specifically recognizes gay marriage, as if the right to marry as the exercise of the concept of self-determination, did not already exist in the democratic framework of the nation.

Habermas would contend that a democracy is a “tradition-building project” and as such, “the later generations have the task of actualizing the still-untapped normative substance of the system of rights laid down in the original document of the constitution.”²³ For Habermas, the framework of democracy itself sets forth the conditions for rectifying injustices in human rights in what otherwise might be considered an infringement on democracy. In other words, democracy provides the ability for individuals to use their own individual autonomy to correct infringements on human rights. Here again, we view this exercise of autonomy, as it exists in the codependency and coexistence of the relationship human rights and democracy. Habermas does caution that “this fallible continuation of the founding event can break out of the circle of a polity’s groundless discursive self-constitution only if this process—which is not immune to contingent interruptions and historical regressions—can be understood in the long run as a self-correcting learning process.”²⁴ This means that individual human rights are continuously present within the liberal democratic system, which provides an inherent mechanism for reassessing and adapting governing legislations in the context of the contemporary environment of the state. Habermas concludes that, within the democratic

²³ Ibid. p 774.

²⁴ Jurgen Habermas. *Constitutional Democracy: A Paradoxical Union of Contradictory Principles?* Illinois State. December 1, 2001. Accessed February 7, 2015. p 774.

state, individuals “hitherto discriminated against gain their own voice and that hitherto underprivileged classes are put into a position to take their fate into their own hands. Once the interpretive battles have subsided, all parties recognize that the reforms are achievements, although they were at first sharply contested.”²⁵ In terms of foreign policy

On the other hand, for realists, the relationship between human rights and democracy is less complex and even less controversial. Realists see power and security as having primacy in the motivations of the state and therefore, human rights are viewed in that context. According to realist standard-bearer Thucydides, “men are motivated by honor, greed, and, above all, fear.”²⁶ To be clear, realists do not totally dismiss the nobility of human rights and they do not deny the moral relevance of human rights, realist theory simply argues that whatever policy the state chooses - and specific to our interest is the human rights policies that the liberal democracy might choose – it must be viewed in the context of the state’s perception of the relationship between that policy and the state’s power and security.²⁷ So, in terms of the specific human rights policies in a liberal democracy, the realist view is that “in the world as it is, the final arbiter of things political is power.”²⁸

The core argument in the realist perspective is that, as Thucydides can be paraphrased, in society the strong rule the weak because they have the authority to do

²⁵ Ibid.

²⁶ Thucydides., William Smith, and Thomas Crane. *The History of the Peloponnesian War*. Philadelphia. Published by Edward Earle. T.H. Palmer. 1818. p. 44.

²⁷ Robert G. Gilpin. *International Organization*, Vol. 38, No. 2 (Spring, 1984). The MIT Press. 1984.p 287-304. <http://www.jstor.org/stable/2706441> pp. 287-304. (accessed on February 7, 2015)

²⁸ Ibid. p 290.

so.²⁹ Reviews of subsequent realist theory reveal that, although less harsh concepts often appear, Thucydides' principle is foundational.³⁰ Prominent realism theorist Thomas Hobbes, for example, takes a more careful and nuanced approach to realism by applying the condition of reason in the decision-making calculus of the state, claiming essentially that individuals are equal in strength and desires, there is certainty that "the general rule of reason" will be followed as long as one's own security is not endangered.³¹ To apply the realist theory to human rights in a liberal democracy, one could assume that the elected representation could easily grant equal rights to the minority as long as the effect of those rights do not have the appearance or the reciprocating effect of weakening or threatening the majority or the power brokers of the state. This is to emphasize that the power to make the decision to grant rights is held by the powerful and the decision is made within the confines of what is perceived by those in power to be reasonable and by extension, not threatening.

Additionally, Hobbes felt that the granting of rights by the majority to the minority held a certain motive, which drives how reason is interpreted by the majority. According to Hobbes, when one "transferreth his right, or renounceth it, it is either in consideration of some right reciprocally transferred to himself, or for some other good he hopeth for thereby."³² The premise is that when the state acknowledges an individual right, it does so because it has reasonably calculated that the acknowledgement of the

²⁹ Mareike Oldemeinen. "The Political Realism of Thucydides and Thomas Hobbes." *International Relations*. February 15, 2010. Accessed February 14, 2015. <http://www.e-ir.info/2010/02/15/the-political-realism-of-thucydides-and-thomas-hobbes/>.

³⁰ Ibid.

³¹ Ibid.

³² Thomas Hobbes. "The Leviathan: Chapter XIII of the Natural Condition of Mankind Concerning Their Felicity and Misery." *Oregon State University: Selected Texts*. 1651. Accessed February 14, 2015. <http://oregonstate.edu/instruct/phl302/texts/hobbes>

right will benefit the state in some regard. In terms of international relations, there could be both domestic and international benefits for the state in acknowledging a particular human right. For example, a liberal democracy's elected ruling majority might find it beneficial to grant women the right to vote because, in doing so, the assessment will have been made that women will feel loyalty toward the ruling majority for granting that right, thus solidifying the position and security of the ruling majority. Internationally, the benefit to the ruling majority will have calculated that granting women the right to vote will become a tool that can be used to undermine the political support of a competing state's regime that does not allow women to vote, thus weakening that state.

To be clear, the realist perspective delineates itself from the liberalist perspective with regard to the focus of a liberal democracy in terms of lawmaking. While liberalists view liberal democratic law as a positive force that is be designed with the individual in mind - succinctly meaning individualistic - the focus, for realists, in crafting law is on the state's interests.³³ In other words, the realist theorizes that because of the nature of democratic process, the elected representation does not focus its attention on individual citizens when crafting laws. The representatives, instead, place the protection of the state as paramount to the protection of the individual. In essence, in a liberal democracy, the realist would argue that the state would only enact human rights legislation that would not disrupt the security of the state.

To understand the realist theory in practice, consider the issues of interracial marriage and same-sex marriage. From the liberalist perspective, one would expect that a

³³ Habermas. p 767.

liberal democracy, viewing individual rights with primacy, would not place restrictions or limitations on a minority of individuals to be married to whomever he or she chooses. It is easy for even the casual observer to recall that, even in the stalwart liberal democracies such as the U.S., UK, and France, the individual's right to marry was not protected by the state and to this day, still is not protected by law in a majority of U.S. states. Instead, in line with the realist perspective, laws on individual rights favor the majority over the minority, and in doing so insulate the state (and in this case, the elected representation) from potential upheaval by the majority. Certainly, Habermas and the liberalists would argue that we are viewing this issue through the lens of a moment in time and that the liberal democracies will grow and eventually adapt their laws to realize the full rights of the individual minority. This argument is quickly dispensed however by the realist perspective, which argues that the liberal democracy will only adapt laws to realize the rights of the minority when it benefits the state and elected representation.

Moreover, if human rights are codependent and co-original in liberal democracy as liberalists would suggest, why would liberal democracies even have laws that clearly favor majority rights over minority rights at any given time? The answer, in the realist perspective, is that those laws benefited the security of the state at the given time. Any observer can easily recall that this scenario has repeated itself time and time again throughout history. Whether one is to consider the rights of blacks to be treated equal to whites in the U.S., the right of women to vote in Switzerland (which was not granted until 1971 despite Switzerland having been a liberal democracy essentially since 1848)³⁴,

³⁴ "Encyclopedia Britannica/Switzerland/Geography." - Encyclopedia Britannica. Accessed February 14, 2015. http://en.wikisource.org/wiki/1911_Encyclopædia

or the rights of gays and lesbians to have employment in the UK (which was not protected until the late 1990s)³⁵.

Theory and Hypothesis

The thesis here is that liberal democratic human rights policies today are reflective of the realist point of view in that, while human rights policies are an important element for a healthy liberal democracy, the individual policies of liberal democracies differ greatly based on each state's internal politics with the security of the state paramount to the individual. I believe that the evidence will show that some liberal democracies actually infringe on human rights and moreover, liberal democracies do not view individual human rights equally.

Methodology

The business now turns to uncovering what empirical evidence exists today, which can help us understand whether the liberalist or realist view is actually in practice in relation to today's liberal democracies. First, we must define how a liberal democracy is viewed in today's terms. When looking around the world, it is probably fairly easy to identify at least a handful of states that one could reasonably assume are liberal democracies. We have already mentioned the U.S., UK, and France earlier in this paper but certainly one might also think of Canada or perhaps Germany or Australia. For the

³⁵ Hilary Whiteman. "Petition Seeks Apology for Enigma Code-breaker Turing." CNN. September 1, 2009. Accessed February 14, 2015.
<http://edition.cnn.com/2009/WORLD/europe/09/01/alan.turing.petition/?imw=Y>.

scope of this paper we are limited by available time and resources and will seek assistance from a couple of well-established and credible sources to establish the recognized liberal democracies of today.

To be frank, a liberal democracy is a rather nuanced and complex conglomerate form of ideas, policies, governance, and behavior. Great criticism is often applied to scholarly studies that oversimplify the definition of liberal democracy but to be fair there are volumes of theory and empirical research that have been published and, at this point, it is reasonable to glean some of the key elements of that scholarly work to define the liberal democracy. This research recognizes a liberal democracy as a state that is democratically ruled by a government that is accountable to the general population and where political liberties are recognized and protected through established constitutional law. The independent monitoring group Freedom House has simply defined a liberal democracy as an electoral democracy that protects civil liberties.³⁶ These definitions obviously run short because the immediate questions become what political liberties are recognized and to what extent are those liberties protected through law?

For a more compressive look at what the liberal democracies are around the world, the approach has been to look at the 2014 published data from Freedom House regarding form of governance and cross examine that data with the 2014 data compiled by the Polity Project. Polity is a project undertaken by a team of researchers led by Monty Marshall and Benjamin Cole that ranks countries on a scale ranging from

³⁶ "Freedom in the World 2014 Methodology." Freedom House. November 1, 2014. Accessed November 30, 2014. <https://freedomhouse.org/report/freedom-world-2014/methodology#.VHtLcGd0wy8>.

“strongly autocratic” to “strongly democratic”.³⁷ Freedom House and the Polity Project both make their datasets and methodology readily accessible and open to additional research and peer review, making the data ideal for inclusion here. It was decided to combine the datasets of both Freedom House and the Polity Project for this research to leave us with one collective data set. In their published findings, Freedom House explained that all of the countries it has graded as ‘Free’ countries are liberal democracies and they note that all of those countries are electoral democracies. Some ‘Partly Free’ countries might be electoral democracies, but they are not liberal democracies.³⁸ The Polity Project labels liberal democracies as ‘DEM’, meaning “fully institutionalized democracy” but the Polity Project stops short of labeling those countries as liberal democracies so the data was compared to the Freedom House data, paying particular attention to discrepancies.³⁹

Of the 196 countries rated by Freedom House, there were 31 countries that the Polity Project did not assign scores to and those countries have been excluded from the study because the data could not be collated. (The full list of countries under consideration are listed in the combined dataset, available in Appendix 1). In most cases, the Polity Project did not assess the countries that were currently involved in a civil war, lacked an established government, or whose population size was less than 1 million - usually small island nations.

³⁷ Monty G. Marshall and William Cole. Conflict, Governance, and State Fragility: Global Report. 2014. Accessed February 21, 2014. <http://www.systemicpeace.org/vlibrary/GlobalReport2014.pdf> p.20

³⁸ Freedom in the World 2014 Methodology." Freedom House. November 1, 2014. Accessed February 21, 2014. <https://freedomhouse.org/report/freedom-world-2014/methodology#.VHtLcGd0wy8>.

³⁹ Marshall and Cole. p 53.

The combined datasets revealed 32 discrepancies. Specifically, there were 31 instances where the Polity Project rated a country as a fully institutionalized democracy but Freedom House did not consider the country to be a liberal democracy. There was only 1 instance, that of Suriname, where Freedom House considered a country a liberal democracy where the Polity Project did not consider Suriname to be a fully institutionalized democracy. A full list of the discrepancies is below:

Albania	Guatemala	Liberia	Nicaragua	Suriname
Bolivia	Honduras	Macedonia	Niger	Thailand
Burundi	Indonesia	Malawi	Pakistan	Turkey
Colombia	Kenya	Malaysia	Paraguay	Ukraine
Comoros	Kosovo	Mexico	Philippines	
East Timor	Kyrgyzstan	Moldova	Sierra Leone	
Georgia	Lebanon	Nepal	Solomon Islands	

A detailed analysis revealed that the discrepancies emerged between the Freedom House and Polity Project data sets because of the weight Polity assigned to the established form of government. In all cases, except Suriname, the Polity Project gave more weight to countries that had an electoral form of government. Upon closer inspection however, the discrepancies are easily explained. While Freedom House did not recognize the 31 countries as liberal democracies, the Polity Project gave them high marks for being an electoral democracy but caveated that 29 of these countries were viewed as being either fragile or moderately fragile in terms of their legitimacy. In other words, the Freedom House data is accurate in not considering the countries as liberal democracies because, as the Polity Project data also confirms, the actual practice of liberal democracy in those countries is precarious given the instability of the central government. The remaining 3 countries, Bolivia, Indonesia, and Turkey, which were given high marks by the Polity Project for being electoral democracies were caveated as

having very weak checks and balances on the chief executive and that matches the reasoning that Freedom House did not grade them as full liberal democracies.

Finally, the discrepancy involving Suriname, is the only outlier in the dataset. In this case, Freedom House actually considers Suriname to be a full-fledged liberal democracy where the Polity Project does not. The issue here appears to be the weights given to economic legitimacy. While Freedom House notes Suriname's issues with public corruption, it judged the central government as having enough checks and balances in the established rule of law to grade Suriname as a liberal democracy. The Polity Project, however, weighted the public corruption more heavily and thus placed doubts on the stability of Suriname's central government, assigning it a grade less than a full-fledged liberal democracy. Because of this discrepancy, Suriname has been excluded from consideration for this study.

The combined datasets, leave a total of 88 countries around the world that are considered liberal democracies, as of 2014. The following is the complete list of the liberal democracies, where both Freedom House and Polity Project data agree, and are thus under consideration for this study:

Andorra	Benin	Czech Rep	Greece	Japan	Mauritius	Palau	São Tomé	Taiwan
Antigua Barbuda	Botswana	Denmark	Grenada	Kiribati	Micronesia	Panama	Senegal	Tonga
Argentina	Brazil	Dominica	Guyana	Latvia	Monaco	Poland	Serbia	Trinidad
Australia	Bulgaria	Dominican	Hungary	Lesotho	Mongolia	Portugal	Slovakia	Tuvalu
Austria	Canada	El Salvador	Iceland	Liechtenstein	Montenegro	Romania	Slovenia	U.K.
Bahamas	Cape Verde	Estonia	India	Lithuania	Namibia	St Kitts Nevis	South Africa	U.S.
Barbados	Chile	Finland	Ireland	Luxembourg	Nauru	St Lucia	South Korea	Uruguay
Belgium	Costa Rica	France	Israel	Malta	Netherlands	St Vincent	Spain	Vanuatu
Belize	Croatia	Germany	Italy	Marshall Is.	New Zealand	Samoa	Sweden	
Zambia	Cyprus	Ghana	Jamaica	Mauritania	Norway	SanMarino	Switzerland	

For the data looking specifically at Human Rights policies and record, there are two data sets of empirical data that are most frequently utilized in Human Rights policy research. The first is the CIRI Human Rights Dataset, which contains standards-based quantitative information on the government policies toward human rights of 202 countries through 2011.⁴⁰ The second data set is called the Political Terror Scale (PTS), which is “measures levels of political violence and terror that a country experiences in a particular year based on a 5-level “terror scale” originally developed by Freedom House. The data used in compiling this index comes from two different sources: the yearly country reports of Amnesty International and the U.S. State Department Country Reports on Human Rights Practices.”⁴¹ PTS data is available from 1976-2013.

Previous research has argued that CIRI data and PTS data give an incomplete account of the true status of an individual country’s human rights policies and practices.⁴² Neil Mitchell and Bronia Naomi Flett, for example, found that neither data set does an adequate job of distinguishing from individual and state violations.⁴³ In other words, the data is not sophisticated enough to truly distinguish whether the violations of human rights are occurring because of an internal issue at a local level rather than occurring because of a concerted government effort. Unfortunately, the shortcomings of the data sets are not easily rectified particularly because in most cases that sort of data is not available. Understanding the decision making apparatus of a government to determine

⁴⁰David L. Cingranelli and David L. Richards, and K. Chad Clay. 2014. "The CIRI Human Rights Dataset." Version 2014.04.14. Accessed February 15, 2015. <http://www.humanrightsdata.com>.

⁴¹ Reed M. Wood and Mark Gibney. "Political Terror Scale: About." Political Terror Scale. February 21, 2015. Accessed February 27, 2015. <http://politicalterror scale.org/about.php>.

⁴² Anja Mihr and Mark Gibney. "Human Rights Research and Theory." *The SAGE Handbook of Human Rights*, 3-21. Vol. 1. London: SAGE Publications, 2014.

⁴³ Ibid. p16.

real intent falls in the realm of intelligence work and not scholarly research. Mitchell and Flett acknowledged that, while considerable progress has been made in recent years toward human rights research, the gap still remains that the data simply does not allow for a linkage to accountability.⁴⁴ So, the problem persists in that there is an identified gap in the measurement of human rights policy monitoring, however, there is no easy solution for academics. The data is also limited in that it takes considerable time to compile and the CIRI data set in particular is becoming outdated since the latest measurements of state human rights policies are only current through 2011. This, unfortunately, means that the PTS data set is the only mostly current data set, with calculations complete through 2013 however, there is no independent data set to compare the PTS data to. With the limitations to the datasets and acknowledged and understood, the decision was made to include the 2013 PTS data in the analysis but to adjust the Freedom House and Polity Project datasets for liberal democracies to also correspond with the year 2013.

Fortunately, there have not been massive shifts in liberal democratic governance between 2013 and 2015. According to a correlated data comparison of Freedom House and Polity Project data for 2015 and 2013, there were 3 states that were judged to be liberal democracies in 2013 that were not viewed as liberal democracies in 2015: Indonesia, Peru, and Suriname. And, there were 2 liberal democracies as of 2015 that were not liberal democracies in 2013: Mauritania and Zambia.

⁴⁴ Ibid. p 17.

Additionally, there 13 states, of the 90 total liberal democracies, where no human rights data was available in the PTS data set and those are marked in gray in Figure 2 below:

Andorra	Benin	Czech Rep	Greece	Jamaica	Mauritius	Palau	San Marino	Sweeden
Antigua and Ba	Botswana	Denmark	Grenada	Japan	Micronesia	Panama	São Tomé and Prín	Switzerland
Argentina	Brazil	Dominica	Guyana	Kiribati	Monaco	Peru	Senegal	Taiwan
Australia	Bulgaria	Dominican Rep	Hungary	Latvia	Mongolia	Poland	Serbia	Tonga
Austria	Canada	El Salvador	Iceland	Lesotho	Montenegro	Portugal	Slovakia	Trinidad and Tobago
Bahamas	Cape Verde	Estonia	India	Liechtenstein	Namibia	Romania	Slovenia	Tuvalu
Bangladesh	Chile	Finland	Indonesia	Lithuania	Nauru	St Kitts and Nevis	South Africa	United Kingdom
Barbados	Costa Rica	France	Ireland	Luxembourg	Netherlands	St Lucia	South Korea	United States
Belgium	Croatia	Germany	Israel	Malta	New Zealand	St Vincent and Gr	Spain	Uruguay
Belize	Cyprus	Ghana	Italy	Marshall Is.	Norway	Samoa	Suriname	Vanuatu

Another issue arose in that the 2013 PTS data was only partially complete. That is to say that, while previous annual data included a correlation of U.S. State Department data and Amnesty International data, the 2013 data only included U.S. State Department data. To account for this issue, a review of the 2012 complete PTS data was conducted and revealed that there were no large discrepancies. The grades given to liberal democracy human rights policies and practices were very similar, only differing by a point in a few cases. Still, this incomplete data is noted and was accounted for, but it was not expected to change the results of this study in any meaningful way since previous annual data was sufficiently similar.

As briefly mentioned before, the PTS scale uses a 1 to 5 numerical grading scale in terms of human rights record and policies. It should be noted that the PTS scale was first developed in the 1980s, which was before terror was so often affiliated with fundamentalist act. The “terror” in the name of PTS refers to egregious human rights violations such as “the state-sanctioned killings, torture, disappearances and political

imprisonment that the Political Terror Scale measures.”⁴⁵ Below is an explanation of the rankings used in the PTS data:

Political Terror Scale Levels
5: Terror has expanded to the whole population. The leaders of these societies place no limits on the means or thoroughness with which they pursue personal or ideological goals.
4: Civil and political rights violations have expanded to large numbers of the population. Murders, disappearances, and torture are a common part of life. In spite of its generality, on this level terror affects those who interest themselves in politics or ideas.
3: There is extensive political imprisonment, or a recent history of such imprisonment. Execution or other political murders and brutality may be common. Unlimited detention, with or without a trial, for political views is accepted.
2: There is a limited amount of imprisonment for nonviolent political activity. However, few persons are affected, torture and beatings are exceptional. Political murder is rare.
1: Countries under a secure rule of law, people are not imprisoned for their view, and torture is rare or exceptional. Political murders are extremely rare.

Source: Wood, Reed M., and Mark Gibney. "Political Terror Scale : Data." Political Terror Scale. February 21, 2015.

Accessed February 27, 2015. <http://www.politicalterror scale.org/ptsdata.php>

⁴⁵ Reed M. Wood and Mark Gibney. "Political Terror Scale : About." Political Terror Scale. February 21, 2015. Accessed February 27, 2015. <http://politicalterror scale.org/about.php>

PTS data also includes a column of information derived from the World Bank, which lists countries according to per capita income, ranging from High Income (HI), to Upper Middle Income (UMI) to Lower Middle Income (LMI), and finally to Low-Income (LI). While not explicitly stated in the PTS data, the idea of including a grade for per capita income is that it would also allow researchers to look at whether there might be any difference or commonalities between countries that had similar wealth and standard of living. Since per capita income is the measure of gross domestic income divided by the total population, this provides a quick reference for the general wealth of the population. Of course, it should be noted that per capita income is an entirely nuanced study but the point of acknowledgement and inclusion here is just an added marker of comparing and differentiating countries.

To account for the incomplete data in the 2013 PTS, it was decided that this study would break the PTS grading scale into 2 categories, 1 to 2 and 3 to 5. In this way we are accounting for the incomplete data and allowing for deviation. States with PTS grades 1 and 2 are largely considered to recognize and practice human rights policy in a way that would be mostly consistent with liberal democracy. If a state received a 3 or higher on the PTS scale, these states are judged to have or employ human rights policies and practices that are contrary to liberal democracy, and indeed contrary to liberal democratic theory on the relationship between liberal democracy and human rights.

Data and Analysis

The analysis of the combined PTS and liberal democracy data presented some interesting findings. (The complete data set is available in Appendix 1) First, there were actually 9 liberal democracies, whose human rights policies and practices actually holistically. That is to say that of the 77 liberal democracies that were under consideration in this study, 9 of them had score of 3 or above of the PTS scale meaning those states were judged to have at least a moderate level of serious human rights violations. Even more alarming, of the 9 liberal democracies, 5 of them were judged to be close to severe violators of human rights.

The 5 countries that received a grade of 4 on the PTS were Bangladesh, Brazil, India, Israel, and South Africa. It should be noted that for Bangladesh and South Africa, the PTS tabulation of Amnesty International data from 2012 graded them at 3 while the PTS tabulation of 2013 U.S. State Department's score data graded them at 4. Looking at the PTS data for Bangladesh and South Africa going back to 1976, the State Department and Amnesty International PTS scores always realign within a year, suggesting that there might be a slight deviation in the scores based on the time of the year that the data was finalized. In any case, we feel it is safe to assume that the PTS Amnesty International score, if it had been recorded in 2013, would have probably aligned with the PTS State Department score. The score of 4 for these 5 countries, according to the PTS data, reveals that in each of them there are large portions of the population experiencing violations of civil and political rights. Often this involves targeted and even widespread arrests of political dissidents as well as other forms of intimidation by the state to discourage minority challenges to the policies of the ruling majority. Also, in all of these, states, the

scores reveal that the citizenry is often not treated fairly in the judiciary branch which further limits opposition challenges to authority. One other interesting factor arose in the data and that was in terms of the income level of the states. There was essentially no commonality in terms of the wealth of the population. The majority of the population of Bangladesh is lower income (LI), while in Brazil there is a strong middle class with an upper middle income (UMI) rating, India is mostly lower middle income (LMI), while Israel is high income (HI), and South Africa is generally upper middle income (UMI). The point here is that no clear delineation can be made between the countries, at least in terms of their per capita income levels. In fact, within the data set, each country is representative of an entirely different per capita income level rating.

The remaining 4 countries of the 9, the Dominican Republic, El Salvador, Indonesia, and Jamaica all received solid scores of 3, where the data was in alignment. This score of 3 reflects the presence of at least a moderate amount of human rights violations present within each liberal democracy. Specifically, the PTS data reveals that, for each of these countries, there is a documented record of extensive political imprisonment and unlimited detention, with or without a trial, for political views. The Dominican Republic is upper middle income (UMI), El Salvador lower middle income (LMI), Indonesia is also lower middle income (LMI), Indonesia is lower middle income (LMI), and Jamaica is considered upper middle income (UMI). Of note, there were no countries judged as high income or lower income, all of them fit within the realm of middle income per capita countries.

On the other hand, it has to be emphasized that there were still a total of 68 liberal democracies whose score was 2 or better on the PTS scoring for both 2012 Amnesty and

2013 U.S. State Department data. These countries, according to the data employ human rights policies and practices that are in keeping with liberal democratic values. 36 are high income (HI) per capita, 20 of these countries are upper middle income (UMI), 11 are lower middle income (LMI), and only 1 country, Benin, is lower income (LI).

Of course, perhaps just as interesting that there were a total of 9 liberal democracies that at least moderate levels of human rights violations, there were 8 countries around the world, which are not liberal democracies, whose record on human rights policy and practice was actually better than those 9 countries. Bosnia, Kosovo, Fiji, Guatemala, Laos, Qatar, Singapore, and the Solomon Islands all received PTS scores of at least a 2 or better in both the U.S. State Department data for 2013 and the Amnesty International data for 2012. All of these countries are lower middle income (LIM), except Qatar and Singapore, which are both high income (HI).

Discussion

The key finding of this analysis of data is that, as of 2013, not all liberal democracies are observant of human rights policies and practices to the extent that liberal democratic theorists would expect. Of course, some liberal theorists might argue that this is a snapshot in time, and because liberal democracy is an ever-changing and adaptive form of governance, these countries might eventually self-correct their human rights policies and practices through the checks and balances inherent in the liberal democracy form of government. On the other hand, the empirical evidence is fairly difficult to overlook. It could be argued just as easily that the 9 liberal democracies with moderate or

worse violations of human rights policies and practices more clearly represent the realist view of liberal democracy. Meaning, these countries are employing policies and behavior that is suited for their particular situation in the given political landscape, both internally and externally, of the time. Recall that realists believe that states base their decisions, and indeed their policies, on calculations regarding the overall security of the state.

Consider, for example, the 5 liberal democracies with the worst record in terms of human rights policies and practices, Bangladesh, Brazil, India, Israel, and South Africa. In each of these countries, an in-depth review of the data which was used to tabulate the PTS scores revealed that, there were significant issues with impunity in all cases except in Israel. In other words, these liberal democracies all had issues with official corruption that included a weak rule of law that allowed government officials to “commit human rights violations with impunity but also prevented citizens from claiming their rights.”⁴⁶ In the case of Israel, the government there was ineffective in protecting the rights of individual minorities, particularly those of Islamic faith, who were not viewed as having rights equal to that of the majority.⁴⁷

It is clear that in all of these cases, where the self-interests of the government or ruling majority were at stake in terms of human rights policies, violations occurred and the resulting overall PTS score was indicative of that behavior. In other words, if human rights had the strong correlating relationship with liberal democracy as liberal theorists believe, there should be no deviation. Moreover, if the relationship between human

⁴⁶ "Country Reports on Human Rights Practices for 2013." U.S. Department of State. January 1, 2014. Accessed March 1, 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

⁴⁷ "Israel Country Report on Human Rights Practices for 2013." U.S. Department of State. January 1, 2014. Accessed March 1, 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220356>.

rights and liberal democracy was fundamental, then how could countries, which are widely regarded as being liberal democracies, have a record that is anything less than exemplary? The answer lies solidly within realist theory in that the human rights violations benefited the state and the ruling majority, at the time. In other words, the state chose to ignore or perhaps even violate at least some human rights to benefit in such a way that it helped secure the position of the majority.

Even more illustrative of the realist perspective in terms of the relationship between human rights and liberal democracy is that there were non-liberal democracies, whose record on human rights outshined that of some liberal democracies. The interesting point here is that a state does not necessarily have to be a liberal democracy to practice good human rights policy.

Conclusion

The evidence presented here has revealed that, in terms of the human rights policies of liberal democracies, states as of 2013 operated within the realm of realist theory. The data revealed that not all liberal democracies had the same approach to human rights and, in fact, several of them are clear offenders of human rights having received scores that indicated as much. Liberal theorists have argued on the codependency of human rights and liberal democratic governance but this research clearly reflected that the protection and practice of human rights is not exclusive to liberal democracies. While Habermas argued that self-legislation, meaning liberal democracy,

would actualize human rights, we found no evidence that is case for all states.⁴⁸ In fact, the score reflected that some liberal democracies actually infringe on individual liberties, including the exercise of political opposition. It was also discovered that, while a majority of liberal democracies do have rather stellar human rights records, there are indeed states that are not liberal democracies, which also have equally good human rights policies and practices.

Recall that the core argument of the realist perspective is that security is paramount. In this research, it was clear that in some cases, a liberal democracy will undertake policies and practice that violate human rights. Consider, Israel which was one of the 9 liberal democracies with the worst human rights record. Without getting into the deep political and cultural sensitivities of the matter, Israel's record is reflective of realist theory in that the state, with security probably foremost in its concerns, trumps the individual liberties of the minority. One would find that the same can be said for the other worst performing countries of Bangladesh, Brazil, India, and South Africa.

The point here, is not to become bogged down in a nuanced debate over the merits or practices of each state and its particular circumstance but to view the data as collectively representative of a trend. This trend that the data revealed is clearly reflective of the realist view that state human rights policies and practices do not have a correlating relationship with liberal democracy. Sure, most liberal democracies are judged to have good human rights policies and practices but there are countries that have very poor

⁴⁸ Jurgen Habermas. "Constitutional Democracy: A Paradoxical Union of Contradictory Principles?" Illinois State. December 1, 2001. Accessed February 7, 2015.

records that are still considered by widely regarded research conducted by Freedom House and the Polity Project to liberal democracies.

Additionally, the data revealed that Europe, overall, had the best human rights policies and the greatest number of liberal democracies. While this research did not lend itself to investigating the causalities of that distinction, it was theorized that perhaps the establishment of the European Union, with its collective standards towards human rights, it at least partly responsible for the distinction as the continent with the most liberal democracies and the best human rights record.

At this point, a fair question regarding the overall conclusions here might be why the realist school of thought is deemed correct in application to 9 liberal democracies that violated human rights but seemingly incorrect about the other 68 liberal democracies that respect human rights? In other words why is the realist behavior not more widespread? The answer, in realist form, is that the relationship between the state and its population is what is dictating the respect of human rights in those 68 liberal democracies. In other words, the realist recognizes that there might currently be a lot of states which respect human rights in practice but only because those policies are in line with the national preferences and beliefs of the domestic population, ensuring security and power. While an in-depth examination of this counterargument is beyond the scope of this paper, we can recall that realism presupposes that states behave in own their best interests of the given moment rather than idealizing. In other words, the greater question would be, if human rights policies are inherent to liberal democracy, how could there be states around the world that are widely considered liberal democracies, but which actually violate human rights?

Finally, this research sought to identify the countries that U.S. policy makers should focus finite political and economic capital on. A total of 9 liberal democracies were identified as having moderate to severely poor human rights records: Bangladesh, Brazil, India, Israel, South Africa, Dominican Republic, El Salvador, Indonesia, and Jamaica. Understanding that their poor performance on human rights policies and practices is explained in realist theory, it does not necessarily mean that their poor record should be overlooked.

Chapter 2: The relationship between liberal democracy and internet freedom

Introduction

There is an ongoing debate in societies around the world today that surrounds government policies on internet freedom and internet restrictions. Most countries have some form of internet restriction, including countries that are considered full-fledged liberal democracies, such as the United States. Other countries have chosen to censor the internet based on the society's values or on religious grounds, while other forms of government, usually totalitarian, have very high restrictions in place. Those tight restrictions are sometimes designed to limit the population's access to outside information which might undermine ruling the regime. Most casual observers can readily identify countries such as China, Iran, and North Korea as having highly restrictive internet policies but these countries are not democracies, nor do they have a declared intent to become democracies or subscribe to liberal democratic principles.

When looking at the national internet policies, it is important to remember that the policies have emerged over time, and were usually reactionary, based on the spread of access to the internet throughout the world. Sometimes the restrictions, even in liberal democracies, have been driven by private industry, usually service or infrastructure providers, seeking to recoup what otherwise might be lost revenue due to data freely traveling circuits from content publishers to users. For other liberal democracies, the restrictions on internet access might be based on religious, social, or moral grounds.

Theorists have argued for several decades about the importance of the relationship between liberal democracy and internet freedom. Liberalists, referred to in this context as

cyber optimists, believe that internet policies that promote a freely accessible internet are essential to maintaining and encouraging a liberal democracy. In other words, liberal democracies should have internet policies that are reflective of the doctrines of a liberal democratic state. Realists or cyber pessimists, on the other hand, argue that the internet is simply another form of media and that internet policies do not have a substantial bearing on democracy at all. The implication is that it is not necessary for liberal democracies to have unrestricted internet policies because the internet by itself is not essential to maintaining democracy. This paper seeks to determine whether the data available today gives credence to either theory as it applies to relationship between liberal democracy and internet policy.

There are annual studies conducted by various groups that track and grade countries around the world in terms of the level of freedom users enjoy on the internet. There are also separate studies that annually assess each nation's status to determine their form of governance. This paper seeks to determine whether there are correlations between the level of internet freedom of countries and their form of governance. In doing so, I hope to draw conclusions regarding the validity of theoretical arguments on the importance of internet policies to democratic governance. Specifically, are there liberal democracies with restrictive internet policies that are still largely considered to be successful liberal democracies? This paper takes the realist approach and hypothesizes that state internet policies are not reflective of the state's overall commitment to democratic governance. In other words, the more liberal democratic the state, does not necessarily mean that the freer the internet policies and access will be.

The paper first reviews existing literature to assess the ongoing scholarly debate regarding whether internet policies correlate to democratic governance. Next, the methodology used for the case study is described along with some considerations. Then, the case study, which identifies liberal democratic states and their overall internet policy, and uncovers commonalities and deviations between the liberal democracy and internet policy. Finally, conclusions are drawn regarding whether the evidence supports or rejects the hypothesis that states, which are judged to be liberal democracies, have corresponding liberal internet policies.

Literature Review

First, it is important to define a liberal democracy and to categorize the countries around the world are considered liberal democracies and why. The theory of liberal democracy applied here is best defined using the ideas articulated by John Rawls, who was one of the foremost liberalist philosophy writers of our time, and whose ideas are rooted in the earlier liberal philosophical writings of Huntington, Locke, Rousseau, and Kant. Rawls explained that a politically liberal democracy is full of a “pluralism of comprehensive religious, philosophical, and moral doctrines” and the acceptance of “incompatible, yet reasonable (opposing) comprehensive doctrines.”⁴⁹ In other words, liberal democracies exist within a competition of ideas where opposing points of view are accepted and debated freely. Rawls later revised his theory to specify that the basic requirement of a liberal democracy is that “the reasonable doctrine” accepts a “constitutional democratic regime and its companion idea of legitimate law.”⁵⁰

⁴⁹ John Rawls. *Political Liberalism*. New York: Columbia University Press, 1993. Xvi.

⁵⁰ Ibid. p 441.

Rawls noted that democratic societies will differ in their specific doctrines, which will change over time, but the constant is the relationship between the basic moral and political values (reasonable doctrine) of the government to its citizens and vice versa.⁵¹ Succinctly, in a liberal democracy, the government and its policies are obligated to the public's values and beliefs and the government operates within the confines of the established rule of law. The public's values exist as the underpinning of the liberal democratic state. This paper specifically recognizes a liberal democracy as a state that is democratically ruled by a government that is accountable to the general population and where the individual political liberties are recognized and protected through established constitutional law.

Within the overall theory of liberal democracy, Rawls categorized policies on media in a category called "the background culture."⁵² This area is the realm of the liberal democracy in which the "liberties of thought, speech, and the right of free association" exist within the framework of the liberal democracy's rule of law.⁵³ Rawls specifically articulated that political liberalism asserts "the need for full and open discussion in the background culture" within a liberal democracy.⁵⁴

Internet Policy and Democracy

Turning to internet policy within a liberal democracy, it is important to note that, as the internet began to emerge in 1989 -- then commonly referred to as "the world wide web" -- there were scarce government policies in place in any country, liberal democracy

⁵¹ Ibid. p 442.

⁵² John Rawls. *Political Liberalism*. New York: Columbia University Press, 1993. Lecture 1. p 14.

⁵³ Ibid. p. 443.

⁵⁴ Ibid.

or otherwise, to regulate or liberate it.⁵⁵ Of course there were scientific experiments and university projects that studied the internet concept dating back to the early 1980s and military projects that began much earlier but we are specifically interested here in the period from the 1990s through the present when internet access emerged for use by the general population of liberal democracies.

With the proliferation of the internet, a flurry of scholarly debate erupted particularly in the field of political science regarding the relationship between the internet and democracy. Throughout the body of published literature there emerged roughly two schools of thought, which are commonly referred to as the cyber-optimist perspective and the cyber-pessimist perspective.⁵⁶ The literature was focused on what policies, if any, would be necessary to maintaining and encouraging liberal democracy and assessing the relationship between internet policy and democracy.

Cyber Optimism

One of the earliest proponents of the cyber-optimist perspective was Professor Howard Rheingold of Stanford University, who in 1993 published a book which was and still is, available for free on the internet titled, *The Virtual Community*. Rheingold's work, which was culled together using his own experience and over 200 individual sources of published works, argued of the internet's potential importance to "political liberties and the ways virtual communities are likely to change our experience of the real world, as

⁵⁵ "World Wide Web Timeline." Pew Research Centers Internet American Life Project RSS. Accessed November 1, 2014. <http://www.pewinternet.org/2014/03/11/world-wide-web-timeline/>.

⁵⁶ Dr. Harold Jansen. "Is the Internet Politics as Usual or Democracy's Future?" *The Innovation Journal: The Public Sector Innovation Journal* 9, no. 2 (2004). Accessed November 1, 2014. <http://www.innovation.cc/peer-reviewed/jansen-9-2.pdf>.

individuals and communities.”⁵⁷ Rheingold and subsequent cyber-optimists, predicted that the internet would “contest the existing hierarchy’s monopoly” of the domination of control of mass media, and invigorate democracy worldwide.⁵⁸ The cyber optimist perspective really dominated much of the early writing of the relationship between liberal democracies and internet policy. They predicted that the freer internet policies would give power to potential voters and the citizenry of a country because information about the candidates, their positions, and their proposals would be easily and readily accessible.⁵⁹ Moreover, cyber optimists believe that unrestrictive internet policies would be essential to complement liberal democracy because the quality of the information available on the internet would enhance and prove to be better than traditional media because the citizenry would have nearly direct and independent access to the information, at relatively low cost, without financial bias. In other words, the citizenry would not have to travel to major cities or become major funding donors to have access to government officials, politicians, or candidates themselves, without the filter of profit-driven or state-run conventional media outlets such as television, newspapers, and radio. In fact, many cyber optimists predicted that liberal democracy would flourish around the world, powered by the internet. There were others in the cyber optimist movement that went further in their predictions. They argued that the internet would be the “cure” for “suffering” emerging democracies around the world because the internet would overcome the shortcomings of traditional media in terms of accessibility and freedom from bias.

⁵⁷ "The Virtual Community: Introduction." *The Virtual Community*. January 1, 1998. Accessed December 7, 2014. <http://www.rheingold.com/vc/book/>.

⁵⁸ Corrado, Anthony, and Charles M Firestone. *Elections In Cyberspace: Toward a New Era In American Politics*. Washington, D.C.: Aspen Institute, 1996.

⁵⁹ Ibid.

Furthermore, cyber optimists, while noting that the internet was developing unevenly throughout the world, predicted that a free and unrestricted internet would eventually become “democracy’s future.”⁶⁰

The common theme among cyber optimist arguments is the general belief that in a liberal democracy, the internet should be a medium that is completely and totally accessible to all. Within the cyber optimist movement, there initially seemed to be little consideration or perhaps acceptance that the internet might be a medium that could be controlled, censored, or even blocked completely by public and private entities, especially in a liberal democracy. The cyber optimists, instead, predicted that the internet would be a mobilization tool for fringe movements to gain traction and notoriety, where they had often been overlooked and discounted or censored. German sociologist and philosopher Jurgen Habermas’ theory of the public sphere is often cited by cyber optimists to support the idea that the internet, as a manifestation of the public sphere, will remain completely free and unrestricted because it would be totally driven by internet users themselves.⁶¹ Most cyber optimists find it inconceivable that the internet would succumb to being censored or regulated by private interests or the state, particularly in liberal democracies.

French philosopher Pierre Levy went as far as predicting a global “cyberdemocracy” where the internet “optimizes the possibilities of exchange between resources available and projects requiring them, leaves the decision-making process more

⁶⁰ Pippa Norris. *Digital Divide: Civic Engagement, Information Poverty, and the Internet Worldwide*. Cambridge: Cambridge University Press, 2001.

⁶¹ Jürgen Habermas. *The Structural Transformation of the Public Sphere: An Inquiry Into a Category of Bourgeois Society*. Cambridge, Mass.: MIT Press, 1989.

transparent, and allows for a democracy in which everyone can participate.⁶² Levy, rather poetically, argued that “the fact that everything is possible on the Internet reveals mankind's true essence, the aspiration towards freedom,” and harkening to the notion of how important unrestricted internet policies are to liberal democracy.⁶³

Cyber Pessimism

Cyber pessimists, on the other hand, argue that the relationship between the internet and liberal democracies would be insignificant. As early as the 1990s, they predicted that governments would use the same controls and interests that influenced traditional media, such as radio and television. Some pessimists, rooted in realist theory, even argued that the internet would be likely to fortify the state's existing societal divisions, including social relationship and class, both domestically and internationally.⁶⁴

Furthermore, they argue that the idea that the internet would solidify liberal democracy and its spread around the world simply because it was a new and emerging information medium, was preposterous. For most cyber pessimists, the strongest disagreement they have with the cyber optimists is that the idea that the internet would be a breakthrough form of media that would change everything. They point to the historical predications that surrounded the introduction of the telephone, radio, and television as evidence that these types of “utopian” predications were false in terms of media policy importance to liberal democracy.⁶⁵ Cyber pessimists point out that optimistic and

⁶² Pierre Lévy. "Collective Intelligence: A Civilisation." Crossings, Volume 1 Issue 1. Web. 8 Nov. 2014. <http://crossings.tcd.ie/issues/1.1/Levy/>.

⁶³ Ibid.

⁶⁴ Vincent Mosco, Janet Wasko. *The Political Economy of Information*. Madison, Wisc.: University of Wisconsin Press, 1988.

⁶⁵ Patrice Flichy. *The Internet Imaginaire*. Cambridge, Mass. MIT Press, 2007.

dreadful assertions about emerging media bear a persistent pattern, as they reappear throughout history.⁶⁶ Cyber pessimist arguments emphasize the historical evidence which has shown that neither radio nor television fundamentally changed the political process or ushered in more liberal forms of democracy around the world. In established liberal democracies, in particular, cyber pessimists predicted that the internet would not bring any new voices to the public discourse.⁶⁷ In other words, they believed that those who were already in possession of power and influence would simply use the internet as another medium to disseminate their views. Another typical cyber pessimist view is that the internet would continue to “reinforce the existing participation gap between the engaged and the apathetic.”⁶⁸

Cyber pessimists also did not believe that the internet, by itself, would be responsible for bringing fostering the development of liberal democratic governance around the globe. Instead, most argue that the internet is a supplementary, but not upsetting, conduit in the existing political construct.

Cyber pessimists predicted that the internet would present greater opportunities for states to infringe on the principles of liberal democracy.⁶⁹ They claimed that the internet policy would perhaps be the greatest threat to democracy because internet users will be the victims of constant surveillance by both governmental and private entities, even in liberal democracies. There is also a rather existentialist element to this part of the

⁶⁶ Wim Vanobberghen. "'The Marvel of Our Time': Visions Surrounding the Introduction of Radio Broadcasting (1923-1928)." *Media History* 16. 2010. p 199-214.

⁶⁷ R Davis. *The Web of Politics: The Internet's Impact on the American Political System*. New York: Oxford University Press. 1999.

⁶⁸ Pippa Norris. *Who Surfs? New Technology, Old Voters and Virtual Democracy in US Elections 1992-2000*. Cambridge, Mass. Harvard University Press. 2001.
<http://www.hks.harvard.edu/fs/pnorris/Acrobat/WhoSurfs%20Revised%202001.pdf>

⁶⁹ Wim. B. H. J Van De Donk, Snellen, I. Th. M., Tops, P. W. (eds). *Orwell in Athens. A Perspective on Informatization and Democracy*. Amsterdam: IOS Press. 1995

cyber pessimism position because there is often the rather dire warning that liberal democracies would eventually infringe on civil liberties and indeed sacrificed them because “the more we use the Net, the more it will tend to draw us into the unreal, the more it will tend to draw us into the unreal, virtual worlds populated by those who want to flee all the ills that flesh is heir to.”⁷⁰ In other words, a free and unrestricted internet would become a hotbed of crime and immoral activity because of the detachment of reality and consequences, thus forcing liberal democracies to police it more heavily. Whereas the cyber optimists predicted a more robust participation in political discourse and the flourishing of liberal democracy because of the internet, the pessimists predicted the spread of public lethargy and disinterest in the democratic process because of the detachment from the real world.⁷¹

Liberal Democracy and Internet Policy

Next, we need to establish how internet policies might be related to democracy, as argued by the cyber optimists. Because liberal democracy is an ever evolving political system that is reliant on the flow, debate, and adoption of social standards and ideas -- or as Rawls put it, the reasonable doctrine -- the internet offers a collective medium for this discourse. The cyber optimist point of view specifically holds that, a change in

⁷⁰Hubert L Dreyfus. *On the Internet (Thinking in Action)*. London: Routledge, 2001.

⁷¹ F. Massit-Folléa, *La Démocratie Electronique: Mise en Perspectives, Information et Démocratie: Mutation du Débat Public*. Fonetnay/Saint Cloud: ENS Ed. 1997. p 105-130.

communications medium can have profound implications for the nature and character of the political process and debate.⁷²

It is also important to note that, contingent on internet penetration and availability, internet users are increasingly interacting and even reliant on the internet as their only means of communication with the government. For example, recent studies have shown that users are interacting with the government in various ways including submitting feedback to politicians, organizing grassroots campaigns to gain support for ideas, and even to apply for permits or pay fees or fines. It is worth mentioning that the 2013 rollout of the Affordable Care Act in the United States, relied heavily on the internet to provide the mechanism for which people could apply for health insurance coverage from the government. But, internet interaction between the citizenry and the liberal democratic government is not just occurring in the United States, it is a global phenomenon. Citizens in Germany pay view their taxes and policies online⁷³, British citizens can transact just about every sort of government service available⁷⁴, and even in Mexico, citizens can register a business and apply for government employment via the internet.⁷⁵ Indeed federal governments are not the only ones interacting with the citizenry, provincial or state governments, along with local and municipal governments are also increasingly reliant on the internet. The argument here is not that because a government offers services on the internet, those transactions equate to a successful democracy. Surely

⁷² Harold Jansen. "Is the Internet Politics as Usual or Democracy's Future." *Innovation*. January 1, 2004. Accessed December 7, 2014. <http://www.innovation.cc/scholarly-style/jansen-9-2.pdf>.

⁷³ "Taxation." Federal Ministry of Finance. Accessed November 8, 2014. <http://www.bundesfinanzministerium.de>

⁷⁴ "Official Website of the United Kingdom." GOV.UK. Accessed November 8, 2014. <https://www.gov.uk/>.

⁷⁵ "Secretaría Del Trabajo Y Previsión Social." Secretaría Del Trabajo Y Previsión Social. Accessed November 8, 2014. <http://www.stps.gob.mx/bp/index.html>.

Chinese citizens can interact with the government of China online to submit passport requests and schedule appointments. The point is that, in a liberal democracy, communication with the government is a necessary and vital ingredient and the internet is critical to facilitating that interaction. In other words, we would not consider a country to be a liberal democracy if its citizenry was prevented from communicating with the government or each other. In addition to the practical and lawful capability to voice and engage in discussion and debate, citizens must be allowed to conduct themselves without fear of retribution from government or even private institutions.

Within liberal democracies today, the cyber-optimist perspective is manifested by those who argue for the importance of “net neutrality.” Net neutrality policies advocate for a free and open internet where the government and state-owned or private internet service providers may not discriminate between different types of content and applications online. Whether to uphold net neutrality is a hugely important debate that is ongoing in liberal democracies across the globe. The policy choices liberal democracies will eventually choose in terms of net neutrality might have a cascading impact on new and emerging democracies.

Tim Wu, a professor at Columbia Law School, first introduced the concept of net neutrality and its associated policies in 2003. Wu argued that internet service providers, no matter if they are state or privately owned, should not be permitted to discriminate internet content. He specifically highlighted the importance of equal competition of and access to data, which is a very liberal democratic principle. Wu summarized the ongoing legal and policy arguments in cases around the world as a battle between the interests of

service providers and that of the public's interest in a competitive environment.⁷⁶

Essentially what is at stake here is whether, in a liberal democratic society, the government should allow private entities to emplace restrictions on the internet which are outside or in addition to the reasonable doctrine of laws already accepted and enacted by the liberal democratic state.

Opponents of net neutrality argue that continued neutrality policies will result in reduced internet service and quality for users. They point out that service providers, particularly private entities, are not able to appropriately seek compensation for the data that travels across their lines.⁷⁷ In other words, Facebook, for example, does not pay AT&T or Deutsche Telekom for the use of their network pipes, which Facebook data is traversing. True, Facebook does pay a fee for its access to the internet, but that is to the access provider, which is usually at the local level. Facebook is not paying for the bits that are traveling across various international lines to a user, say in Australia. If providers are not able to control or restrict the data that is traveling over their lines, what is the incentive for them to build new lines or upgrade existing ones?

Furthermore, liberal democratic policies usually advocate for some sort of free-market economy in which the rights of private entities are vigorously defended. As such, cyber pessimists would argue that service providers should be able to restrict the use of their infrastructure as they see fit. With this in mind, one can see that this financial aspect, which some might refer to as an unfair burden, raises greater concerns over

⁷⁶Tim Wu. Network Neutrality, Broadband Discrimination. Thesis. Columbia University - Law School, 2005. Boulder, CO: Journal of Telecommunications and High Technology Law, 2006. p 141.

⁷⁷Ilya Shapiro. "Net Neutrality Violates the First and Fifth Amendments." Cato Institute. July 25, 2012. Accessed December 7, 2014. <http://www.cato.org/blog/net-neutrality-violates-first-fifth-amendments>.

income generation and fair pricing.⁷⁸ In the U.S., the standard bearer of liberal democracy, service providers are currently arguing in courts and lobbying governments because they feel that internet users are the only ones who benefit from net neutrality, while they – the service providers - see net neutrality as a detriment to their own use of their own property.⁷⁹

The cyber optimists, on the other hand, argue that in the absence of net neutrality policies, the principles of liberal democracy are threatened because private entities would be able to filter content to users.⁸⁰ In other words, the private entity service providers would be able to filter out content from entities that have not paid or not paid enough to have their content featured or permitted. In this way, cyber optimists believe that liberal democracy is threatened because the citizenry, meaning the internet users themselves, could be restricted from the free exchange of ideas because private entities could eliminate or filter out the existence of any content it sees fit. For example, consider that it might be possible for a politician or candidate with a large sum of money to basically buy off a service providers to block the content of an opposition group or opponent. The backers of net neutrality warn that this type of activity threatens the global internet marketplace because new competitors can essentially be blocked from the market at inception. It is reasonable to believe that creativity and innovation might suffer as well.

The net neutrality debate is really central to the connection between the internet and the liberal democracy. While private entities, or service providers, might view net

⁷⁸ Nicholas Economides. "“Net Neutrality,” Non-Discrimination and Digital Distribution of Content on the Internet." A Journal of Law and Policy for the Information Society. January 1, 2008. Accessed December 7, 2014. 217. <http://www.stern.nyu.edu/networks/Economides> 217

⁷⁹ Science Progress. "Net Neutrality 101." Net Neutrality 101. January 1, 2008. Accessed December 7, 2014. <http://scienceprogress.org/2008/03/net-neutrality-101/>.

⁸⁰ Economides. 209

neutrality as a regulation, it is necessary to remember that regulation at some levels is vital to maintaining a healthy competition in the marketplace. Liberal democracies recognize the importance of regulation so long as the regulation is within the bounds of the democratic doctrine of the constitutional and legitimate law. In other words, liberal democracies can have regulations on the internet that would make it a criminal offense to use the internet to threaten or plan to kill someone, to propagate child pornography, or to commit malicious libel but those regulations do not deny to users, the access or availability or even existence of, that kind of data.

Limits to the appropriate or acceptable level of regulation within a liberal democracy relationship are hotly contested partly because of the implications net neutrality policies have on the practice of liberal democracy itself. The consequences of the absence of net neutrality laws on liberal democracy become even more apparent if one is to consider how much the internet has become an important method of interaction between the citizenry and its government, this essential ingredient in liberal democracy. Is it not reasonable to assume that, without net neutrality, private entity service providers might be able to unfairly impact the government's presence on the internet? Liberal democracies today are familiar with openly politically biased television, radio, and print media where politics is presented in such a way that clearly one party or one position is favored over another. Would internet users then have to find a service provider that aligned with his or her own political views in order to view data that is in line with that view?

Finally, while we have looked at the overarching debate on internet policy, namely net neutrality, it is important to remember that all governments around the world are not created equal. This paper is specifically interested in liberal democracy policies towards the internet, but it is worth mentioning that there are authoritarian and autocratic governments around the world with strict regulations on the internet. In this regard, the cyber pessimist argument appears, thus far, to be already correct, but only in application to non-democratic governments, which have clearly found ways to control and restrict access to data on the internet in much the same way that they have controlled more traditional media. These controls and restrictions can be broken down into a couple of categories. Usually, the autocratic or authoritative government controls access to the internet through registration requirements, through filtering, or through blatant intimidation through laws.⁸¹ Similar to what was covered in terms of the consequences of the absence of net neutrality, authoritarian and totalitarian type governments typically control all aspects of their internet. The result of this has been a severe limiting of political discourse and, because of the filtering mechanisms, a very slow internet access capability.^{82 83 84 85}

⁸¹Mauro Guillén, and Sandra Suarez. "Explaining the Global Digital Divide: Economic, Political, and Social Drivers of Cross-National Internet Use." University of Pennsylvania: Wharton School. December 1, 2005. Accessed December 7, 2014. <http://www-management.wharton.upenn.edu/guillen/NewFolder/InternetPolPaper5.SocForces.pdf>.

⁸² Bill Hancock. "Internet Users Furious over SingTel's Computer Security Probe." *Computers and Security* 18(4). 1999. p 288-289.

⁸³Sarah B Hogan. "To Net or not to Net: Singapore's Regulation of the Internet." *Federal Communications Law Journal* 51(2). 1999. p 429-446.

⁸⁴ Garry Rodan. "Information Technology and Political Control in Singapore." Working Paper #26, Japan Policy Research Institute. 1998. Accessed December 7, 2014. www.jpri.org/jpri/wp26.html.

⁸⁵ Jonathan Zittrain, and Benjamin Edelman. "Documentation of Internet Filtering in Saudi Arabia." Working Paper, Berkman Center for Internet & Society, Harvard Law School. 2003. Accessed December 7, 2014. <http://www.cyber.law.harvard.edu/filtering/saudiArabia/>.

Hypothesis and Theory

The hypothesis is that the evidence will show that liberal democracies practice the cyber pessimist or realist perspective in terms of their approach to internet freedom.

While most liberal democracies will offer protections regarding the competition of opposing points of view within the confines of the constitutionally established rule of law, their internet policies will reflect the paramount importance of state security and state interests. Internet policies will not be indicative of the commitment to the continuance and practice of liberal democracy. Instead internet accessibility policies in liberal democracies will reflect varying levels of restriction.

Methodology

The aim of this paper is to look at liberal democracies around the world today and compare their level of internet freedom with their polity score. The interest is investigating whether all liberal democracies around the world allow largely unrestricted access to content on the internet, as argued by the cyber optimist would be the necessary relationship between a liberal democracy and its internet policy. Whether the data presented any variation or none at all, it was expected to lend an interesting conclusion about the levels of internet regulation in liberal democracies.

This paper draws from three accessible data sources. First, to identify liberal democracies around the world, the 2014 version of Freedom House's Freedom in the World dataset was used. The Freedom House dataset is one of the most widely used as a data source for empirical academic research because the methodology and data is freely accessible, peer-reviewed, non-partisan, and independent. That is not to say the Freedom

House does not have its critics, who question whether western political science experts might be inherently biased.⁸⁶ Nevertheless, Freedom House makes the data available, subjected to independent study and critique, and is still one of the most complete sources available for measuring a state's governance. One important distinction to make with regards to Freedom House research is the distinction between electoral democracy and liberal democracy. The Freedom House methodology explains that "Freedom House's term "electoral democracy" differs from "liberal democracy" in that the latter also implies the presence of a substantial array of civil liberties."⁸⁷ Freedom House grades each country to categorize them as Free, Partly Free, or not Free. In their published findings, Freedom House further explains that 'Free' counties are considered liberal democracies and they are all electoral democracies. Some 'Partly Free' countries might be electoral democracies, but they are not liberal democracies.⁸⁸ In 2014, Freedom House graded 88 of the 195 countries evaluated around the world as Free, meaning liberal democracies, see Table 1 below.

Table 1.

Andorra	Brazil	Dominican Rep	Iceland	Lithuania	Netherlands	St Vincent	Suriname
Antigua, Barbuda	Bulgaria	El Salvador	India	Luxembourg	New Zealand	Samoa	Sweden
Argentina	Canada	Estonia	Ireland	Malta	Norway	San Marino	Switzerland
Australia	Cape Verde	Finland	Israel	Marshall Islands	Palau	Sao Tome	Taiwan
Austria	Chile	France	Italy	Mauritius	Panama	Senegal	Tonga
Bahamas	Costa Rica	Germany	Jamaica	Micronesia	Peru	Serbia	Trinidad and Tobago
Barbados	Croatia	Ghana	Japan	Monaco	Poland	Slovakia	Tuvalu
Belgium	Cyprus	Greece	Kiribati	Mongolia	Portugal	Slovenia	United Kingdom
Belize	Czech Rep	Grenada	Latvia	Montenegro	Romania	South Africa	United States
Benin	Denmark	Guyana	Lesotho	Namibia	St Kitts	South Korea	Uruguay
Botswana	Dominica	Hungary	Liechtenstein	Nauru	St Lucia	Spain	Vanuatu

⁸⁶ David F Campbell. The Basic Concept for the Democracy Ranking of the Quality of Democracy. Vienna: Democracy Ranking, 2008

⁸⁷ "Freedom in the World 2014 Methodology." Freedom House. November 1, 2014. Accessed November 30, 2014. <https://freedomhouse.org/report/freedom-world-2014/methodology#.VHtLcGd0wy8>.

⁸⁸ Ibid.

Some consideration was given toward data available from the Polity IV project, an independent organization founded by Political Science Professor Ted Gurr, formerly of George Mason University and the University of Maryland. The Polity project ranks countries on a scale that ranges from “strongly autocratic” to “strongly democratic”. While the Polity project ranking data was comprehensive and did not differ significantly from the data from Freedom House, there was no clear way to delineate liberal democracies from within the data from those which might be called democratic or strongly democratic. The Freedom House Freedom in the World dataset was thus chosen for analysis here.

Next, we had to consider that internet policy might not be relevant at all in a liberal democracy if the citizenry of the liberal democracy did not have access to the internet. Because some countries in the world are poor, remote or have no internet infrastructure, there simply might not be enough access to the internet, at an individual level, for internet policy to matter in the first place. To correct for this variable, data was used from a 2014 study conducted by the International Telecommunication Union (ITU) to understand the level of internet penetration with regards to the 88 identified liberal democracies. The ITU is the United Nations specialized agency for information and communication technologies and it collects data from official sources, including telecommunications providers and state regulators. The 2014 report noted that “access to the internet is the ultimate way of guaranteeing an inclusive information society” and boasted that global data now shows internet penetration is at 40.4%, meaning that over 3 billion people now have access to the internet.⁸⁹ The 2014 report also found serious

⁸⁹ Ibid. p 15.

internet accessibility divides in many countries, particularly in developing countries.⁹⁰

The ITU specified that over 4.3 billion people do not have internet access and 90% of them people live in the developing world.

The ITU data was specific enough in that it provided a percentage for internet users who have access to the internet from their homes. This study relied on that metric because of the specific interest in the internet accessibility liberties of the citizen at home and not in terms of a citizen's access to the internet while acting in an official capacity, performing the official duties of a job or even at school during the course of study. Understanding how the internet restrictions of a country affect the citizen personally, at home, is key because we are interested in the liberty and thus the level of restriction placed on the citizen as an individual user of the internet.

There are several factors that are in play in terms of limiting internet penetration in a country which are outside the realm of policy. In other words, it might not necessarily matter what the state's policy is regarding restrictions or freedom on the internet if there is no internet or related technology available. The ITU specifically lists 42 countries around the world, most of which are in Africa, that have been defined as the "least connected countries," with internet penetration rates of less than 1%.⁹¹ Of the list of 42 countries, three factors emerged that contributed directly to the lack of internet penetration and thus usage: low education and literacy, limited or lack of electricity, and poor or underdeveloped communications infrastructure.⁹² In terms of the scope of this

⁹⁰ "Measuring the Information Society Report, 2014." International Telecommunication Union. January 1, 2014. Accessed December 7, 2014. http://www.itu.int/en/ITU/Statistics/Documents/publications/mis2014/MIS2014_without_Annex_4.pdf. p 1.1.

⁹¹ Ibid. p. 58

⁹² Ibid.

paper, the following least connected countries, which are also liberal democracies, have been excluded from consideration because of the clear lack of internet penetration, measuring less than 2%: Benin, Lesotho, Sao Tome, Senegal, Samoa, and Vanatu. Additionally, no data was available for 22 liberal democracies, also resulting in their exclusion from consideration, see Table 3 below.

Table 3

Bahamas	Kiribati	Nauru	Taiwan
Belize	Lesotho	Palau	Tonga
Botswana	Liechtenstein	St Vincent	Trinidad and Tobago
Dominica	Marshall Islands	Samoa	Tuvalu
Grenada	Micronesia	San Marino	
Guyana	Monaco	Sao Tome	

Finally, the most difficult data to obtain was also the most limiting in terms of the research. In order to understand the level of freedom individual internet users have in a particular country, several reputable data sources were available however none were complete nor do they include data from each of the identified liberal democracy under examination.

Freedom House published a study in 2013 called Freedom on the Net, which looked at the internet policies of 60 different countries and the ability of individual users to freely access the internet.⁹³ Of the 60 countries for which data was available, only 15 of those countries were also classified as liberal democracies. Freedom House uses Free, Partly Free, and Not Free to categorize a nation's internet policies. Each of the countries included in the Freedom on the Net study were given a numerical value in terms of each government's internet policies, which fall into three categories: obstacles to access, limits

⁹³ "Freedom on the Net 2013." Freedom House. Accessed November 30, 2014.
<https://freedomhouse.org/report/freedom-net/freedom-net-2013#.VHtlcWd0wy8>.

on content, and violations of user rights.⁹⁴ Freedom House defines obstacles to access as the state's infrastructural and economic barriers to access, the limits on content to refer to governmental efforts to block specific applications or technologies, and the violation of user rights as government's legal and ownership control over internet access providers.⁹⁵ The categories are then subdivided into further categories with hundreds of criteria and are graded accordingly.

Freedom House numerical values range from 0 to 100, with countries judged with values between 0 to 30 assessed to have "Free" or minimally restrictive internet accessibility policies, those with scores between 31 to 60 are labeled "Partly Free," and those with scores from 61 to 100 judged to have internet policies that are "Not Free," or highly restrictive.⁹⁶

Separate data, available from Harvard University's Berkman Center for Internet and Society, provided data on the level of freedom individual internet users in 11 of the countries identified as liberal democracies however, some of the information was based on data for some countries that was nearly 5 years old.⁹⁷ The Harvard data and the Freedom House data were analyzed for deviation in terms of terms of the assessment given for each state's internet policy. Since, both datasets were in agreement, the Freedom House data was selected for inclusion here, specifically because the dataset was more recent. The correlated available data resulted in 15 liberal democracies with

⁹⁴ "2013 Methodology and Checklist of Questions." Freedom House. Accessed November 30, 2014. <https://freedomhouse.org/report/2013-methodology-and-checklist-questions#.VHuc5md0wy8>.

⁹⁵ Ibid.

⁹⁶ 2013 Freedom on the Net: Full Report. Freedom House. p.16. Accessed November 30, 2014. <https://freedomhouse.org/report/freedom-net/freedom-net-2013#.VHuc32d0wy8>

⁹⁷ "OpenNet Initiative: Country Profiles." Harvard University's Berkman Center for Internet and Society. December 1, 2013. Accessed November 30, 2014. <https://opennet.net/research/profiles>.

sufficient data available to serve as the representative sample to compare governance with internet policy, see Table 2 below.

Table 2.

Argentina	Estonia	Hungary	Italy	South Korea
Australia	France	Iceland	Japan	United Kingdom
Brazil	Germany	India	South Africa	United States

Case Study

Within the representative sample of data under consideration, almost all of the liberal democracies have corresponding free internet policies, in concurrence with the cyber optimist theory on liberal democracies having to maintain largely unrestrictive internet policies. On the other hand, the data revealed that 3 of the 15 identified liberal democracies do have internet policies that are judged to be restrictive, lending weight to the cyber pessimist belief or realist theory that liberal democracies would eventually have to restrict the internet in the way they have with other forms of media. A table of this analysis is attached, labeled Appendix 1. The specific countries of interest in terms of being liberal democracies with restrictive internet policies are Brazil, India, and South Korea. Again, it is worth noting that these countries are solidly considered to be liberal democracies and yet they have highly restrictive internet policies. That is to say that these liberal democracies were judged to have less than free internet policies, by a team of experts, meaning they each are restricting internet access through content filtering or take legal action against political opposition groups or minorities.

Before investigating the 3 countries judged to have less than free internet policies, it is worth recognizing some of the commonalities that exist within the remaining 12

liberal democracies with free internet policies. First, all of the liberal democracies judged to have open and largely non-restrictive internet policies have over 30% domestic internet penetration rates as derived from the ITU data. Next, the remainder of the representative liberal democracies were concentrated in Europe. The reason most liberal democracies with free and open internet appeared to be concentrated in Europe was likely a result of the data actually being available, although other factors were possibly at play and those will be explored later in the conclusions.

In terms of the upper and lower fence of the representative data, Iceland had the highest internet penetration rate measuring a whopping 96.4% while South Africa was the liberal democracy with the lowest internet penetration rate, measuring just 33.9% domestic internet penetration. Geographically speaking, South Africa's lack of internet penetration appeared to fit the ITU's general assessment of Africa, which specified poverty, a lack of comprehensive domestic internet infrastructure, and electricity issues to explain the low penetration rates on the continent. In Europe, Denmark was clearly the liberal democracy with the highest internet penetration rate, registering 92.7% of households with largely unrestricted access to the internet. In the Americas, with the United States and Argentina as the representative liberal democracies, a modest 71.7% and 47.5% internet penetration rate were observed respectively in combination with largely unrestrictive internet policies. In the Asia-Pacific region, Japan represented liberal democracies with 86.2% internet penetration and free access of data on the internet.

Turning to the three liberal democracies, who in realist or cyber pessimist theory actually restrict internet access, the three countries appeared to have little in common other than widely being considered liberal democracies with more restrictive internet

policies than the rest of the representative data. Brazil received a less than free score because the government there reportedly engaged in legal intimidation of political opposition groups who posted to online forums. It also brought about legal charges against minority rights seekers and political oppositionists who spoke out against the government online. In both India and South Korea, the governments there employ technical filtering and blocking so that messages, particularly emanating from a neighboring country do not undermine the regime. India's concern is with Pakistan and South Korea's concern is with North Korea. In both cases, the government limits the population's access to websites hosted in the neighboring country and filters out political content that is deemed threatening.

In terms of the penetration rate for the countries judged to have restrictive internet policies, there was little commonality. Brazil had approximately a 39.6% household internet penetration rate, followed by India, with a dismal 3.1% rate, and South Korea with an incredible 98.1%. It has to be noted that South Korea, despite its rating of Partly Free, had the highest household internet accessibility penetration rate of any country in the representative data set.

Discussion

The data used in this research revealed that not all liberal democracies have free or largely unrestrictive internet policies. While currently, most liberal democracies do have unrestrictive internet policies, the fact that some do not reinforces the cyber pessimist or realist perspective regarding the link between democracy and guaranteed liberties. That is, liberal democracies appear to use the same controls in accordance with

the interests that influenced restrictions on traditional media which, as realists argue, fortify the state's existing societal divisions, including social relationship and class, both domestically and internationally. The question remains though, why do most liberal democracies have free internet policies? The answer, in cyber optimist form, would probably be that largely unrestrictive internet policies are in keeping with the foundations of liberal democracy and liberal democracies recognize the importance of encouraging and maintaining the free flowing competition of ideas and data. But the realist would easily counter that the largely unrestrictive internet policies of most liberal democracies is a result of a determination by each state, that its current security interests are best served by those policies.

Additionally, one could argue that, within the representative data, the prevalence of European countries might be causing an unfair skew of the numbers for liberal democracies with largely unrestrictive internet policies because most of the countries fall within the European Union. For the time being, this argument would be unfounded because the European Union has yet to enact legislation that would formalize net neutrality although measures are being debated and hotly contested.⁹⁸ In other words, today, there is no comprehensive law that applies to all European Union member states and each has its own policy governing restrictions on the internet. The argument could also be made that European states have often adopted much more liberal democratic policies than other states in the world (see the Netherlands laws regarding prostitution) but perhaps this is more indicative of the commitment European nations have towards

⁹⁸ Paul Rainford. "Eurobites: Net Neutrality Rules in Limbo | Light Reading." Eurobites. November 28, 2014. Accessed December 7, 2014. <http://www.lightreading.com/regulation/eurobites-net-neutrality-rules-in-limbo/d/d-id/712315>.

liberal democratic principles. With that in mind, perhaps the largely unrestrictive internet policies of European nations might be representative of the overall health of liberal democracy in Europe.

Moreover, if liberal democracies need to have corresponding unrestrictive internet policies, why then, have Brazil, India, and South Korea chosen to pursue internet policies that have been judged to invasive and restrictive? An in-depth review of the policies revealed that, in the case of Brazil, while the government is not currently using technical means to limit access to data, it has enacted very strict policies regarding the publication of political content.⁹⁹ The policies, as cyber pessimists predicted, closely mirror the laws and policies Brazil already had in place for traditional media. Specifically, Brazil monitors and takes legal action against anyone who produces online content that would “offend the dignity or decorum” of a political candidate and there are other puzzlingly restrictive laws regarding media coverage of politicians and the election process.¹⁰⁰ There are also several very troubling scenarios where bloggers and web-based reporters have disappeared or turned up dead following reports where they uncovered government corruption.¹⁰¹ The combination of the multitude of these infraction, specifically targeting the political process by a supposed liberal democracy accounted for the low marks Brazil received in terms of its lower score on internet policy.

The internet policies of India and South Korea are actually quite similar in that both countries employ active technical filtering and blocking of internet content and that is why, despite their grade as a liberal democracy, they were judged not to have free or

⁹⁹ 2013 Freedom on the Net: Full Report. Freedom House. p.16. Accessed November 30, 2014. <https://freedomhouse.org/report/freedom-net/freedom-net-2013#.VHuc32d0wy8>. p 155.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

unrestrictive internet policies.¹⁰² Both India and South Korea are filtering and blocking internet content that they claim are security threats, usually emanating from the neighboring state; in India's case the content usually filtered coming from Pakistan and in South Korea's case, the content being filtered coming from North Korea.¹⁰³ What is particularly alarming here is that in both cases, the government has emplaced active filters and blocks to internet content, which conflicts with the application of liberal democratic practice. While recent signs in South Korea are promising in that the judicial branch of government is beginning to offer checks and balances and indeed a return to the liberal democratic values of the state's constitution, India does not appear to be relenting in any way.¹⁰⁴ While only time will tell whether South Korea continues to make strides loosening its restrictions on internet content and whether India continues its restrictions, the international community might want to keep a close eye on both countries, and Brazil, to look for other indications of a possible turn away from liberal democratic policies.

Conclusion

This research has identified 3 countries which are representative of the cyber pessimist, or realist theory, that it is not necessary for liberal democracies to have unrestrictive internet policies because the internet by itself is not essential to maintaining democracy. While there is evidence, with 12 of the 15 representative liberal democracies all having unrestrictive internet policies, to show that most liberal democracies currently

¹⁰² Ibid. p 345, 648.

¹⁰³ Ibid.

¹⁰⁴ Ibid. p 347, 650.

recognize the importance of internet policy in terms of maintaining liberal democracy, only time and state security interests will tell if that continues to be the case. Perhaps restrictive internet policy might indeed be an early indicator of a turn away from liberal democracy in favor of heavier policing or the growing influence of special interests. Based on this research, an interesting question emerges and is worth monitoring over time to see how the relationship between the citizenry and the state influences the internet policies of the future, particularly whether pressure from the citizenry impacts the eventual internet policies around the globe.

Chapter 3: The relationship between religious policy and liberal democracy? An Analysis of Kyrgyzstan and Uzbekistan during the transition to democracy

Introduction

A rash of debate in recent years regarding the Arab Spring and its implications for a potential wave of democracy taking hold in the Middle East has raised the question of what role religion will play in the emerging new states of Tunisia, Libya, Egypt, and of this writing, perhaps Syria. The debate centers on what structure the new and fledgling governments will chose and whether that structure will be prone in any way to instability and impede the transition to democracy. The role of religion during this process is certainly not to be overlooked. In fact, the role of religion in a democracy is a question that has been debated as long as the concept of democracy itself. Can a state truly claim to be democratic, particularly a liberal democracy, if the government does not protect the liberty of all religions, shows preference in its policies and legislation towards a particular religion, or fails to establish neutrality towards religion itself? Many scholars, including Robert Audi have argued that in order for a government to even be considered liberal democracy, there must be a clear separation of church and state, not only in government policy, but also in the practice of governing.¹⁰⁵

Today, it remains unclear what structural forms of government Tunisia, Libya, or Egypt will finally adopt or what role religion will play in their governance. In fact, whatever the implications are of the Arab Spring, it is worthwhile for policy theorists and

¹⁰⁵ Robert Audi. *Democratic Authority and the Separation of Church and State*. New York: Oxford University Press, 2011.

political science academics to revisit the process of state transition to liberal democracy and to reassess the best practices for government policy in terms of religious consideration. The West, especially the United States, has its own theory of what a successful transition to liberal democracy should look like and it usually begins with an emphasis on the need for a clear and established separation between church and state. It should be noted, however, that many argue that the United States is a nation that was founded on the basis Christian values and whose policies and laws are often influenced on religious grounds. That argument notwithstanding, the point here is to explore the relationship between church and state, particularly, how the state deals with religion during the transition to liberal democracy. This information would not just be of scholarly value, but would also help policymakers with understanding some of the pitfalls that exist when formulating religious policy during a transition to democracy.

In terms of the democratic transition, many scholars and theorists have attempted to explore the factors influencing democratic success and failure in an effort to offer insight into the phenomena that will best foster successful democratic transition. Some have focused on the importance of the rule of law¹⁰⁶, others have looked at the role of ethnicity¹⁰⁷, and others, the role of education and economic growth.¹⁰⁸ This paper, however, looks at importance of state religious policy and its role in contributing to the transition to liberal democracy. Specifically, the paper examines the ongoing transition to liberal democracy of the former Soviet state of Kyrgyzstan in comparison to the

¹⁰⁶ Christopher M. Larkins. Judicial Independence and Democratization: A Theoretical and Conceptual Analysis. *The American Journal of Comparative Law* , Vol. 44, No. 4, 1996. 606.

¹⁰⁷ Renée de Nevers. Democratization and Ethnic Conflict. *Survival: Global Politics and Strategy*. Vol. 35, Iss. 2, 1993

¹⁰⁸ Seymour M. Lipset. "Some Social Requisites of Democracy: Economic Development and Political Legitimacy," *American Political Science Review*, 53. 69-105

authoritarian Uzbekistan to examine the role of religion-related policy during this process. The paper examines the two states, with similar history and policy choices, in an attempt to gauge the impact of religious policy during the transition to independence following the fall of the Soviet Union. The study finds evidence to support Alfred Stepan's theory regarding the importance of 'twin toleration' between church and state in terms of religious policy. It also uncovers that state suppression of religion can lead to instability and even a recoil from the transition to liberal democracy in some cases. The paper also discovers that, in keeping with realist theory, the state formulates its religious policies based on what is determined to be in the best interests of state security, at the time.

The paper is structured into three basic sections. The first section is a theoretical review of the definition of democracy, what is meant by transition to democracy, the religious policy choices available to states transitioning to liberal democracy, and international relations theory about the relationship between religion and liberal democracy. The second section introduces the case study by explaining rationale behind the selection of Uzbekistan and Kyrgyzstan, offers historical context by describing the Soviet policies toward religion that Uzbekistan and Kyrgyzstan had to navigate from, and describes the formation of Uzbekistan and Kyrgyzstan. Finally, the third section offers a comparison of Uzbekistan and Kyrgyzstan in terms of their religious policy choices and concludes with an overall assessment of the findings of the paper.

Literature Review

To paraphrase Lipset and Lakin, there are just about as many definitions of democracy as there are scholars studying it.¹⁰⁹ Since the original concept of democracy dates back as far as ancient Greek philosophy, this paper borrows from author Robert Audi, and famously articulated by Abraham Lincoln, to begin by offering a comparatively more modern and rather simplistic definition: a liberal democracy is government of, by, and for the people.¹¹⁰ In other words, leadership in a liberal democracy is determined through competitive election by the governed population. This means that the central theme of liberal democracy is the existence of a free electoral dimension and accountable representation. While this simplistic definition is indeed open to criticism, this paper remedies this problem by borrowing from one of the most widely used assessments of liberal democracy, the annual global survey conducted by the U.S.-based independent watchdog organization, Freedom House. The survey looks at civil liberties, political rights, and election processes and grades each nation using a scale of 'free,' 'partly free,' and 'not free' to grade countries on democracy.¹¹¹ Freedom House evaluates political rights and civil liberties of countries and breaks out the assessment into categories. For instance, Freedom House further defines political rights in terms of electoral process, political pluralism and participation, and the overall functioning of

¹⁰⁹ Seymour Martin Lipset and Jason M Lakin. *The Democratic Century*. Norman: University of Oklahoma Press, 2004. 19

¹¹⁰ Robert Audi. "Chapter 4: Natural Reason, Religious Conviction, and the Justification of Coercion in Democratic Societies." In *Law, State and Religion in the New Europe: Debates and Dilemmas*. Cambridge: Cambridge University Press, 2012. 71

¹¹¹ Freedom in the World 2012: The Arab Uprisings and Their Global Repercussions, http://www.freedomhouse.org/sites/default/files/inline_images/FIW%202012%20Booklet—Final.pdf: Page 34

government.¹¹² It also views civil liberties in categories that include the freedom of expression and belief, associational and organizational rights (assembly, demonstration, public discussion), the rule of law (independent judiciary and fair process), and personal autonomy and individual rights.¹¹³ Freedom House's work provides the most comprehensive baseline of annual quantitative and qualitative data from which we can best assess where a particular country is during the transition to liberal democracy. It is necessary to emphasize here that this paper looks at the transition to liberal democracy and offers no assessment as to whether a certain nation has achieved democracy outside of the Freedom House appraisal because to do so would call for more analysis than is within the scope of this paper. The states selected for this paper are treated as transitioning to liberal democracy based on their stated intent and the process is assumed to be continuous.

Consideration of Factors Influencing Democracy

There is a great deal of conversation in democratic theory about what factors ultimately influence or limit the transition to liberal democracy. There are two clear schools of thought regarding this topic. One set of scholars believe that there are a set of factors that influence democratic transitions while another set of scholars argue that factors are not as important so long as the transition is led by charismatic leadership that is determined to make the transition to democracy. The most notable theorist for those who argue that a whole set of factors collectively contribute to the successful transition to democracy is Samuel P. Huntington. In his highly influential book, *The Third Wave*:

¹¹² Ibid.

¹¹³ Ibid, Page 35

Democratization in the Late 20th Century, Huntington found that “no single factor is sufficient to explain the development of democracy.”¹¹⁴ Huntington argued that democratization is a result of a combination of causes that varies from country to country. Huntington suggests that the individual circumstances and influences present in each country vary so greatly that it would be difficult to consider a sole factor as the universal cause of the success or failure of democratic transition. In investigating what factors or change in factors had occurred in the 1960s and 1970s that led to a wave of democratization in the 1980s and 1990s, Huntington found that the deepening of legitimacy problems of authoritarian regimes, the unprecedented global economic growth of the 1960s, the transition of national churches into the proponents of social, economic, and political reform, the promotion of democracy by international forces, and the increasing effect of mass communication had all played a significant role in where and when democratization occurred. These factors, Huntington found, were all interrelated in the democratic transition process.

Later research, notably from Linz and Stepan, concluded that a different combination of factors, interconnect with each other to influence the transition to democracy.¹¹⁵ Linz and Stepan's research, conducted in 1996 and focused primarily on the post-Soviet states, found that civil society, political society, rule of law, state bureaucracy, and economic society were the factors most influencing the transition to democracy.¹¹⁶ Moreover, other researchers, namely those focused on Latin American

¹¹⁴ Samuel P. Huntington. "Chapter 2: Why?." In *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press, 1991. 38.

¹¹⁵ Juan J Linz and Alfred C Stepan. *Problems of Democratic Transition and Consolidation : Southern Europe, South America, and Post-communist Europe*. Baltimore, Md.: Johns Hopkins University Press, 1996.

¹¹⁶ Ibid. Page 7.

countries, have concluded the transition to democracy is influenced by factors, including religion, but also international influences.¹¹⁷

In the second school of thought, some have questioned Huntington, and by extension that of Linz and Stepan, arguing that the successful transition to democracy rests with leadership that is determined to transition the nation to democracy. Dankwart Rustow, for instance, has observed that the success of the democratic transition can completely on the degree of nationalism combined with the determination of the regime and the charisma of the leadership.¹¹⁸ This suggests that while there indeed might be other factors contributing to the successful transition to liberal democracy, the movement towards democracy could not be possible without leadership to guide the state through the process.

While this paper does not necessarily challenge either of those discussions, it does offer the significance of religion as a singularly consideration in democratic transition. There are, in fact, several examples of where religion has been found to be the decisive factor in whether or not the state successfully navigates the transition to democracy. One has to look no further than Chile and Peru, for instance, to learn of the immense importance of the Catholic Church in the overthrow of authoritarian regimes in favor of democracy.¹¹⁹ Specifically in case of Chile, the Catholic Church supported opposition groups, lent credibility to opposition leaders, and eventually brought the authoritarian dictator, Augusto Pinochet, to the negotiating table.¹²⁰ There are other successful

¹¹⁷ Guillermo O'Donnell, "On the State, Democratization, and Some Conceptual Problems: A Latin American View with Glances at Some Post-communist Countries," *World Politics* 1, 1993. 355-69.

¹¹⁸ Dankwart A. Rustow, Transitions to Democracy: Toward a Dynamic Model. *Comparative Politics*, Vol. 2, No. 3, 1970. 337-363.

¹¹⁹ Michael Fleet and Brian Smith. *The Catholic Church and Democracy in Chile and Peru*. Notre Dame: University of Notre Dame Press, 1997.

¹²⁰ Ibid.

examples of democracies where religion plays an active and vital role, including Israel, India, and even the United Kingdom. Israel, for example, successfully transitioned to a liberal democratic state out of near nothingness with the Jewish religion as a key element of its national identity.¹²¹ One might also consider the United Kingdom as an example of where religion and democracy coexisted during transition. The United Kingdom, after all, is often referenced as one of the world's strongest democracies, but it is important to remember that even today, it actually has an official state religion, the Church of England, which plays an active role in the liberal democracy. Currently, for example, there are 26 seats in the United Kingdom's upper chamber of Parliament, the House of Lords, which are held and reserved for the clergy of the Church of England.¹²² With these examples, it is clear that religion can play a key role in the transition to democracy and can coexist within liberal democracy.

Religion Policy Choices during Liberal Democratic Transition

Next, let's consider the choices regarding religious policies that are available to a state that must navigate the daunting task of transitioning to liberal democracy. First, Alfred Stepan argued for the theory of 'twin toleration' because he recognized that in many cases, religious institutions could not be completely isolated from governance and society. Stepan's theory conditioned that in order for democracy and religion to coexist, there needed to be balance or 'twin toleration' where government encourages religious

¹²¹ Steven V. Mazie. *Israel's Higher Law: Religion and Liberal Democracy in the Jewish State*. Lanham: Lexington Books, 2006.

¹²² Companion to the Standing Orders and Proceedings of the House of Lords. <http://www.publications.parliament.uk/pa/ld/ldcomp/compso2010/ldctso04.htm#a3> (accessed December 12, 2012)

freedom while being mindful of not allowing religious institutions to “authoritatively mandate public policy to democratically elected governments.”¹²³ An important consideration here is that the crux of Stepan's position is that the democratic state and religion can coexist and even be intertwined in a successful democracy; the United Kingdom is again a relevant example here.

Secondly, states might also choose policies that adhere to the theory of a strict separation of church and state. Thomas Jefferson famously wrote about the necessity of “a wall of separation between Church and State” in his letter to the Danbury Baptist Association in 1802.¹²⁴ In other words, the state ought to seek to establish policies that clearly detach religious influence from governmental affairs. There are many political theorists, including Audi, who argue for states to maintain this separation as a necessary prescription for the establishment of a successful democracy.

And third, states might choose policies that are more closely aligned to the controversial theory of religious democracy. Here, the state's secular leaders, legislation, and policies are subject to religious approval. There are plenty of credible arguments against this form of governance, who often question whether a religious democracy could be defined as a democracy at all.¹²⁵ That argument notwithstanding, there are those who believe that the current Iranian system, established in the early 1980s, is indeed the first of form of and emerging religious democracy. Iranian philosopher Abdolkarim Soroush, who argues that religion is a complimentary ingredient in a functioning democracy,

¹²³ Alfred C. Stepan, "The World's Religious Systems and Democracy: Crafting the "Twin Tolerations"." In *Arguing Comparative Politics*. Oxford: Oxford University Press, 2001. 224-225.

¹²⁴ James Hutson. "A Wall of Separation" Library of Congress. <http://www.loc.gov/loc/lcib/9806/danbury.html> (accessed 12 December 2012)

¹²⁵ Peter D. Schmid. *Expect the Unexpected: A Religious Democracy in Iran*. Watson Institute, Winter/Spring 2003, Volume IX, Issue 2, <http://www.watsoninstitute.org/bjwa/archive/9.2/Iran/Schmid.pdf> (accessed December 12, 2012).

heralds the theory of religious democracy.¹²⁶ In this form of democracy, religious ideology permeates through all facets of government and policy and the balance with democracy is able to be harmonized because the vast majority of the state's population holds the same faith structure and religious belief. Religion, has a final say in all policy decisions, but because the vast majority of the state's citizens are of the same religion, the democracy – in theory – functions.

Liberal Democracy and Religious Policy from the Liberal and Realist Perspective

The religious policy choices available to liberal democracies are entirely rooted in liberalist theory. Liberal theory on the relationship between a liberal democracy and its religious policies is best described by John Rawls in his infamous work, *Political Liberalism*. Rawls, in liberalist fashion, strongly defends the need for the separation of church in state in liberal democracy. Rawls described 3 reasons for the need of separation of church and state: “It protects religion from the state and the state from religion; it protects citizens from their churches (by protecting the freedom to choose or change one’s faith).”¹²⁷ Rawls theory rests on the overall idea that in a liberal democracy, the protection of associational and individual liberties is paramount. This liberalist approach to religious policy is echoed in Stephan’s twin tolerations, which was discussed earlier in relation to religious policy choices and certainly in Robert Audi and Thomas Jefferson’s argument for the need for separation of church and state in a successful liberal democracy.

¹²⁶ Abdolkarim Soroush, "Islam Revival and Reform." In *Reason, Freedom, & Democracy in Islam*. New York, N.Y.: Oxford University Press, 2000. 21.

¹²⁷ John Rawls. *Political Liberalism*. The Idea of Public Reason Revisited. p 476.

On the other hand, the realist view of religious policy in a liberal democracy is rooted in the works of Machiavelli, Thucydides, and Thomas Hobbes. For the realist, the liberal democracy or any other form of government for the matter, need not be concerned as much with individual or associational liberties as it is with the protection of the state and its interests. For classical realists such as Machiavelli, the state should act in such a way as to secure state interest (power/security) over ideology.¹²⁸ Machiavelli is mostly trivial in his treatment of the role of religion and religious policy in the state, except for declaring that states dominated by religion need not be governed at all.¹²⁹ For later realists such as Hans J. Morgenthau, the state's relationship with religion is viewed as largely inconsequential. Morgenthau theorized that "statesmen think and act in terms of the interest defined as power, and the evidence of history bears that assumption out."¹³⁰ In essence, the realist views religious policy as subjugated to state interest and security.

Theory and Hypothesis

The hypothesis is that the evidence will show that state religious policy significantly impacts a state's transition to liberal democracy. While states might acknowledge the importance of the separation between church and state in terms of religious policy, their practice, in line with realist theory will reflect a paramount focus on maintaining power and security. Additionally, religious policy will be the catalyst that leads to a withdrawal from the transition to liberal democracy.

¹²⁸ Niccolo Machiavelli. *The Prince*. Lanham: Start Publishing LLC, 2013.
<http://JHU.ebib.com/patron/FullRecord.aspx?p=1132502> (accessed March 05, 2015).

¹²⁹ Ibid. Concerning Ecclesiastical Principalities.

¹³⁰ Hans J Morgenthau. *Politics Among Nations: The Struggle for Power and Peace*. 5th ed. [rev. and reset] New York: Knopf; [distributed by Random House, 1972.

Methodology

The following is the rationale behind the case study selection of Uzbekistan and Kyrgyzstan. It was important that this study focus on two states with similar backgrounds and populations. It was equally important that the states also be pursuing independence in the same time period so as to avoid uneven comparison influenced by what could be unequal outside global trend influences. Additionally, there needed to be evidence that religion ought to be investigated as having a role during the transition to democracy. Moreover, specifically related to the question under consideration in this paper, it became more useful to look at the assessments of countries that most would be considered as actively making the transition to democracy. In other words, the particular interest is in those countries that have clearly undergone a substantial change in form of government during the past 25 years and have indicated the intention of establishing a democracy. In this regard, we have narrowed the selection to the former Soviet Union. While the former Soviet states certainly differ greatly from the Middle East in terms of demographics, geography, and a whole host of other factors, the similarity exists in that new states that were essentially born overnight and had to determine the appropriate path, including in terms of religious policy, to take during the formation of new governments and the transition to democracy. We are not assessing the Arab Spring states because we feel that the situations there are so fresh and in such a state of flux that any assessment as to their progress would change too quickly for appropriate study.

First, it should be of little surprise to most readers that among the states that rank highest on Freedom House's annual overall assessment of democracy are states like the United States, Australia, Norway, Canada, and Denmark, which all achieved perfect

scores of 'free' in terms of liberal democracy in its 2012 report.¹³¹ Specific to the religious element, all of these countries have policies that protect religious liberty, treat religions equally, and have established records where religions are treated with neutrality under the law. Of course, it could be argued that none of these states are in the midst of what one might call a “transition to democracy” and none of these states were selected to serve as case studies here because of this fact. It is important, however, to list them here in order to provide context.

With the above in mind, there are at least 3 former Soviet States that, as of 2012, had achieved the rating of 'free' from Freedom House both in terms of political rights and civil liberties to include religious policies. Those states include Estonia, Latvia, and Lithuania. These former eastern bloc Soviet states were not selected because, historically and culturally, they had very little in common with one another or the other former Soviet republics and “the general sentiment (in those countries) was always very negative towards the Soviet Union.”¹³² Additionally, there is strong evidence as pointed out in a 2005 European Union Special Commission report, which found that in all of these states, a majority of citizens do not profess any faith or religious allegiance.¹³³ Moreover, Estonia, Latvia, and Lithuania are the only former Soviet republics where neither Russian Orthodox nor Islam was large enough to be the dominant religion. This suggests that, on the whole, these states would not serve as good case studies in assessing religious policy during a transition to liberal democracy because religion is not a major factor in the social

¹³¹ Freedom in the World 2012: The Arab Uprisings and Their Global Repercussions, pg 14-18 <http://www.freedomhouse.org/report/freedom-world/freedom-world-2012> (accessed November 12, 2012).

¹³² Carsten Anckar, *Religion and Democracy: A Worldwide Comparison*. Milton Park, Abingdon, Oxon: Routledge, 2011. 160

¹³³ Eurobarometer, Social Values, Science, and Technology, European Commission Report http://ec.europa.eu/public_opinion/archives/ebs/ebs_225_report_en.pdf (accessed November 15, 2012)

construct. Additionally, because of the societal construct and the influence of other nearby existing European democracies were already in place in these countries, there are better examples of post-Soviet states navigating the transition to democracy, which will be covered later.

Next, there are some former Soviet states that achieved Freedom House's ranking of 'partly free' as of 2012 including Armenia, Georgia, Kyrgyzstan, and Ukraine. Unfortunately, Armenia cannot be considered in this paper because it already had an official state religion, Christianity, which is administered by the Armenian Apostolic Orthodox Church, the world's oldest state church.¹³⁴ Georgia is not under consideration because there is concern that its proximity to Europe might unfairly be influencing its transition to democracy than the somewhat isolated states of Central Asia. Ukraine was also discounted from case study consideration here as it is in the midst of ongoing turmoil and its political structure is undergoing significant strain. And, Russia itself is not under consideration because most government policies there in the post-Soviet era have largely been focused on maintaining the status quo.¹³⁵ Again, because of current political turmoil, Ukraine would not be a good case study here nor would Russia itself (which Freedom House lists as 'not free') in terms of the transition to democracy. The only 'partly free' post-Soviet state to withstand the assessment of Freedom House and the principals described in this paper is Kyrgyzstan, which will serve as one of the case studies later in this paper.

¹³⁴ C.W. Dugmore and Charles Duggan. "Reform and Reformation." In *Studies in Church History: Volume I*. London: Nelson, 1964. 268.

¹³⁵ Daniel Philpot. *The Politics of Past Evil: Religion, Reconciliation, and the Dilemmas of Transitional Justice*. Notre Dame, Ind.: University of Notre Dame Press, 2006. 513.

Finally, there are 7 former Soviet Republics that Freedom House judged are 'not free' democracies as of 2012. They include Azerbaijan, Belarus, Kazakhstan, Russia, Tajikistan, Turkmenistan, and Uzbekistan. Interestingly, Azerbaijan, Kazakhstan, Tajikistan, Turkmenistan, and Uzbekistan all exhibit extremely similar characteristics in terms of their autocratic governments, strict religious policies, and denial of civil liberties. Of these states, however, only Kazakhstan and Uzbekistan have ever even claimed to be interested in looking at a transitioning to democracy.¹³⁶ In other words, these two countries are the only to meet this paper's criteria of interest in the transition to democracy. Because, as of this writing, Kazakhstan is in the process of formulating its latest round of state religious policy - which there is large debate about where those policies will take the country, we have selected Uzbekistan as a stable marker of a 'not free' autocratic regime judged as not transitioning to democracy.¹³⁷

Before continuing into the case studies, it is important to provide a bit of historical context so that the entire process of the transition to democracy can be understood relative to the cases being highlighted. In essence, it is worthwhile to know the starting point for the transition by reviewing the state of affairs prior to the start towards democracy.

¹³⁶ Joanna Lillis. Kazakhstan: Nazarbayev Woos the West Ahead of Landslide Victory April 1, 2011 (Accessed November 23, 2012) and Karimov acknowledges differences in CA countries' democratic developments, March 1, 2012 (Accessed November 23, 2012)

¹³⁷ Ibid.

The Role of the Soviet Union

Indeed the fall of the Soviet Union and the birth of independent states like Kyrgyzstan and Uzbekistan present a rather unique example of a transition to liberal democracy because as they began their path to independence, they had to make religious policy decisions after having been part of a larger nation that had seen little need for religion. It is important to note here that both Kyrgyzstan and Uzbekistan had been part of Russian territory since the 19th Century and had both endured the entirety of the transition into and out of the Soviet system.

During the Soviet days, the larger state, and the communist system, provided the framework and stability under which society needed to operate. Religion was seen as a possible competitor and destabilizer to the Soviet form of government. The anti-religious Soviet policies date back to just prior to the formation of the Soviet Union following the October Revolution of 1917. The Soviet of People's Commissars - the entity formed to transition the Russian government functions and laws into the Soviet model - decreed on January 12, 1918 several very strict and binding laws against religious freedom.¹³⁸ The laws basically deprived Soviet citizens of religious freedom, banned religious institutions from owning property or buildings, and gave the state control over where and how religious gatherings or formations could take place. To give greater context to the impact of this decree, consider that prior to the 1918 declaration, there were an estimated 46,000 church congregations of the Russian Orthodox Church alone across the Soviet Union. By 1939, the total number of Russian Orthodox churches was below 2,000 nationwide.¹³⁹

¹³⁸ Gregory L. Freeze. "Counter-Reformation in Russian Orthodoxy: Popular Response to Religious Innovation, 1922-1925". *Slavic Review* 54 (2), 2002. 305.

¹³⁹ Philip Walters. *The Russian Orthodox Church and the Soviet State*. The ANNALS of the American Academy of Political and Social Science 1986. Page 138.

The concern, for Soviet leader Vladimir Lenin and his supporters, clearly was that since the Soviet system required the loyalty of the citizen, that loyalty should not be shared with any other entity. Interestingly, item 13 of Article 2 of the 1918 Russian Constitution passed July 10, 1918 stated, “For the purpose of securing to the workers real freedom of conscience, the church is to be separated from the state and the school from the church, and the right of religious and anti-religious propaganda is accorded to every citizen.”¹⁴⁰ But it is fairly evident that Lenin who like Karl Marx, famously regarded religion as “opium for the people,” had no intention of guaranteeing any sort of religious freedom.¹⁴¹

One of Lenin’s successors, Joseph Stalin, saw a need to go further in limiting religious freedom than Lenin. On the surface, Stalin’s 1936 Soviet Constitution gave Soviet citizens the right to religious confession and seemingly implied a new era of religious tolerance. The trouble was while people were indeed permitted to profess a religion, the only group that Stalin’s government allowed to promulgate its views was the atheists¹⁴². Later, Stalin would create a government entity called the Council of Religious Affairs, specifically to monitor the religious institutions that did exist in the Soviet Union. Under the Soviet system, law gave the Council of Religious Affairs the responsibility of recognizing or forbidding whatever religion it chose by requiring congregations to register with the government, which usually refused to issue a permit.¹⁴³

¹⁴⁰ 1918 Constitution of the Russian Soviet Federative Socialist Republic. English translation. (Accessed October 18, 2012) <http://www.marxists.org/history/ussr/government/constitution/1918/index.htm>

¹⁴¹ Jaroslavsky Emilian. *Thoughts of Lenin about Religion*. State Publishing Company, Moscow, 1925. 10.

¹⁴² Felix Corely. *Religion in the Soviet Union : An Archival Reader*. New York. NYU Press, 1996: 75

¹⁴³ Michael Bourdeaux. "Chapter 3." In *Gorbachev, Glasnost & the Gospel*. London: Hodder & Stoughton, 1990. 115

There was yet a 3rd Soviet Constitution adopted in 1977. Article 34 of Chapter 6 of the 1977 Constitution declared all Soviet citizens “equal before the law, without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion.”¹⁴⁴ The 1977 Constitution also specifically addressed religion in Article 42 of Chapter 6 declaring “Citizens of the USSR are guaranteed freedom of conscience, that is, the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda. Incitement of hostility or hatred on religious grounds is prohibited.”¹⁴⁵ However, the Soviet Constitution proved to be a document with riddled with qualifications because in other articles, including 47 and 51, it specified that individual liberties are only granted in accordance with the “goals of the building of communism;” that qualification, effectively meant that those seeking religious liberty were left without legal cause to challenge the state.

By the late 1980’s, however, the Soviet clamp on religion did begin to weaken under the stewardship of Mikhail Gorbachev. As the Soviet Union slowly began its voluntary and involuntary transition into today’s Russian Federation, Soviet law began to take a more accepting view of religion. In fact, laws passed between 1988 through the Soviet Union’s eventual collapse in 1991 began to provide protections to religious institutions against government persecution.¹⁴⁶

Throughout the history of the Soviet Union, there are countless other examples of religious persecution and intolerance to varying degrees far too many than is necessary for the scope of this paper. And, it is worthwhile to contemplate the long-lasting

¹⁴⁴ 1977 Constitution of the U.S.S.R. English Translation.
<http://www.departments.bucknell.edu/russian/const/77cons02.html#chap07> (accessed October 21, 2012)

¹⁴⁵ Ibid.

¹⁴⁶ Bordeaux. 113.

generational effects the government intolerance might have had on religious identity in the Soviet Union. In essence, for the better part of 70 years, religion no matter the form was effectively subjugated to the state.

As Michael Bordeaux said of the Soviet Union, “no society has ever experienced communism before, therefore there are no guidelines for the emergence from it.”¹⁴⁷

Bordeaux’s comment is almost an understatement regarding the complexities of transitioning a society from the rigidity of totalitarianism to democracy almost overnight.

The Birth of Uzbekistan and Kyrgyzstan

Almost immediately following the fall of the Soviet Union, the former Soviet republics of Kyrgyzstan and Uzbekistan along with all of the rest of the independent states had to reinvent themselves as nation states. Of course, the entire process of independence had already begun under the Soviet regime. There were strong calls for nationalism as a way of unifying citizens under the particular banner of their independent state. The Soviets had felt it best to boost the national consciousness of the people, “but in a controlled way so as to avoid the emergence of aggressive forms of nationalism.”¹⁴⁸

Riding the wave of this nationalization, both Uzbekistan and Kyrgyzstan drafted new constitutions. Language was seen as a way of elevating nationalism and both governments quickly replaced Russian as the state language with Uzbek and Kyrgyz respectively. Religion, of course, began taking on a whole new importance and that

¹⁴⁷Ibid. Page 116

¹⁴⁸ Henrick Ohlsson. Islam and Secular State in Uzbekistan: State Control of Religion and its Implications for the Understanding of Secularity. *Cahiers d’Asie Centrale*, 2011. 19-20.

seemed to catch both governments off guard. After all, the leadership managing the transition in both countries was still basically Soviet.

The populations of both Uzbekistan and Kyrgyzstan have similar characteristics. Both have majority indigenous ethnic populations and both have strong religious heritage. There is also an element that is important to note in the formation of Uzbekistan and Kyrgyzstan. The political map that was used to determine the borders of the new independent states of Central Asia was basically a remnant of the Stalin era.¹⁴⁹ Specifically, in the territory designated as Kyrgyzstan, figures available from a late 1980s census listed Kyrgyz as the largest ethnic group at over 52%, followed by Russians at 21%, Uzbeks at 13%, and other smaller minority groups accounting for the rest.¹⁵⁰ In terms of religion, some 75% of Kyrgyz identified themselves as being affiliated with Islam - namely Sunni Islam - while another 16% said Russian Orthodox, with 4 % identified as having no religious affiliation, and the rest are affiliated with smaller religious groups.¹⁵¹

Census data, also from the late 1980s, estimated that in the territory belonging to Uzbekistan, some 71% of the population was Uzbek, followed by Russians at 8%, Tajiks at 5%, and the rest of smaller ethnic groups. Figures available from the early 1990s estimated that approximately 90% of the people of Uzbekistan were Sunni Muslim, although they practiced a much muted form of Islam compared to the Middle East.¹⁵²

¹⁴⁹ Ibid.

¹⁵⁰ Official Government Population census for Kyrgyzstan, 1999. <http://www.stat.kg/stat.files/census.pdf> (accessed December 12, 2012)

¹⁵¹ Richard Rose. "How Muslims View Democracy: Evidence from Central Asia". *Journal of Democracy*, The Johns Hopkins University Press, Volume 13, Number 4, 2002. 102-111

¹⁵² Ibid.

Given those circumstances and the push for nationalism, Islam was seen by many as a “natural rallying point for a new collective identity” for the new nation.¹⁵³

In the early days of the formation of Kyrgyzstan, the country's new President Askar Akayev seemed to readily embrace the movement to democracy. Because religious practice and belief were muted, given that despite such a seemingly large Islamic population, less than 20% of the Kyrgyzstan population described themselves as trying to abide by their religions practices, the nationalism rally seemed to work.¹⁵⁴ While there were no large scaled religious movements against the regime in the country's formative years, Akayev remained concerned however, that religious radicals, especially those affiliated with an Islamic group called Hizb ut-Tahrir (HT) would create instability. The group, with stated claims of a desire to create an Islamic Caliphate, had started in the late 1990s and had set up a base of operations in the Batken region of Kyrgyzstan.¹⁵⁵ Akayev banned HT and accused it of being aligned with Islamic radicals in neighboring Uzbekistan and claimed the group received guerrilla training from the neighboring Taliban government in Afghanistan.¹⁵⁶ Though the group claimed only peaceful intentions, Akayev had HT members arrested by police and he was largely successful in preventing HT from mounting any credible threat to his regime.

At first, like Kyrgyzstan, it seemed as though Uzbekistan would welcome the new rallying religious nationalism, but given that the transitioning government soon began to become highly suspicious of the ultimate intentions of some of the religious groups.

¹⁵³ Ibid.

¹⁵⁴ Ibid.

¹⁵⁵ Alisher Khamidov. “AsiaNet Human Rights”. EurasiaNet.org, Headlines | EurasiaNet.org. <http://www.eurasianet.org/departments/rights/articles/eav010501.shtml> (accessed December 12, 2012).

¹⁵⁶ Ibid.

Uzbekistan had declared independence on September 1, 1991.¹⁵⁷ Shortly thereafter, in early 1992, a group of radical Islamist youth took over the local headquarters of the former Communist party in a town in the Ferghana Valley called Namangan. The group had been demanding that Sharia Law be instituted throughout the region and they even proposed establishing an Islamic caliphate across Uzbekistan and the region. The newly elected President of Uzbekistan, Islam Karimov saw the group as a threat to the fledgling nation and decided to take swift action against the group and its supporters. Karimov launched a massive police crackdown on anyone associated with the Islamic group. The government succeeded in running a good number of the groups' most violent and dangerous figures out of the country. While the Karimov government prevailed, this event marked the beginning of Uzbekistan's rocky and at times violent relationship with religion and religious-based groups. In late 1992 and 1993, coinciding with the formulation of the Uzbek Constitution, the Karimov regime ordered the expulsion of Saudi Islamist missionaries, closed down Islamist newspapers, and even closed down some Islamic schools.¹⁵⁸

Case Study

Though written and debated within separate political spheres, both Uzbekistan and Kyrgyzstan chose to model their constitutions very closely after the Soviet constitution, which as described earlier, often read very much in line with the

¹⁵⁷"Uzbekistan Government - Constitution, Flag, and Leaders." Online NewsPapers: US and World Media and Facts. http://www.factover.com/government/Uzbekistan_government.html (accessed November 10, 2012).

¹⁵⁸ Henrick Ohlsson. Islam and Secular State in Uzbekistan: State Control of Religion and its Implications for the Understanding of Secularity. *Cahiers d'Asie Centrale*, 2011. 19-20.

fundamentals of liberal democracy. Specific to religious policy, both included language professing a separation between church and state and guaranteeing most religious freedoms. The trouble is that often in the same breath, both constitutions – like the Soviet Union – provided powers to the state that effectively gave the state control over religion and subjugated religious organizations and leaders to state-controlled bureaucracies.

Once the constitutions were adopted, the governments of both Uzbekistan and Kyrgyzstan chose very similar, Soviet-like methods of suppressing religious activity, out of concern of the emergence of extremist groups. The deduction here is that given that the leadership of both states was saturated by politicians who were schooled under Soviet tutorship, they retained some of the same paranoia and reverted to methods they were familiar with and that had worked.

What follows in this section is a detailed description of the summary just provided. This section is broken into four parts that provide further elaboration. In the first two parts, we look at the founding principles of Uzbekistan as described in its founding Constitution. The treatment of religion is reviewed in the document and then compared with how the government actually practiced those principles. The second two parts cover Kyrgyzstan's Constitution in terms of religious policy followed by how the state treated religion in practice.

The Constitution of Uzbekistan

The Karimov regime in Uzbekistan saw religion, particularly Islam, as a part of the cultural heritage of the nation but it remained extremely leery of any religious challenge to state authority. In other words, the Karimov government approached

religious policy intent on remaining firmly in control of religious expression. To spearhead Uzbekistan's religious policy, Karimov borrowed from old Soviet policy to create a government religious entity designed to be state-controlled religious bureaucracy.

The Uzbek Constitution was adopted on December 8, 1992. It established the nation as "a sovereign democratic republic."¹⁵⁹ It outlined the elements of democracy including that the government would be of, by, and for the people. Specifically, the Uzbek Constitution created a representational elected assembly, called Oily Majles or Supreme Assembly, and the office of a popularly elected President.¹⁶⁰ The Constitution also outlined the responsibilities of the democratically modeled executive, legislative, and judicial branches of government in line with Western fundamentals.

First, while not specifically mentioning the word "liberty," the Constitution does say under Chapter 7, Article 31 that "Freedom of conscience is guaranteed to all. Everyone shall have the right to profess or not to profess any religion. Any compulsory imposition of religion shall be impermissible."

The Uzbek Constitution also requires the state itself to treat religions equally. In Chapter 5 Article 18 that "All citizens of the Republic of Uzbekistan shall have equal rights and freedoms, and shall be equal before the law, without distinction by sex, race, nationality, language, religion, social origin, convictions, individual and social status." There was however, an important clause to this article, which suggested the government has 'control' of these freedoms. The article continues with the phrase, "Any privileges may be granted solely by the law and shall conform to the principles of social justice."

¹⁵⁹ "CONSTITUTION OF THE REPUBLIC OF UZBEKISTAN." The University of Texas at Arlington. <http://www.uta.edu/cpsees/UZBEKCON.htm> (accessed November 30, 2012).

¹⁶⁰ Ibid.

This is an important caveat that Karimov exploited to later create a state-controlled religious bureaucracy. Later, Chapter 13 Article 61 of the Constitution states “Religious organizations and associations shall be separated from the state and equal before the law. The state shall not interfere with the activity of religious associations.”¹⁶¹

Finally, with regard to religious neutrality, the Uzbek Constitution in Chapter 13, Article 61, states, “Religious organizations and associations shall be separated from the state and equal before the law. The state shall not interfere with the activity of religious associations.”¹⁶² Again, here all of the principles of religious policy in democracy are explicitly present in the Uzbek Constitution.

Uzbekistan’s Religious Policy in Practice

While Uzbekistan’s Constitution clearly outlined a separation of church and state and places an emphasis on democratic principles in line with Jefferson's wall of separation, subsequent law and government policy appear to be completely at odds. For example, the state has passed laws requiring all religious organizations to register with the state – just like Soviet law – and the state has also secured the right to regulate religious activities.

Again, the Ferghana incident with the Islamists fueled this great government skepticism of religion in Uzbekistan. As clashes between the government and Islamists continued throughout the 1990s, Uzbek law started to backtrack further and further. In 1997, for example, the government began actively targeting and closing any religious

¹⁶¹ Ibid.

¹⁶² Ibid.

sanctuary or school that did not officially register with the state.¹⁶³ Later, the state ordered the removal of all loudspeakers from mosques across the country in the name of preserving social order.¹⁶⁴ Though the Uzbek government clearly directed most of its attention towards Islamic groups, given that some 90% of the Uzbek population identified itself as having some sort of ties to the Islamic faith, the government also focused on other religions and groups. In 1998, The Uzbek government passed the Law on Freedom of Conscience and Religious Organizations, which required non-governmental organizations and associations to register with the government and receive permits and approval from the government for all their operations. The law also made “any unregistered religious activity or unofficial religious speech” illegal.¹⁶⁵

Perhaps most troubling of all, particularly for Uzbeks of the Islamic faith, was the 1998 Law on Freedom of Conscience and Religious Organizations, which required every religious leader to pass a government imposed test before they could be allowed to lead an Islamic worship or teach in an Islamic school. “The test included questions outside the traditional sphere of a religious cleric and is often used to weed out unwanted clerics.”¹⁶⁶ The Law on Freedom of Conscience and Religious Organizations also included an outright ban on proselytizing. That is to say that any religious element can be arrested, deported, or imprisoned for attempting to recruit or convert others to a particular faith.

The Uzbek government also created the Committee for Religious Affairs (CRA), which is a Soviet-modeled state-controlled religious bureaucracy responsible for

¹⁶³ Henrick Ohlsson. Islam and Secular State in Uzbekistan: State Control of Religion and its Implications for the Understanding of Secularity. *Cahiers d'Asie Centrale*, 2011. 19-20.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

oversight of all of the religious activities that take place in the country. The CRA, mindful of the country's large Islamic following decreed, "All mosques and Islamic education must be affiliated to the Muslim Board of Uzbekistan (MBU). The MBU is headed by a mufti who is nominated by the Muslim Council of Uzbekistan (MCU), a representative body consisting of imams and elders from all regions of the country; the candidate must then be approved by the government."¹⁶⁷

The Constitution of Kyrgyzstan

It is appropriate to continue the case study with a comparison of the founding religious principles in place in Kyrgyzstan. The first Kyrgyzstan Constitution was adopted on 5 May 1993. In terms of democratic substance, Article 1 clearly defines Kyrgyzstan as a secular, democratic, republic. There have been 7 versions of the Kyrgyzstan Constitution including the original 1993, including amendments in 1996, 2003, 2005, 2006, 2007, and 2010. The reason for the many versions has been a power struggle between expanding and limiting the powers of either the office of the President or the Parliament. Here we focus on the founding principles of the 1993 Constitution as it relates to religion because as the U.S. Department of State noted, there were no changes in the various constitutions that impacted religious affairs.¹⁶⁸

In terms of democratic religious principles, Kyrgyzstan stacks up just as well as Uzbekistan. In Section 13, Article 3, the constitution grants all citizens equality declaring, "In the Kyrgyz Republic everyone shall be equal before the law and the courts. No one

¹⁶⁷ Ibid.

¹⁶⁸ International Religious Freedom Report: Kyrgyzstan, U.S. Department of State <http://www.state.gov/j/drl/rls/irf/2007/90230.htm> (accessed 12 November, 2012).

shall be subjected to any kind of discrimination or violation of their rights and freedoms on grounds of ethnic origin, sex, race, nationality, language, religious denomination, political or religious beliefs or any other personal or social circumstances.” According to Section 8, Article 1, Kyrgyzstan directs the state to observe neutrality and explicitly states “in the Kyrgyz Republic no religion shall be recognized as the state religion or mandatory religion.”

Article 5 of the Law on Religious Freedom and Religious Organizations state that the government cannot “interfere with the activity of religious organizations that adhere to established laws, does not allow for establishing advantages or restrictions of one religion over another, does not finance the activity of religious organizations and activity of propagating atheism.” The constitution also not only protects the rights of believers, but explicitly the rights of non-believers. Article 14, Section 5 says “Everyone shall be guaranteed freedom of religion and atheistic views.” However, the Kyrgyz Constitution also caveats that the “establishment of political parties on a religious basis and the pursuit by religious organizations of political goals and tasks” shall be forbidden. It also goes so far as to warn religious leaders specifically by declaring that “interference by religious organizations and ministers of religious faiths in the activity of state bodies” is forbidden as well.

Finally, Article 85 of the Kyrgyz Constitution gives power to the nation’s court system in determining “the constitutionality of a religious organization's activities.”

Kyrgyzstan’s Religious Policy in Practice

As outlined, in Kyrgyzstan, like Uzbekistan, there is the constitutional foundation for democratic religious policy closely aligned with the theory of strict separation of church and state. In practice, however, Kyrgyzstan has many similarities to Uzbekistan in violating those principles. In Kyrgyzstan, all religions are required to register with the government, which has the final overall approval. There is a cabinet level organization called State Agency for Religious Affairs (SRA), which monitors all religious activity and has been known to take action to stop religious activities that the state views are inciting instability.¹⁶⁹ According to a 2010 United Nations report “Religious leaders are at risk of being deported if they take any sort of action that displeases the SRA. The government tightly controls the religious material that travels in and out of the country, often depriving religious groups of the material that they need to adequately perform worship.”¹⁷⁰

The same United Nations report noted “Kyrgyzstan has a long history of raids and crackdowns on religious groups and justifies them as national security measures that protect public morality.”¹⁷¹ The report found that while missionary groups were often permitted to operate freely in the country for the most part, if the government views any of their activities questionable, they are subject to expulsion. The report found that at least 20 different missionary groups had been banned from the country since 1991 with the Kyrgyz government claiming that the various groups were “not compatible with the general principles accepted by world religious groups.”¹⁷²

¹⁶⁹ Ibid.

¹⁷⁰ United Nations Office of the High Commission for Human Rights. Institute for Religious Public Policy. http://lib.ohchr.org/HRBodies/UPR/Documents/Session8/KG/IRPP_UPR_KGZ_S08_2010_InstituteReligionPublicPolicy.pdf (accessed 12 November, 2012).

¹⁷¹ Ibid.

¹⁷² Ibid

In what can only be seen as a direct challenge to democratic religious ideals, the Kyrgyz government issued a decree in 2006 that listed Russian Orthodox and Islam as the “traditional religions” of the state.¹⁷³ For the first time, this suggested that Kyrgyzstan was considering an official religion or religions.

With a large Islamic population, the government of Kyrgyzstan, like Uzbekistan has a government organization to provide oversight; it is called the Administration of Muslims in Kyrgyzstan.¹⁷⁴ The entity standardizes all Islamic education, bans materials that do not adhere to government standards, and has the authority to ban religious leaders from practicing. There is also the Coordinating Council on the Struggle against Religious Extremism, which is made up of various government appointed religious leaders and even members of the National Security Intelligence Service (NSS) or secret police. The UN called the entity “problematic because it assumes a very broad definition of religious freedom.”¹⁷⁵

Discussion

As the research has shown, both Kyrgyzstan and Uzbekistan are what realists would probably call perfect case studies. In both cases, there were leaders whose populations supported the move to independence and toward establishing a liberal democracy form of government. But the leader’s, in concurrence with realist theory, elected to establish secular governments that that each granted some level of religious

¹⁷³ Ibid

¹⁷⁴ Ibid.

¹⁷⁵ Freedom of Religion or Belief in Uzbekistan: A Policy Brief for the OSCE Supplementary Human Dimension Meeting on Freedom of Religion or Belief, Vienna, 9-10 July, 2009. <http://www.osce.org/odihr/38053>

freedoms, which were, then promptly subjugated to the state. The research revealed that, in the interests of security and power consolidation, both governments sought to dismantle the individual liberty of religious choice and even association by creating bureaucracies to monitor and oversee all aspects of religion in the state. Perhaps, the leaders of both countries had taken notes from the Prince advised by Machiavelli.

What then, if any, were the key areas of differences that explain why Kyrgyzstan is now being judged to be making steady progress in the transition to liberal democracy? We have two countries, with markedly similar realist approaches to religious policy, government formation, and the practice of governing. While Karimov has remained atop the Uzbekistan autocracy, it took Kyrgyzstan two revolutions to finally achieve marked improvement in the pursuit of liberal democracy. The impetus for change and real democratic progress appears to be the change in regime.

Kyrgyzstan had followed the same path as Uzbekistan under the stewardship of President Askar Akayev, who ruled the country for the 15 years following the fall of the Soviet Union. Following what was believed to be a engineered and corrupt Parliamentary election on March 13, 2005, protests and unrest grew around Kyrgyzstan.¹⁷⁶ Akayev's political opposition, the People's Movement of Kyrgyzstan (PMK) began to organize the protests in what became known as "The Tulip Revolution" to demand a new and fair election.¹⁷⁷ Akayev had previously ordered the arrest of opposition leader Felix Kulov and he further issued orders to the Kyrgyz national police to tamp down the protests and take control of media outlets to prevent the opposition message from spreading.

¹⁷⁶ Erica Marat. "Tulips Bloom in Kyrgyzstan, Bringing Hopes for Democratic Development." In *The Tulip Revolution: Kyrgyzstan one year after, March 15, 2005-March 24, 2006*. 11.

¹⁷⁷ Ibid.

International leaders, however, had already begun to lend credibility to the opposition by questioning the election results, including U.S. Ambassador to Kyrgyzstan Steven Young.¹⁷⁸ By March 20, massive protests had spread throughout the country and the numbers were so large that Kyrgyz police and military units were severely outnumbered. 50,000 people were estimated to be in the streets of the southern city of Jalanabad while approximately 3,000 had started to gather in the capital of Bishkek.¹⁷⁹ After several days of clashes with police and growing opposition momentum that continued to be encouraged by some in the international community, including Ambassador Young, approximately 20,000 people began to protest in Bishkek's central square. And, as Dr. Erica Marat observed for the Jamestown Foundation, March 24, 2005, became “an important date in the history of Kyrgyzstan. On that day, in less than an hour, a crowd of demonstrators seized the Kyrgyz White House in Bishkek, opposition leader Felix Kulov was freed from jail and President Askar Akayev reportedly fled the country. Taken together, these three events signified the collapse of the Akayev regime.”¹⁸⁰

Just a mere 5 years later, Kyrgyzstan went through a second revolution. This time, the catalyst was the outright financial corruption and mismanagement of public funds by President Kurmanbek Bakiyev that was the government's undoing. Interestingly, Bakiyev was from part of the opposition movement that had ousted the Akayev regime for corruption years prior. And, while corruption and mismanagement are indeed credited with being catalysts for Bakiyev's downfall, the lynchpin appeared to be an incident in early April 2010, where government troops, acting seemingly on Bakiyev's orders fired

¹⁷⁸ Ibid. Page 12.

¹⁷⁹ Ibid. Page 13.

¹⁸⁰ Ibid. Page 15.

on protestors who had gathered to demonstrate against him in Bishkek.¹⁸¹ The entire revolution that followed took place in a matter of only approximately 10 days. As the U.K.'s Guardian Newspaper described, "The popular revolt in Kyrgyzstan that toppled Bakiyev two days ago (April 6, 2010) was so sudden and ferocious that nobody has had a chance to give it a name yet."¹⁸² It is important to note here the striking similarity that both Bakiyev and Akayev, while ostensibly from opposing political parties in Kyrgyzstan, both had Soviet backgrounds and had been in political positions during the days of the Soviet Union and both were essentially learned or were trained to govern under the Soviet system.

That brings us to emphasize the striking difference between Uzbekistan and Kyrgyzstan and their transition to democracy. It took Kyrgyzstan two revolutions in order to finally rid the top leadership of the government of the Soviet tendencies. It also meant that future Kyrgyzstan leaders would have to realize that liberal democracy meant the leadership was accountable to the citizenry, perhaps the true hallmark of liberal democracy.

More related to our interests here regarding religious policy, the Kyrgyzstan revolutions meant that the citizenry demanded that the government would have to adhere to the promises it set forth during the initial transition to liberal democracy. The new Krygyz government set in place a new Constitution that limited the powers of the President and increased the role of the Parliament. According to Freedom House, since

¹⁸¹ Michael Schwirtz. "Kurmanbek S. Bakiyev News - The New York Times." Times Topics. http://topics.nytimes.com/topics/reference/timestopics/people/b/kurmanbek_s_bakiyev/index.html (accessed December 8, 2012).

¹⁸² Luke Harding. "Kyrgyzstan capital bloodied, looted and chaotic after overthrow of Bakiyev." The Guardian Newspaper (London), April 8, 2010. <http://www.guardian.co.uk/world/2010/apr/08/kyrgyzstan-revolt-over-kurmanbek-bakiyev> (accessed December 8, 2012).

the fall of the Bakiyev regime, the tight official restrictions on religion have not yet been altered through legislation but the government has ceased most of its authoritarian practices towards religion.¹⁸³ This suggests that, while Kyrgyzstan is judged to be making progress toward liberal democracy, its policy choices are still, very much in line with realist theory in that state security and interests continue to take primacy. It is how both governments executed their religious policy, through subjugation rather than 'twin toleration' that seemingly was the lynchpin in terms of the treatment of religion.

Still, the simple fact remains that the fall of the autocracy in Kyrgyzstan appears to have had the greatest impact with regards to putting Kyrgyzstan back on the path to respecting religious principles in the transition to democracy. While Kyrgyzstan still has a precarious path to navigate in terms of its religious policy during the transition to democracy, what we see is that the first step is the removal of the autocracy that is entrenched in the old way of doing business.

Conclusion

As the case study has shown, there is real evidence to support realist perspective in terms of how transitioning liberal democracies will treat religious policies. While the state might appear to give the impression that it respects the importance of 'twin toleration' between church and state as liberal theory argues, the facts point to the primacy of state security and the preservation of state interests, in realist form.

Perhaps it could be argued that state cannot subjugate individual liberties, such as religion, if it is intent on making a good faith effort to transition to liberal democracy.

¹⁸³ Freedom House. Freedom in the World 2012. <http://www.freedomhouse.org/report/freedom-world/2012/kyrgyzstan> (accessed November 12, 2012)

But, as evidenced here, giving the state control over religion can lead to real abuse of power in the name of regime survival or national security. Moreover, we have also observed that state suppression of religion leads to instability and even a recoil from the transition to democracy, as evidenced by Uzbekistan. Referencing the case of Uzbekistan in particular, it almost seems that at the very instance there appeared to be a religious-based threat to the regime, the entire process towards democratic transition appeared to slow and the institutions of the former Soviet system began to re-emerge. That also brings us to perhaps what is the larger point that, as evidenced in the case of Kyrgyzstan juxtaposed to Uzbekistan that it was only with the complete removal of the “old guard” regime that the transition to democracy was judged to be progressing steadily.

It is worth noting that the reason Kyrgyzstan seems to be making progress at transitioning to liberal democracy is because there is a sense that the government is accountable to the people. The people have successfully demonstrated the will and desire to demand adherence to democratic principles from their leaders. Two successful revolutions prove that the Kyrgyz population is collectively more willing and able than the population of Uzbekistan to demand accountability. Conversely, in Uzbekistan, where Karimov has succeeded in maintaining his grip on power, the transition to democracy seems idle.

Additionally, this research has demonstrated that while religious policy is an important factor, the transition to liberal democracy seems to be heavily reliant on the system of government that existed prior to the beginning of the transition to liberal democracy. Both Uzbekistan and Kyrgyzstan relied heavily on the influences of the Soviet Union’s Constitution and practices. Both governments readily reverted to policies

that had existed under the previous form of government. There is an interesting point to highlight here that begs the question of whether true change in governance is possible if it is led by those who are so accustomed to previous ways of doing business – the very methods that led to the demand for change in the first place.

Finally, we are brought to the larger point supporting Huntington's argument that not religion alone or any singular factor is the catalyst in determining the successful transition to democracy. History tells us that there were indeed many factors at play in the downfall of the Soviet Union, probably the least of which was religion. Then looking at the birth of new states, with large religious populations, intent on successfully transitioning to liberal democracy, we offer religion to be an important factor although we did not find evidence to support declaring it the most important factor.

Appendix 1 – Combined Political Terror Score Human Rights Record and Freedom House Liberal Democracy Comparison Chart

*Highlight indicates liberal democracy under consideration.

Country	Region	Income Level	2012		2013
			amnesty	state	state
Afghanistan	sa	li	4	4	5
Albania	eca	lmi	1	3	2
Algeria	mena	umi	2	2	2
Angola	ssa	umi	3	3	3
Argentina	lac	umi	1	2	2
Armenia	eca	lmi	2	3	3
Australia	eap	hi	1	1	1
Austria	eca	hi	1	1	1
Azerbaijan	eca	umi	3	3	3
Bahamas	lac	hi	2	2	2
Bahrain	mena	hi	3	3	3
Bangladesh	sa	li	3	4	4
Barbados	lac	hi		1	1
Belarus	eca	umi	2	3	3
Belgium	eca	hi	1	1	1
Belize	lac	lmi		2	2
Benin	ssa	li	1	2	2
Bhutan	sa	lmi		2	2
Bolivia	lac	lmi	2	2	2
Bosnia and Herzegovina	eca	umi	1	2	2
Botswana	ssa	umi		2	1
Brazil	lac	umi	4	4	4
Brunei	eap	hi		1	1
Bulgaria	eca	umi	1	1	2
Burkina Faso	ssa	li	1	2	3
Burundi	ssa	li	3	4	4
Cambodia	eap	li	3	3	3
Cameroon	ssa	lmi	2	3	3
Canada	na	hi	1	1	1
Cape Verde	ssa	lmi		1	2
Central African Republic	ssa	li	3	5	5
Chad	ssa	li	3	3	3
Chile	lac	umi	2	2	2
China	eap	umi	4	4	4
Colombia	lac	umi	4	3	4
Comoros	ssa	li		2	1
Congo	ssa	lmi	2	3	3
Costa Rica	lac	umi		2	2
Croatia	eca	hi	1	1	1
Cuba	lac	umi	3	3	3
Cyprus	eca	hi	2	2	1

Czechoslovakia	eca	hi			
Czech Republic	eca	hi	1	1	1
Dem. Republic of the Congo	ssa	li	5	5	5
Denmark	eca	hi	1	1	1
Djibouti	mena	lmi		3	3
Dominican Republic	lac	umi	3	3	3
East Timor (Timor L'este)	eap	lmi	2	2	2
Ecuador	lac	umi	2	3	2
Egypt	mena	lmi	3	3	4
El Salvador	lac	lmi	1	3	3
Equatorial Guinea	ssa	hi	3	3	3
Eritrea	ssa	li	5	4	4
Estonia	eca	hi	1	1	1
Ethiopia	ssa	li	4	3	3
Fiji	eap	lmi	2	2	2
Finland	eca	hi	1	1	1
France	eca	hi	2	1	1
Gabon	ssa	umi		2	2
Gambia	ssa	li	3	3	3
Georgia	eca	lmi	2	3	2
Germany	eca	hi	1	1	1
Germany, East	eca				
Germany, West	eca	hi			
Ghana	ssa	lmi	2	3	2
Greece	eca	hi	2	2	1
Grenada	lac	umi		1	1
Guatemala	lac	lmi	2	3	2
Guinea	ssa	li	3	3	3
Guinea-Bissau	ssa	li	3	3	2
Guyana	lac	lmi	2	2	2
Haiti	lac	li	3	3	3
Honduras	lac	lmi	2	3	3
Hungary	eca	hi	1	2	2
Iceland	eca	hi		1	1
India	sa	lmi	4	4	4
Indonesia	eap	lmi	3	3	3
Iran	mena	umi	4	4	4
Iraq	mena	lmi	4	4	5
Ireland	eca	hi	1	1	1
Israel and Occupied Territories**	mena	hi	4	4	4
Italy	eca	hi	1	2	2
Ivory Coast (Cote d'Ivoire)	ssa	lmi	4	4	3
Jamaica	lac	umi	3	3	3
Japan	eap	hi	2	1	1
Jordan	mena	umi	3	3	3
Kazakhstan	eca	umi	3	3	3
Kenya	ssa	li	3	4	4
Kosovo	eca	lmi		1	1

Kuwait	mena	hi	2	2	2
Kyrgyz Republic	eca	li	3	3	3
Laos	eap	lmi	2	2	2
Latvia	eca	umi	1	2	1
Lebanon	mena	umi	3	3	3
Lesotho	ssa	lmi		2	2
Liberia	ssa	li	2	2	2
Libya	mena	umi	4	4	4
Lithuania	eca	umi	1	2	1
Luxembourg	eca	hi		1	1
Macedonia	eca	umi	2	2	2
Madagascar	ssa	li	4	3	3
Malawi	ssa	li	2	3	2
Malaysia	eap	umi	3	2	2
Maldives	sa	umi	3	2	1
Mali	ssa	li	4	3	4
Malta	eca	hi	1	1	1
Mauritania	ssa	li	3	2	2
Mauritius	ssa	umi		2	2
Mexico	lac	umi	4	4	4
Moldova	eca	lmi	2	3	2
Mongolia	eap	lmi	1	2	2
Montenegro	eca	umi	1	2	2
Morocco	mena	lmi	3	3	3
Mozambique	ssa	li	3	3	3
Myanmar	eap	li	4	4	4
Namibia	ssa	umi	2	2	2
Nepal	sa	li	3	3	2
Netherlands	eca	hi	1	1	1
New Zealand	eap	hi	1	1	1
Nicaragua	lac	lmi	2	3	3
Niger	ssa	li	2	2	3
Nigeria	ssa	lmi	4	4	4
North Korea (Democrate People's Republic of Korea)	eap	li	5	5	5
Norway	eca	hi	1	1	1
Oman	mena	hi	2	2	3
Pakistan	sa	lmi	5	5	5
Panama	lac	umi	2	2	2
Papua New Guinea	eap	lmi	2	2	2
Paraguay	lac	lmi	1	3	3
Peru	lac	lmi	3	3	3
Philippines	eap	lmi	4	4	4
Poland	eca	umi	1	2	1
Portugal	eca	hi	1	2	2
Qatar	mena	hi	1	1	2
Romania	eca	umi	2	2	2
Russia	eca	umi	4	4	4
Rwanda	ssa	li	2	3	3

Samoa	eap	umi		1	1
Sao Tome and Principe	ssa	lmi		1	1
Saudi Arabia	mena	hi	3	3	3
Senegal	ssa	lmi	3	3	2
Serbia	eca	umi	2	2	2
Serbia and Montenegro	eca	umi			
Seychelles	ssa	umi		1	2
Sierra Leone	ssa	li	2	3	3
Singapore	eap	hi	2	1	1
Slovakia	eca	hi	1	1	1
Slovenia	eca	hi	1	1	1
Solomon Islands	eap	lmi		1	1
Somalia	ssa	li	5	4	4
South Africa	ssa	umi	3	4	4
South Korea (Republic of Korea)	eap	hi	2	1	1
South Sudan	ssa	lmi	4	4	5
Spain	eca	hi	2	1	1
Sri Lanka	sa	lmi	4	4	4
St. Lucia	lac	umi		2	2
St. Vincent and the Grenadines	lac	umi		1	2
Sudan	ssa	lmi	5	5	5
Suriname	lac	umi	1	2	2
Swaziland	ssa	lmi	3	3	3
Sweden	eca	hi	1	1	1
Switzerland	eca	hi	1	1	1
Syria	mena	lmi	5	5	5
Taiwan	eap	hi	1	1	1
Tajikistan	eca	li	3	3	3
Tanzania	ssa	li	2	3	3
Thailand	eap	umi	3	4	3
Togo	ssa	li	3	2	1
Trinidad and Tobago	lac	hi	2	2	2
Tunisia	mena	umi	3	2	3
Turkey	eca	umi	3	3	4
Turkmenistan	eca	umi	3	3	3
Uganda	ssa	li	3	3	3
Ukraine	eca	lmi	3	3	3
United Arab Emirates	mena	hi	2	2	3
United Kingdom	eca	hi	1	1	1
United States	na	hi	3		
Uruguay	lac	umi	1	1	1
USSR	eca				
Uzbekistan	eca	lmi	3	3	3
Vanuatu	eap	lmi		1	1
Venezuela	lac	umi	3	4	3
Vietnam, Socialist Republic of	eap	lmi	3	3	3
Yemen	mena	lmi	3	4	4
Yemen, North	mena	li			

Yemen, South	mena	li			
Yugoslavia	eca				
Zambia	ssa	lmi		3	3
Zimbabwe	ssa	li		4	3

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Appendix 2 - Combined International Telecommunication Union Penetration Rate,
Freedom House Internet Policy Freedom Rating

FH Identified Liberal Democracy	ITU Internet Penetration: Internet Access at Home	FH Internet Policy Grade	Notes
Andorra	74.3	Not rated	
Antigua and Barbuda	40	Not rated	
Argentina	47.5	Free	
Australia	82.7	Free	
Austria	80.9	Not rated	
Bahamas	No data		
Barbados	51	Not rated	
Belgium	80	Not rated	
Belize	No data		
Benin	1.4	Not rated	
Botswana	No data		
Brazil	39.6	Partly	Legal Intimidation; Political charges; bloggers arrested; killed
Bulgaria	53.7	Not rated	
Canada	81.5	Not rated	
Cape Verde	20.3	Not rated	
Chile	40.9	Not rated	
Costa Rica	46.7	Not rated	
Croatia	64.6	Not rated	
Cyprus	64.7	Not rated	
Czech Rep	72.6	Not rated	
Denmark	92.7	Not rated	
Dominica	No data		
Dominican Rep	19.6	Not rated	
El Salvador	12.7	Not rated	
Estonia	80.3	Free	
Finland	89.2	Not rated	
France	81.7	Free	
Germany	87.7	Free	
Ghana	11	Not rated	
Greece	56.3	Not rated	
Grenada	No data		
Guyana	No data		
Hungary	71.5	Free	
Iceland	96.4	Free	
India	3.1	Partly	Technical blocking, filtering
Ireland	82.4	Not rated	
Israel	70.3	Not rated	
Italy	68.9	Free	

Jamaica	21.3	Not rated	
Japan	86.2	Free	
Kiribati	No data		
Latvia	71.6	Not rated	
Lesotho	No data		
Liechtenstein	No data		
Lithuania	64.7	Not rated	
Luxembourg	94.5	Not rated	
Malta	78.8	Not rated	
Marshall Islands	No data		
Mauritius	39.2	Not rated	
Micronesia	No data		
Monaco	No data		
Mongolia	14	Not rated	
Montenegro	55	Not rated	
Namibia	10	Not rated	
Nauru	No data		
Netherlands	94.6	Not rated	
New Zealand	76.8	Not rated	
Norway	94.3	Not rated	
Palau	No data		
Panama	30.5	Not rated	
Peru	20.2	Not rated	
Poland	71.9	Not rated	
Portugal	62.3	Not rated	
Romania	58.1	Not rated	
St Kitts	60.3	Not rated	
St Lucia	34.9	Not rated	
St Vincent	No data		
Samoa	No data		
San Marino	No data		
Sao Tome	No data		
Senegal	4.5	Not rated	
Serbia	40.2	Not rated	
Slovakia	77.9	Not rated	
Slovenia	75.6	Not rated	
South Africa	33.9	Free	
South Korea	98.1	Partly	Technical blocking, filtering
Spain	69.8	Not rated	
Suriname	17.3	Not rated	
Sweden	92.6	Not rated	
Switzerland	80.7	Not rated	
Taiwan	No data		
Tonga	No data		
Trinidad and Tobago	No data		
Tuvalu	No data		

United Kingdom	88.4	Free	
United States	71.7	Free	
Uruguay	48.4	Not rated	
Vanuatu	3.5	Not rated	

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Biographical Statement

Jesse Rostveit is a second-year student in the Global Securities Studies Program of the Krieger School of Arts and Sciences Advanced Academic Programs at the Johns Hopkins University. He is an employee of the Department of Defense and served over 9 years as an active duty United States Army officer. He holds a Bachelor of Science degree in Communications from the Florida Institute of Technology.