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Do Campaign Finance Laws Influence Legislator Voting? Super PACs and Voting Behavior in the 111th Congress

by Luke MacDonald

In January 2010, the United States Supreme Court voted to overturn portions of the Bipartisan Campaign Reform Act, commonly known as BCRA (*Citizens United v. Federal Election Commission* 2010). The court's ruling in *Citizens United*, along with the D.C. Circuit Court of Appeals' ruling on *SpeechNow.org v. Federal Election Commission* (2010) just two months later, altered campaign finance laws concerning contribution limits. The *Citizens United* decision allowed unlimited corporation expenditures advocating for or against specific candidates (Magleby, Light, and Nemacheck 2011, 295), while the *SpeechNow.org* decision removed limits on individual contributions to advocacy groups (Eggen 2010). Though some dispute that these rulings are responsible for the landscape of today's campaign finance world (Bai 2012), there is no arguing that elections are financed differently than in the post-*Citizens United* world. Independent expenditure and electioneering communication spending by outside groups grew by more than 400 percent from the 2006 midterm elections to the 2010 midterms, where it consisted of over 22 percent of all non-party committee outside spending (MacColl 2011; Center for Responsive Politics 2011).

One key development stemming from the *Citizens United* and *SpeechNow.org* decisions is the Super PACs. PACs, or political action committees, have existed for decades after bursting onto the campaign finance scene when Watergate-inspired restrictions on contributions to congressional campaigns were imposed (Alexander 2001). Super PACs, a name coined by a reporter in July 2010, differ from traditional PACs by allowing unlimited outside contributions (Levinthal 2012). Super PACs spent over \$63 million during the 2010 congressional election cycle and over \$609 million on the 2012 presidential and congressional elections (Center for Responsive Politics 2012).

Although the 2012 federal elections were unprecedented in terms of money spent, this study investigates Super PAC spending on the 2010 midterms, which were fundamentally different from past elections due to the changes in campaign finance restrictions. The implications from the *Citizens United* and *SpeechNow.org* rulings that opened the door to Super PACs were unknown. Scholars, legal experts, and the media all described the new campaign finance world as uncertain (Tedford 2010; Weiss 2010).

Using roll call votes from the 111th Congress and FEC data on Super PAC donations during the 2010 election cycle, an attempt is made to show that the changes in campaign finance laws in early 2010 led to a change in voting behavior from members of the House of Representatives. A review of past literature investigating election finance and the link between congressional voting behavior and campaign contributions will follow. Then comes the theory, which is essentially that lawmakers altered their voting behavior after the Supreme Court rulings changed campaign finance regulations because of fears related to their upcoming reelection bid. The related assumptions and hypothesis follow. The methodology employed and subsequent findings as well as implications of this work are then presented in detail.

Campaign Finance Theory

Alexander's work provides invaluable historic analysis on Watergate-inspired reforms, publicly funded elections, and PAC contribution limits, though frequent legislative action has rendered his predictions inapplicable to modern federal elections (1989; Alexander and Haggerty 1984). In his 2008 work, Magleby highlights a significant increase in individual donations since BCRA was signed into law in 2002. He identifies numerous possible reasons for the trend, including the Internet, and predicts the upward trend in campaign spending will continue. Bonneau and Cann analyze state elections and find that imposing more stringent limitations on campaign spending disproportionately harms the challenger (2011), findings that imply the *Citizens United* and *SpeechNow.org* decisions should lead to a lower reelection rate for incumbents. Though the 2010 results support this, we should observe more than a few elections before drawing conclusions.

Numerous scholars have investigated the possible relationship between outside campaign contributions and the legislative voting behavior of members of Congress, with mixed results. Research by Brooks, Cameron, and Carter (1998), Lopez (2001), and Silberman and Durden (1976) uses a variety of methods to show evidence that outside monetary contributions to legislators' campaigns significantly influence their voting behavior. However, despite finding evidence that contributions matter in other areas, such as committee participation, Hall and Wayman (1990) find little evidence that campaign contributions directly influence floor votes. Chappell (1981 & 1982) reaches a similar conclusion over the course of multiple studies.

Other scholarly work focuses on the target and pattern of the campaign contributions. Brunell finds that although many groups donate funds to both democrats and republicans, PACs clearly favor one party over another by strategically giving funds to their favored party in competitive races and to the other party in mostly noncompetitive races (2005). Such research is significant in dealing with the theory that money follows money in elections. Esterling examines the relationship between contributions and committee members' attention to policy analysis and shows that outside groups are more likely to contribute to legislators with high capacity to develop policy. Esterling finds that these groups, rather than engage in vote-buying, try to gain influence with members of Congress who are more likely to introduce legislation (2007). Patterns from recent elections reinforce this observation as parties favored to win elections see a sharp increase in outside contributions at the very end of a campaign, evidence of interest groups trying to gain favor from influential legislators rather than influence the election's outcome (Zeleny and Pilhofer 2006).

While groups trying to acquire clout through financial contributions can seem unethical or unfair, it may not be a bad thing when considering the voters themselves. Much of the money Super PACs spend on elections goes toward advertising (Mathews 2012), and studies have shown show that political commercials actually increase public awareness on candidates and their issue stances (Patterson and McClure 1976; West 2001). Herbert Alexander, one of the first and most influential figures in campaign finance research, maintained throughout his career that American elections were under-financed rather than over-financed. Despite the high costs of elections, Alexander argued that money in elections would promote democratic principles (Alexander 1976, 15). However, a recent study indicates the benefit to the electorate may come at an expense, as Cotton concludes that contribution limits can encourage better policy (2012). Whichever side of the campaign contribution limit debate one personally falls on, the academic research indicates there are pros and cons that come with either option.

Theory

The voting behavior of members of Congress changed after the U.S. Supreme Court handed down their decision on *Citizens United v. Federal Election Commission* (2010). Changes brought on by this case and other significant decisions (like *Speech-Now.org v. Federal Election Commission*, 2010) fundamentally altered the campaign finance landscape in the U.S. as it applies to federal elections. Specifically, I looked only at the House of Representatives, as the low number of senators makes statistical comparisons difficult. The introduction of Super PACs into the federal election landscape had an immediate and profound influence on the actions of Congress. House members saw the changes as potential threats to their reelection chances, as corporations, unions, or even individuals with agendas could provide a large amount of money

either in opposition to their campaign or in support of a challenger. The theory dictates that representatives facing challenges in the upcoming elections reacted to the rulings by significantly altering their voting behavior, due to one or both of these reasons: They feared significant financial contributions to their opponents and wanted to placate potentially hostile opposition groups, or they were more likely to try to please friendly groups they saw as wielding significantly more influence after the *Citizens United* and *SpeechNow.org* rulings. Therefore, representatives should show statistically significant differences in their voting behavior after the *Citizens United* decision (21 January 2010) when compared to their voting behavior before *Citizens United*. In coming to this conclusion, there are a number of relevant assumptions made. These assumptions, along with the basis and rationale on which they are made, are discussed below.

Assumptions

1) Members of Congress Are Single-Minded Seekers of Reelection

As Mayhew theorizes in his seminal work the *Electoral Connection*, the actions of members of Congress are always with one goal in mind: winning reelection (Mayhew 2004). Mayhew's theory states that we can predict members of Congress will make whatever choice increases their odds of winning reelection.

2) Money Matters in Congressional Elections

Incumbents win congressional elections at a much greater rate and raise considerably more money than challengers. Although there is disagreement over whether or not a causal relationship exists and in which direction it would move, there is a strong correlation between high campaign spending and electoral success. The Center for Responsive Politics concludes that even during competitive cycles and close, contested elections, the candidate who raises the most amount of money usually wins (Biersack 2012). This comes as no surprise to casual observers, who see the media paying plenty of attention to fund-raising and spending during every federal election cycle. As such, a prevalent belief that money and success are inseparably connected in congressional elections has developed among the general population. For example, a 2011 poll revealed that two-thirds of Americans feel elections are generally for sale to the candidate who raises the most money, with only 30 percent believing that elections are usually won on the basis of who is the best candidate (CNN 2011).

Despite the public's consensus that spending has great importance in federal elections, scholars often test the theory. Gerber uses Senate elections to show the significant influence campaign spending has on election outcomes (1998) and recent research by Hall shows that money significantly influences the outcomes of state legislative elections (2013). Stratmann utilizes region-adjusted advertising prices to show that campaign spending is effective for both incumbents and challengers in congressional elections (1995).

3) Super PACs Have Significant Amounts of Money to Spend on Congressional Elections

While this assumption is fairly self-explanatory, it is important to note that it forms an integral link between Assumption 1 and Assumption 4. Money is an important asset to a campaign and acts as not only as a significant indicator in predicting election outcomes but also as a deterrent to potential challengers. Super PACs spent over \$60 million in the short time between the Supreme Court decision and the 2010 elections (Center for Responsive Politics 2010). Both the 2012 primaries and general election only serve to underscore Super PACs' willingness to spend large amounts of cash on elections (Center for Responsive Politics 2012).

4) Variance Exists both for Recipients of Super PAC Funds and for the Amounts They Receive

This is likely the most debatable of the assumptions. Many believe that money follows money when it comes to elections in Congress. If a democrat is challenging a moderate republican for a Senate seat in Pennsylvania and receives a sizable contribution, it follows that someone (the RNC, corporate interest groups, loyal donors in the area, etc.) will cancel out the initial donation with a similar donation of their own to keep the incumbent in office. The same logic says that similar events will occur regardless of who receives the first contribution or how much money it is, as long as the race is perceived close enough that such a donation could plausibly be the determining factor. However, this assumption contradicts that logic. Super PAC money is different from other types of donations. The lack of restraints on large sums of cash and the general newness and uncertainty of what patterns Super PAC financing (especially leading up to the 2010 election) would follow means that Super PACs do not necessarily resemble other forms of campaign financing or at least not yet (Tedford 2010; Weiss 2010). While in the future Super PACs may settle in to the same traditional practices and norms we see in traditional campaign financing, the uncertainty due to the novelty of Super PACs, combined with other important features of Super PACs, forms the basis for this assumption.

A related concern is that Super PACs simply inflate the costs of elections. This concern states that, for example, rather than \$25,000 proving to be a significant sum in a House election, the influence of Super PACs will simply drive up costs, and the same advantage that \$25,000 purchased will soon cost \$250,000. This argument is satisfied with the same logic discussed above. In future elections, the existence of Super PACs may demonstrate no discernible difference in election results or voting behavior other than elevating total expenditures and inflating the cost of an election. However, because 2010 was the first election cycle involving Super PACs, and because the decision had been handed down so close to Election Day (less than ten months prior), Super PACs had not yet inflated campaign spending.

Additionally, legislators see Super PACs differently than observers do. Legislators are unlikely to look long-term and predict inflation. Instead, as Assumption 1 states,

they are focused on the next election. Though Super PACs may eventually inflate costs, House representatives in 2010 are likely to treat them as threats to reelection.

5) *Members of Congress Are Acting in Anticipation*

The nature of the hypothesis testing means that one of two lines of reasoning must be followed: members of Congress are acting in anticipation of Super PACs or that they are reacting to Super PACs. The first would entail comparing roll call votes within the 111th Congress (during which the Supreme Court decided *Citizens United*) while the second would entail comparing roll call votes between the 111th Congress and the 112th Congress. This is a difficult choice to make, but applying Mayhew's theory (see Assumption 1) helps the decision. Mayhew's theory states that members of Congress will act in a way that gives them the best chance for reelection (Mayhew 2004). Thus, members of Congress learn to react to changes in the electoral and political environment in a way that will not harm their reelection chances. Legislators who are more likely to wait and observe the effects that Super PACs have on the next campaign and election before changing their behavior are less skilled politically and are less likely to exist in Congress, lacking the skills important to win an election in the first place.

Hypothesis

Legislators will vote differently on the same issue if he or she received a significant amount of Super PAC money. While all legislators do not vote perfectly consistent, these legislators will essentially vote different *differently* than others do. Their voting patterns will not be consistent with other legislators.

Why 2010?

The first federal elections held since the *Citizens United* decision saw \$63 million in Super PAC spending (Center for Responsive Politics 2010). Although the \$609 million Super PACs spent during the 2012 election dwarfs the 2010 total, much of the 2012 money went to the presidential race between Barack Obama and Mitt Romney (Center for Responsive Politics 2012). Until the 2014 midterms it is unknown just how much money Super PACs with years to organize and raise money will spend on federal elections lacking the excitement and publicity of a presidential race.

Although the 2010 midterms saw a comparatively low amount of Super PAC money, they are a valuable resource for a number of reasons. First, the newness of Super PACs and the uncertainty surrounding their viability and influence means their spending will vary across candidates. This directly addresses Assumption 4 (variance exists in Super PAC distribution of funds). A popular theory arguing against the significance of Super PACs states that in elections money follows money. Simply put, if an outside group contributes or spends \$50,000 backing Representative A then opposing organizations will either notice or be pressed into action by the campaign,

and a similar amount will be spent *opposing* Representative A. In terms of campaigning, these sums will effectively cancel each other out. Super PAC data from 2010, at least in terms of incumbents, shows this is not the case. Among the seventy-two members of the House in the 111th Congress, with Super PAC money spent either for or against them, only nineteen saw money spent both for and against them (Center for Responsive Politics 2010). Of these nineteen, one category often dominated the other. For every Bruce Braley (\$59,032 spent in favor, \$58,107 against), there are three or four Heath Shulers (\$260 for, \$252,378 against). More than half of the nineteen saw more than ten times the amount of money in either the “for” or “against” category as they did in the other.

Another reason the 2010 midterms are particularly valuable for studying Super PAC money is the variance seen in the individual amounts spent, an observation which also directly addresses Assumption 4 (variance exists in Super PAC distribution of funds). Among the sixty-nine representatives with Super PAC money spent in their favor, expenditures range from \$260 in Super PAC spending on an individual candidate to over \$400,000, with an average of \$42,151 (Center for Responsive Politics 2010). Similarly, among the forty-one representatives with Super PAC money spent against them, expenditures range from \$100 to over \$500,000, with an average of \$119,340. It is entirely possible that when Super PACs are more established money will indeed follow money and Super PAC spending will be offset. However, this was not the case in 2012. The data on Super PAC spending in the 2010 election on members of the House of Representatives follows Assumption 4. Future elections will show whether the cause happened to be the newness of and uncertainty surrounding Super PACs or whether it was simply the nature of the unlimited donations themselves.

One trend emerging from the 2010 Super PAC expenditures on representatives is the difference in spending on parties. There are ninety-one representatives with money spent either in support or against them. Of the ninety-one, only four are republicans (Center for Responsive Politics 2010). This disparity makes statistical comparisons by party difficult. Although the average total (Super PAC dollars for, minus Super PAC dollars against) among the ninety-one representatives with money spent in favor or against them is \$24,382 opposing democrats and \$34,190 supporting republicans, a comparison of means tests returns statistically insignificant results due to the low number of republican observations. The contrast in party spending is not shocking (conservative Super PAC spending more than doubled that of liberal Super PACs in 2010), especially considering the data only includes money spent on house incumbents, and the success of republican challengers in 2010. A large portion of the conservative Super PAC money went to GOP challengers. Simple statistical comparisons are also used to reinforce Assumption 4 (variance exists in Super PAC distribution of funds).

Methodology

In an attempt to highlight changes in legislator voting after the 21 January 2010 Supreme Court ruling on *Citizens United*, this study compares roll call votes before and after 21 January by House members from the 111th Congress. However, comparing the frequency of “yay” votes before 21 January, to the frequency of “yay” votes after, does not control for the overall ideology of the subjects of roll call votes. Bills and amendments proposed after 21 January could be more conservative in nature than those proposed before, and legislators would be expected to vote differently regardless of other factors. In order to compensate for this, I utilize anchor legislators to accurately assess the differences between voting behavior before and after 21 January. Anchor legislators should not be expected to change their voting patterns after changes in campaign finance law. Therefore, their roll call votes can serve as reliable baselines with which to compare other legislators. I selected four representatives whose votes can be reasonably expected to be unaffected by *Citizens United*: Todd Akin (R-MO), Jim McDermott (D-WA), Eric Cantor (R-VA), and Steny Hoyer (D-MA). Representatives Akin and McDermott have been among the most reliably conservative and liberal voters, respectively, within the House. Representatives Cantor and Hoyer were among their party leadership during the 111th Congress. With Cantor serving as the minority whip and Hoyer as the majority leader, both were essentially the second-ranked members of the House for their respective parties (as the speaker traditionally does not cast a vote, using the top-ranking representatives was not an option). All four representatives were comfortably reelected in 2010 and will serve as reliably steady baselines in comparisons of votes from before and after *Citizens United*.

The statistical significance of the differences between two samples was determined using paired-differences tests. Specifically, it showed the difference between legislators’ frequency of voting with an anchor before 21 January and their frequency of voting with an anchor legislator after 21 January. The frequencies are numbers between 0 and 1, with 1 representing a voting record perfectly parallel to the anchor. For example, if the roll call votes of a particular legislator match those of Eric Cantor for 70 percent of roll call votes before 21 January and 50 percent after, the difference between Cantor and that legislator’s votes would be $.2 (.7 - .5 = .2)$. Paired-difference tests with four different groups of legislators were run using each anchor: the entire House, members of the anchor’s party, those involved in 2010 elections where more than \$25,000 of Super PAC money was spent, and those who failed in their 2010 reelection bid are each examined separately against each anchor. If the entire body of representatives shows significant differences in voting behavior when comparing pre- and post-21 January votes, that would be a notable finding. However, if significant differences were found only for those legislators who had a significant amount of Super PAC money spent in their election or only for those who lost their reelection bid, then evidence in support of the hypothesis would be even stronger.

Multiple regression is used to test the validity of paired-differences findings by controlling for other potential causes of a change in voting behavior. Four regression models are used, one for each anchor voter. The dependent variable in the multiple regression analysis is the difference between legislators' frequency of voting with an anchor before 21 January and their frequency of voting with an anchor legislator after 21 January. This is the same number tested for statistical significance in the paired-differences tests. If the number is large (meaning, if the legislator voted with the anchor significantly more or less after 21 January than before 21 January) then the hypothesis is supported. What if factors other than the Supreme Court rulings are driving the change in voting? If the change can be attributed to other variables, the ability to attribute findings showing a significant change in voting behavior to campaign finance reform is significantly decreased. The absolute value of this number is taken to measure the magnitude of change in voting ideology compared to the anchor rather than whether the legislator voted with more liberal or conservative tendencies after 21 January.

The four regressions (one for each anchor legislator) incorporate ideology and other control variables, such as ideological intensity and party. Controlling for ideology is vital when evaluating which factors best predict voting behavior. In Poole and Daniels' study on past congressional voting patterns, more than 80 percent of the variance in votes may be explained by the simple one-dimensional liberal-conservative spectrum (Poole and Daniels 1985). Ideology is measured by DW-NOMINATE scores. NOMINATE scores were developed by political scientists Keith Poole and Howard Rosenthal and are commonly used within the discipline by political scientists to measure ideology. The scores are on a -1 to 1 (liberal to conservative) scale based on all roll call votes taken within a particular Congress. DW-NOMINATE (dynamic, weighted NOMINATE) scores allow for direct comparison between members of Congresses across time. Poole and Rosenthal's online database provided roll call votes and DW-NOMINATE scores for members of the 111th House of Representatives (Voteview 2013). Ideological intensity is measured by simply taking the absolute value of a legislator's DW-NOMINATE score.

The Super PAC variable, measuring total dollars spent by Super PACs for or against that individual member of Congress in the 2010 general election, is the variable of interest in the regressions. A statistically significant coefficient would support the hypothesis that changes in campaign finance regulations resulted in members of Congress changing their voting behavior is supported. Other variables in the regression showing significance do not necessarily prove the hypothesis wrong. However, combining statistically significant factors like legislator ideology and party with a non-significant Super PAC money variable would attribute the change in legislator voting behavior after 21 January to non-*Citizens United* factors.

Findings

Numerous paired-differences tests were used for each anchor, results of which may be found in Table 1 of the Appendix. Statistically significant differences exist with virtually every specification, showing that when using “safe” representatives as anchors, members of the House of Representatives in the 111th Congress voted significantly different after 21 January 2010 compared to before. However, comparisons show the differences are found not only among legislators who eventually had significant amounts of Super PAC money spent in their race or only among legislators who failed to win reelection in November 2010. For example, among House members who saw significant amounts of Super PAC money spent in their 2010 election, 52 percent voted with Todd Akin before 21 January and 64 percent after. This 12 percent difference is statistically significant at the 1 percent significance level and shows a clear difference in voting behavior after *Citizens United*. However, there is a 9 percent difference in voting among all members of the House, regardless of Super PAC money spent in the 2010 elections. This difference is also significant at the 1 percent level, showing the 21 January *Citizens United* ruling may not be entirely responsible for the change in voting patterns. Similar significant differences in voting behavior exist when using any of the four anchor legislators. Though promising, these findings are not validated by the regression results.

While significant differences exist between voting behavior before and after *Citizens United*, even when using the votes of anchor legislators as baselines, regression analysis attempts to validate these findings by controlling for ideology. The results of the regression models show the significant differences found in paired mean-comparison tests may be attributed to ideology. The variable of interest, Super PAC dollars spent in that legislator’s 2010 election, is statistically insignificant in all four models. Super PAC dollars spent in 2010 is not a valid indicator of the magnitude of the change in voting patterns after 21 January. These results bode poorly for the hypothesis that the court rulings are to be held responsible for changes in voting behavior within the 111th Congress. The results of the ideology control variables also indicate that the paired-differences tests results may be attributed to other factors.

While Super PAC dollars were shown to be an insignificant factor in all four regression models, ideology-related controls were not. The coefficient on ideology shows statistical significance in three of the four models, meaning that it can be said with 95 percent confidence that ideology is a relevant predictor of the dependent variable, the difference in the frequency with which a legislator votes with an anchor legislator before and after the 21 January Supreme Court ruling. The only model that does show statistical significance on the ideology variable, which is the model with Jim McDermott as the anchor, shows political party as significant at the 1 percent level. Ideological intensity (measured by the absolute value of the ideological score) shows statistical significance in multiple models. A quadratic variable is used to

control for a nonlinear relationship between the difference in voting after 21 January and ideological intensity, but only shows significance in one model. Legislators with extreme ideology scores see a larger change in voting behavior after 21 January when using a democrat as an anchor than when using a republican. Full details on all regression models may be found in Table 2 of the Appendix.

Limitations

Though the statistical findings are inconclusive, the theory that Super PACs influenced congressional voting behavior is not dead yet. Fundamental limitations in the analysis exist, potentially obstructing the observation of a significant relationship.

The Timeframe

Examining legislators' votes within just the 111th Congress is a good way to isolate factors such as party share, outside influences, and public opinion. In fact, examining votes within only the 111th Congress is necessary to test the portion of the theory that attributes uneven variance in Super PAC spending to the uncertainty and novelty of changes brought on by campaign finance reforms such as the *Citizens United* and *SpeechNow.org* rulings. However, the existence of a relationship between legislator voting and Super PAC money may show up if 2012 and, in the future, 2014 elections are included. Although the uncertainty of Super PACs would not exist in later elections at the same levels it did in 2010, Super PACs spent substantially more money in 2012 than in 2010 (Center for Responsive Politics 2012). More money could translate to more attention paid by legislators.

The Legislators

This research was limited to the House because of its higher number of legislators vying for reelection when compared to the Senate. However, the effects of Super PACs on legislators' voting behavior may be more substantial in the Senate than in the House, as Senate elections usually cost significantly more money than House elections (Center for Responsive Politics 2013). One senator among a hundred carries more weight than one representative among 435, so corporations, unions, and other Super PAC donors with big money often choose to focus on Senate races. Even though the problems concerning the low number of senators running for reelection since *Citizens United* still exist today, future data on the Senate may prove more fruitful in identifying links between Super PAC spending on congressional voting.

The Election

The timing of the *Citizens United* and *SpeechNow.org* decisions necessitates that 2010 is the election cycle examined for any campaign fallout. However, 2010 may not be considered a typical election year. Effects of the financial crisis and high unemployment rates were still in full-swing. One of the most controversial health care reforms in decades, the Affordable Care Act, was signed into law. The BP oil

spill put new emphasis on environmental regulation. These domestic influences and the growing concern of the state of European banking and financial operations make it difficult to identify campaign finance reform as the top outside influence over Congress. Every election has pressing issues, but the lasting influence of these, especially the financial crisis, paints 2010 as an exceptional election and an especially difficult year to inspect analytically. This is also shown in the results of the 2010 midterms, when the republicans gained a whopping sixty-three seats to take control of the House.

What Does the Future hold?

While the hypothesis that 2010 campaign finance reform significantly changed congressional voting behavior in the House of Representatives is left unaccepted, the discussion is still valuable in today's considerations on the subject of campaign finance. Debate continues on whether or not the huge sums of money being contributed to political campaigns is necessarily a bad thing. Opponents believe large contributions are likely to lead to preferential treatment by lawmakers toward those who make the contributions and unfairly restrict access for those who do not. Supporters of rulings like *Citizens United* and *SpeechNow.org* will cite the principle of free speech and the belief that more money in elections leads to an increasingly informed and engaged public.

While the Supreme Court's rulings on recent cases involving campaign contributions means strict regulations and limitations are unlikely to take effect anytime soon in the U.S., citizens must still decide whether or not that is a good thing. Weighing the potential for entities to essentially purchase influence with elected officials versus the benefits of more accessible information to educate the public with is not an easy balance to strike. Without the aid of definitive research results, the deliberating will go on.

The repercussions of *Citizens United* and *SpeechNow.org* and their role in bringing Super PACs to the forefront of campaign spending will continue to play an important part in political science academics. Whether further work that tests the relationship between voting behavior before and after these landmark decisions will show significant relationships or not, the landscape of campaign finance has certainly changed.

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APPENDIX

TABLE 1: (Paired-Differences)

Todd Akin (R)	Obs.	Freq. matching Aiken before <i>Citizens United</i>	Freq. matching Aiken after <i>Citizens United</i>		99% Confidence Interval of Difference
Entire House	434	.64	.73	.09	.08, .1
Republicans	178	.89	.93	.04	.04, .05
Sig. Super PAC \$	49	.52	.64	.12	.11, .13
2010 Losers	50	.52	.64	.12	.11, .13
Jim McDermott (D)	Obs.	Freq. matching McDermot before <i>Citizens United</i>	Freq. matching McDermot after <i>Citizens United</i>		99% Confidence Interval of Difference
Entire House	434	.76	.8	.04	.03, .04
Democrats	256	.94	.95	.004	.002, .007
Sig. Super PAC \$	49	.89	.90	.01	-.002, .02
2010 Losers	50	.89	.89	.005	-.004, .01
Eric Cantor (R)	Obs.	Freq. matching Cantor before <i>Citizens United</i>	Freq. matching Cantor after <i>Citizens United</i>		99% Confidence Interval of Difference
Entire House	434	.66	.74	.08	.08, .09
Republicans	178	.9	.94	.04	.03, .04
Sig. Super PAC \$	49	.54	.65	.13	.09, .13
2010 Losers	50	.54	.65	.11	.1, .12
Steny Hoyer (D)	Obs.	Freq. matching Hoyer before <i>Citizens United</i>	Freq. matching Hoyer after <i>Citizens United</i>		99% Confidence Interval of Difference
Entire House	434	.77	.81	.05	.04, .05
Democrats	256	.96	.96	.004	.001, .006
Sig. Super PAC \$	49	.9	.92	.01	-.0002, .03

Of the three confidence intervals that include zero and do not show results at the 1 percent significance level, two show results at the 5 percent significance level. The only one that does not show a significant difference in voting before and after Citizens United with at least 95 percent confidence is the test looking at 2010 election losers with Jim McDermott as the anchor.

TABLE 2: (Multiple Regression)

	Regression 1	Regression 2	Regression 3	Regression 4
VARIABLES	Cantor	Akin	Hoyer	McDermott
Total Super PAC dollars (logged)	0.0004 (0.0006)	0.0002 (0.0004)	0.0004 (0.0003)	0.0003 (0.0002)
Ideology	-0.406** (0.149)	-0.300* (0.125)	0.315* (0.143)	0.212 (0.137)
Party (1=R, 0=D)	0.008 (0.017)	0.022 (0.016)	-0.055** (0.021)	-0.07** (0.021)
Party x Ideology	0.679* (0.297)	0.421 (0.249)	-0.360 (0.279)	-0.163 (0.267)
Ideological Intensity	-0.469** (0.158)	-0.364** (0.134)	0.389* (0.168)	0.277 (0.165)
Ideological Intensity squared	0.0635 (0.035)	0.087* (0.035)	-0.135 (0.075)	-0.125 (0.077)
Constant	0.126** (0.006)	0.135** (0.006)	0.005 (0.009)	0.006 (0.009)
Observations	434	434	434	434
R-squared	.75	.84	.87	.82

Heteroskedastic-robust standard errors in parentheses. ** indicates statistical significance at the 1 percent level, $p < 0.01$, while * indicates statistical significance at the 5 percent level, $p < 0.05$. The *Total Super PAC dollars* variable is the natural log of the total amount of Super PAC dollars spent in that candidate's general election, both for and against. *Ideology* is measured using DW-NOMINATE scores, while *Ideological Intensity* is the absolute value of this score.

The Jewish Factor: A Study of Jewish Judicial Behavior in Religious Freedom Cases

by Alan Hickey

Introduction

On 3 August 1993, Ruth Bader Ginsburg was confirmed as an associate justice to the Supreme Court. Being the first Jewish woman ever appointed to the court, her confirmation marked a great milestone for both women and the Jewish community as a whole. Following her appointment, Ginsburg said

I am a judge born, raised, and proud of being a Jew. The demand for justice runs through the entirety of the Jewish tradition. I hope, in my years on the bench of the Supreme Court of the United States, I will have the strength and the courage to remain constant in the service of that demand. (Ginsburg 1995)

Ginsburg's tie to her Jewish heritage is evident in this quote, even though she is not an actively practicing Jew. And although she is not overly religious, Ginsburg's deep ethno-religious ties to the Jewish community have strongly influenced many aspects of her life as an attorney and her subsequent career as a Supreme Court justice.

Ginsburg's statement raises a broader question concerning how Jewish affiliation, whether ethnic or religious, might influence a Jewish justice on the Supreme Court and how he or she decides certain legal issues. Because Jews are a minority religious group that has faced the brunt of prejudice and discrimination for generations, being Jewish acts as a potential catalyst for political socialization and behavior. This catalyst affects Jewish appointees to the Supreme Court to some degree because of their self-identification with the Jewish ethno-religious identity. This study, therefore, seeks to analyze the effects of the Jewish ethno-religious identity on judicial behavior. To examine issues that might appeal differently to Jews as opposed to justices

affiliated with other religious traditions, the scope of this study is limited to religious freedom cases involving the “Establishment” and “Free Exercise” Clauses of the First Amendment.

As the prevalence of judicial activism affecting salient political issues (i.e., *Roe v. Wade*, the “Prop8” case, etc.) has increased over the twentieth century, legal studies scholars have made great inroads in analyzing judicial behavior at the Supreme Court level. They have created models that examine judicial outcomes, such as the Attitudinal Model, which focuses on how a judge’s political ideology affects decisions; the Strategic Model, which focuses on measuring how judges calculate their decision-making for the best policy outcome down the road matching their ideological beliefs; and the Audience Model, which examines how judicial behavior is affected by the audiences judges are trying to appease. Of all of these models, the Attitudinal Model championed by Segal and Spaeth (1993) is the most vibrant and empirically sound.

Although these models, especially the Attitudinal Model, examine factors that bias judicial decisions, scholars neglect the demographic of religion as a significant predictor of Supreme Court judicial behavior. One reason that religion is overlooked as a viable contributing factor in predicting judicial behavior is because political ideology can overpower religion in empirical analysis. This may be a result of religious traditions’ and denominations’ increased involvement in political action causing an amalgamation of religious and political ideologies. Therefore, drawing exact conclusions about the relationship between religion and politics is difficult because of such multicollinearity issues (Arceneaux and Huber 2007). Jews on the Supreme Court provide an interesting case study to examine how religion might play a measurable role in judicial behavior.

As a minority ethno-religious group, Jews are roughly 2 percent of the U.S. population (Putnam and Campbell 2010) and are overly represented at the Supreme Court (three current justices—33 percent of the court—are Jewish: Ginsburg, Breyer, and Kagan). Because of this high representation, a Jewish bloc vote would play a determining factor on certain cases heard before the court if their Jewish ethno-religious identity played a significant role in how they decided cases. In particular, religious freedom cases may provide special insight into whether Jewish Supreme Court justices’ voting behavior is affected by their ties to a beleaguered ethno-religious minority—their Jewish affiliation may make them prone to sympathy concerning individuals’ religious freedom rights enumerated in the “Establishment” and “Free Exercise” clauses of the First Amendment. Specifically, Jewish justices would have particular feelings regarding citizens’ rights protecting them from government infringement or support of specific religious traditions and allowing them to freely exercise their religious beliefs and practices.

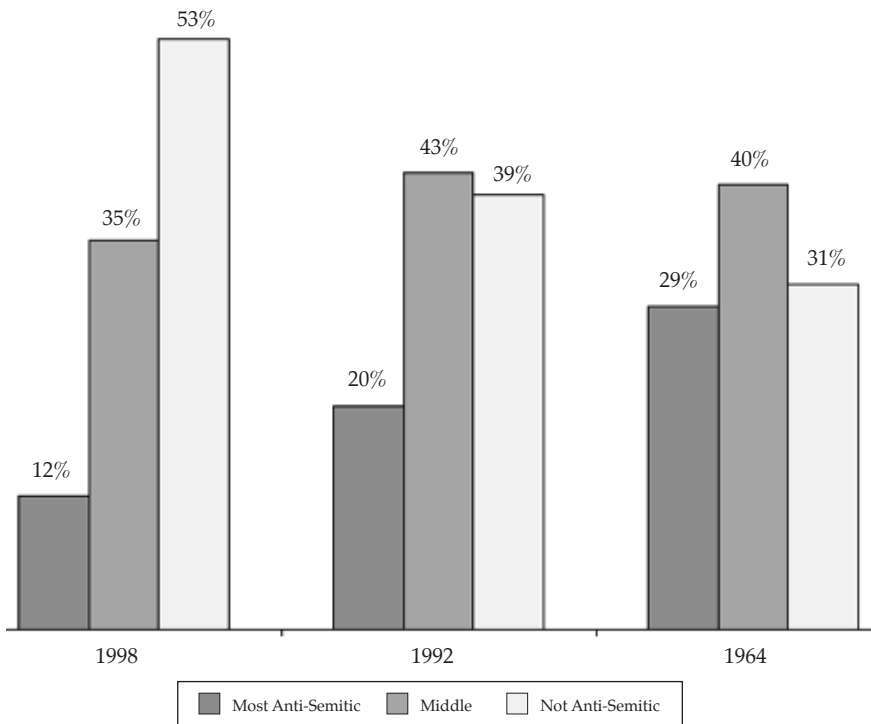
This study's findings reveal that religion plays a minimal factor in determining and predicting Jewish justices' judicial decisions. The regression analysis results reveal a minor, statistically significant relationship between Jewish affiliation and Siske, Heise, and Morriss' Anti-Political Model of judicial voting behavior in religious freedom cases. The empirical analysis also suggests a relationship between a justice's religious affiliation and his or her party affiliation; this finding implies the effect of religion on judicial behavior is partially absorbed into justices' political affiliation, making party identification a potential mediating variable in the analysis that masks the effects of religion. Though the results of this study are not very robust, because of the limitations of a small sample size, they still lean in a positive direction, suggesting there is potentially a correlation between Jewish Supreme Court justices' ethno-religious identity and their voting behavior according to the Anti-Political Model.

Jews as a Beleaguered Religious Minority

Jewish Supreme Court justices' voting behavior relates to Jewish perceptions of their identity as a beleaguered minority in the American setting. This perception stems from a history of abuse and prejudice directed at Jewish immigrants starting their lives in America. Anti-Semitism has affected the Jewish population as a whole, both as a religious group and an ethnic group, because it caused prejudice to arise en masse against Jews in the U.S., barring them from employment, recognition, and equal treatment before the law (Karfunkel and Ryley 1978; Liebman and Cohen 1990, 42-50).

Following WWII and the establishment of the state of Israel, anti-Semitism began to dissipate among U.S. citizens as the atrocities of the Holocaust became common knowledge. This dissipation has occurred gradually as religions have had to come to terms with their anti-Semitic teachings and beliefs (Glock and Stark 1966), but the candidacy of Joe Lieberman and the significant participation of Jews in American politics stand as an evidence that Jews are being accepted into American society (Shribman 2004). Further, the upward mobility of Jewish citizens from low-paid urban jobs to levels of higher education and better employment became a contributing factor in the dissipation of anti-Semitism, and the stigma of the low-class Jewry began to be erased (Tress 1998).

Multiple surveys funded by the Anti-Defamation League of B'nai B'rith (ADL) add empirical evidence supporting the dissipation of anti-Semitism after WWII. The survey results revealed that in 1964 "approximately three-in-ten (29 percent) of Americans held a significant number of anti-Semitic beliefs" ("Anti-Semitism and Prejudice in America"). This number reduced to 20 percent in a 1992 survey and fell again to 12 percent in a 1998 survey (Ibid.). These results confirm a changing attitude toward American Jews, which relates to their assimilation into American culture.

FIGURE 1: Decline in Level of Anti-Semitism Since 1964

Source: Anti-Semitism and prejudice in America: Highlights from an ADL Survey - November 1998. Anti-Defamation League. http://archive.adl.org/antisemitism_survey/survey_i.html#UqArCmRDshX [accessed 5 December 2013].

As prejudice and discrimination began to dissipate following the war, the effects of Hitler's systematic extermination of Jews led to a common ethno-religious, Jewish identity that bonded Jews across the world to the grief and pain associated with the loss of so many friends and loved ones. This common burden borne by the Jewish community inspired pride, a nationalistic spirit regarding the newly formed Jewish state of Israel, and a new Jewish identity—an identity founded more upon the Jewish history and culture rather than its religious doctrine and practices (Jewish Identity). This Jewish identity has given rise to generations of American Jews who are invested in their Jewish heritage and feel more connected with the American experience as they have assimilated into American culture. This assimilation has caused a divide between orthodox and ethnic Jews concerning their acceptance into American society, but overall, increasing tolerance has limited the marginalization of the Jewish tradition (Rebhun and Levy 2006; Alper and Olson 2011).

Even though Jews have greatly assimilated into American culture and become less religious over time, justices on the Supreme Court have shown their support for women and minority groups through their professional roles as attorneys and judges. Two examples of Jewish justices on the Supreme Court who have participated in the support of Jews and other minority groups are Justice Brandeis and Justice Ginsburg. Justice Louis Brandeis, a son of Jewish immigrants from Kentucky, spent much of his legal career in New York championing the cause of Zionism as a way to save “oppressed Jews abroad” (Feldberg 2013). Justice Ginsburg spent part of her career as an attorney working in conjunction with the ACLU for the advancement of women’s rights (Halberstam 1998). Ginsburg placed her passion against discrimination in the context of her Jewish experience when, during her nomination hearing she stated

Senator Kennedy, I am alert to discrimination. I grew up during World War II in a Jewish family. I have memories as a child, even before the war, of being in a car with my parents and passing a place in [Pennsylvania], a resort with a sign out in front that read: “No dogs or Jews allowed.” Signs of that kind existed in this country during my childhood. One couldn’t help but be sensitive to discrimination, living as a Jew in America at the time of World War II. (Justice Ginsburg, quoted in Halberstam 1998)

These examples illustrate that Jewish justices’ ethno-religious identity is tied to their support of women and minorities. This support may translate over to their views regarding the advancement of religious freedom for religious minority groups and religious traditions in general.

Judicial Behavior and Religion Theory

This study is grounded in multiple theories of religion, politics, and judicial behavior. Currently, the focus of empirical analysis of judicial behavior has been primarily limited to the study of political ideology, strategic decision-making, and audience influence (Segal and Spaeth 1993; Epstein and Knight 1998; Baum 2006). Although these theories aid in predicting judicial decisions, they are limited in scope. The demographic factor of religion is used as a control in empirical analysis, but it is largely neglected as a possible salient influence of judicial behavior. Because of religion’s power to socialize individuals and even mobilize them to political action, its role in affecting political behavior should be examined in the context of the judiciary (Wald, Silverman, and Friday 2005).

Many studies have shown strong correlations between religiosity and political behavior in the electorate, noting that an individual’s level of religiosity is a strong predictor of party affiliation (although Black Protestants do not fit this exact mold) (Putnam and Campbell 2010; McDaniel and Ellison 2008). Beyond the ideology of the electorate, studies show religion has a salient effect on voter mobilization and the outcomes of presidential and congressional elections (Converse 1966; Wilson 2007;

Wilcox and Robinson 2011). Important steps have been made in the analysis of religion's effect on judicial behavior at the state and lower federal court levels, but the academy is largely silent on the relationship between religious tradition and the judicial decision-making of Supreme Court justices (Songer and Tabrizi 1999; Sisk, Heise, and Morriss 2004).

Arguably, the lack of empirical data on Supreme Court justices' religiosity and the efforts made to detach the court from the influence of public opinion limit the avenues available to study religion's influence on Supreme Court decisions. This does not mean all roads for research are blocked. The study of judicial behavior through the Attitudinal Model provides a framework for analyzing the attitudes of justices on specific issue areas relying mostly on the situation of individual cases rather than the objects, or individuals, involved (Segal and Spaeth 1993). These situations, or facts, of individual cases are an objective means for delineation of the differences between justices' attitudes on certain legal subjects. Examining whether religion or political ideology significantly influences Jewish behavior on the Supreme Court is possible because of this general model.

Overall, the Attitudinal Model is focused on examining and predicting judicial behavior through the lens of political ideology, treating Supreme Court justices as quasi-politicians. Segal and Spaeth submit that justices will "vote" in cases according to their political ideology rather than relying on historical interpretivism, precedent, or the intent of the founding fathers. The Attitudinal Model sprung from the legal realist movement of the 1920s, which focused on how justices have the power to create law through their office in highest court and will make decisions in cases to further their policy goals (Segal and Spaeth 1993, 66–69). Although the attitudinal model does an adequate job examining the potential effects of political ideology on judicial behavior, a different model is needed to examine the relationship between Jewish ethno-religious identity and judicial behavior on the Supreme Court.

The Anti-Political Model used to analyze judicial behavior in lower federal courts for cases involving the Free Exercise and Establishment clauses has the capacity to measure more exactly the influences of Jewish judicial behavior at the Supreme Court level (Siske, Heise, and Morriss 2004). This model, created by Siske, Heise, and Morriss in their study of federal religious freedom cases, explained how judges "split their vote" and decide differently when hearing Free Exercise cases rather than Establishment cases; judges following this model tend to be supportive of government protections of citizens' rights to practice their religion but have a strict view of the separation of church and state and desire for the court to remain neutral in such cases and not promote government support of religious organizations. The judges "advocate a vigorous judicial protection of the free exercise of religious practice, while simultaneously seeking to erect a high wall of separation of religion from political

action, based upon a consistent theory of religious freedom” (511). Siske, et al. called this model anti-political because

it is an approach that views the judiciary as the better-suited institution to protect fundamental religious freedoms (through judicial enforcement of religious exemptions under the Free Exercise Clause) and also opposes entanglement of the political branches with religion and religious institutions through enactment of legislatively-enacted favors or administrative accommodations (thus envisioning a stronger limitation on such political action through application of the Establishment Clause). (Ibid., 511)

This model has a positively high association with Jewish and other Christian affiliated judges, making it the best model to use in conjunction with the Attitudinal Model to measure Jewish judicial behavior in Supreme Court decisions on religious freedom cases (514).

In relation to the Anti-Political Model, defining how someone’s religious affiliation is measured is important. To examine religion’s role in affecting judicial behavior for this study, religion was examined through the lens of how different, self-identified religious traditions represented on the Supreme Court view religious freedom (Kellstedt, et al. 1996). By measuring religion this way, the ethnic and religious elements of the Jewish ethno-religious identity are combined.

Not only may religion be measured by a person’s belonging to a religious sect, but also it can be measured by his or her “religiosity.” Scholars can measure religiosity in a number of ways—church attendance and daily prayer are two large indicators of religiosity (Putnam and Campbell 2004; Finke and Starke 2005). For the purposes of this study, religiosity is not used as a measure of religious affiliation because of the lack of religiosity data for Supreme Court justices. Due to the propensity of religious traditions to lean toward opposite ends of the ideological spectrum, examining empirical significance of differing religious groups’ views on religious freedom provides enough contrast to show if being Jewish affects a justice’s voting behavior in religious freedom cases.

Hypotheses

The nature of this study contrasts the viability of the Attitudinal and Anti-Political Models in predicting the judicial behavior of Supreme Court justices. These contrasting models provide different theories for judicial behavior and competing hypotheses for this study.

Because Jews have a history as a beleaguered religious minority their sympathies lie in protecting the rights of other beleaguered religious minorities. This characteristic of the Jewish community should be found in the judicial voting behavior of the Jewish Supreme Court justices. Therefore, for this study, I make the following hypothesis:

H_{AP}: The effects of Jewish affiliation on judicial decision-making in religious freedom cases will be statistically significant and positively correlated to the Anti-Political Model.

In contrast, because Supreme Court justices have agendas and individual policy goals concerning legal issues, they will behave in accordance with their political ideology rather than their religious or ethno-religious. This view would presuppose the following hypothesis:

H_{AT}: The effects of political ideology on judicial voting behavior in religious freedom cases will be statistically significant and support the Attitudinal Model as the strongest measure for predicting how justices decide cases.

Data and Methodology

For this study, I used the U.S. Supreme Court Justices Database compiled by Lee Epstein and her colleagues (Epstein, et al. 2013). This database includes information on all official nominees to the Supreme Court who went before a Senatorial confirmation hearing. The information that will be used from this database will include measures of religious tradition, prior judicial experience, gender, and race.

Both of the contrasting independent variables in my study, Jewish religious affiliation and political ideology, are quantified through the U.S. Supreme Court database. For my purposes the religiosity of Supreme Court justices is negligible. The self-identification of justices to a specific religious tradition was the important factor. Jews, whether practicing or not, have deep ties to the ethno-religious heritage of the Jewish minority; therefore, self-identification is sufficient to quantify this independent variable.

As for political ideology, it is quantified through the party identification of each justice as defined in Epstein, et al. This may seem to be a crude means of measuring the political ideology of members of the Supreme Court due to the wide spectrum that political ideology is measured, but for the purposes of this study, the high correlation between political ideology and party identification support the use of a justice's party affiliation as a measure of their ideology.

Further data was used from the Chicago-Kent College of Law, which lists cases by issue. These "issues" are first divided into main categories such as "First Amendment" or "Due Process" and then further differentiated into sub-categories like "Freedom of Speech," "Free Exercise Clause," "Establishment Clause," and "Prisoners' Rights." From these issue lists, I selected twenty cases involving the Establishment and Free Exercise Clauses when a Jewish justice was part of the court's decision. Cases "involving" the Establishment and Free Exercise Clauses were those that had majority and minority opinions based in the legal analysis and interpretation of these constitutional clauses: "1) Congress shall make no law respecting an establishment of religion, or 2) prohibiting the free exercise thereof" [numbering added]. For purposes of this study, being "part of the court's decision" did not include justices who

abstained from voting by recusing themselves. The time period of these cases spans from 1961 to 2006 and involved six of the eight Jewish justices who have served on the court: Justices Frankfurter, Cardozo, Goldberg, Fortas, Ginsburg, and Breyer (Oyez).

The dependent variable in my study is the justices' voting behavior in religious freedom cases. In this study, religious freedom cases referred to cases involving the Free Exercise and Establishment Clauses in the First Amendment. Cases involving the Free Exercise Clause are those involving challenges to state and federal laws restricting religious practices. Cases involving the Establishment Clause are those involving challenges to state or federal laws that directly support, or appear to support, religion by closing the gap between church and state. The twenty cases chosen for this study rely strictly upon these two clauses and were thus coded as cases involving these two clauses by the Chicago–Kent Law School.

The information for coding variables used in this study's regression analyses was lifted from U.S. Supreme Court Justices Database (Epstein, et al. 2013). The first variable of "religious group" includes measures of justices' religious affiliation—the justices involved in the twenty cases used in this study represent the following religious groups and denominations: "Baptist," "Episcopalian," "Jewish," "Lutheran," "Methodist," "Presbyterian," Protestant," and "Roman Catholic." For the purposes of regression analysis, these religious traditions were grouped together: "Mainline Protestants," which included the "Episcopalian," "Lutheran," "Methodist," "Presbyterian," and "Protestant" (this religious tradition stands as a place holder for justices who were not evangelical but affiliated with a kind of Mainline Protestantism) was left out of the regression and served as the baseline for comparison; "1" represented "Baptists," the sole category of Evangelical Protestants in the study; "2" represented "Roman Catholics," and "3" represented "Jewish." In determining the "Mainline Protestant" category for this study, I assumed that these individuals are predominantly white and follow a Mainline Protestant tradition regardless of the denominations they belong to (because of the overrepresentation of Mainline Protestants on the Court, this assumption seems reasonable).

The variable of "party" includes each justice's supposed party affiliation prior to his or her nomination to the court. For this variable, I assumed that political ideology and party affiliation are highly coded in order to test the Attitudinal Model. "Party" was coded as follows: "-1" represented the republican justices, "0" represented the Independent justice, and "1" represented the democratic justices.

The control variables of gender and race were both coded as dummy variables. Gender was coded so that "male" equals "0" while "female" equals "1." For race, "white" equals "0" and "black" equals "1." Whether a justice served as a federal court judge or not is the last control variable that was coded to represent which Federal Court Circuit the justice served in.

Some may ask why political affiliation was not used as a control variable for the first probit regression of the study. After running multiple statistical tests, the

inclusion of the justices' political affiliation showed multicollinearity issues when tested with religious tradition. The political affiliation variable strongly overpowered religious tradition variables and skewed other control variables. To get the most accurate results concerning the relationship between affiliating with the Jewish religious tradition and judicial voting behavior, I dropped the political affiliation variable from the first regression and included it in the second regression to contrast the predictive power of the Anti-Political and Attitudinal Models.

The crux of this study relies on the proper coding of these twenty cases. The purpose of this study is to expound upon the previous work of Sisk, Heise, and Morriss' examining religious freedom cases at the federal court level. To simulate a test of their Anti-Political Model, I used their coding of free exercise and establishment clause cases. Their coding is as follows:

For purposes of the [Anti-Political] model, a decision upholding a free exercise-related claim is coded as "1"; a decision rejecting such a claim would be coded as "0." Likewise, a decision upholding an establishment of religion challenge to government action is coded as "1," while a decision rejecting the Establishment Clause claim and upholding governmental action related to religion is coded as "0." (514)

First, I performed a cross-tabulation to measure whether Jewish voting behavior in these twenty cases is similar to Sisk, Heise, and Morriss's findings that 99 percent of federal Jewish judges follow the Anti-Political Model (514). This simple cross-tabulation compares justices' voting behavior to their religious affiliation. I then performed another cross-tabulation to examine the substantive strength the Attitudinal Model might have in predicting the same kind of voting phenomena examined by the Anti-Political Model. Following the cross-tabulations, I performed two probit regressions using the twenty cases to test the relationship between the Jewish ethno-religious identity and judicial voting behavior and the relationship between party affiliation and voting behavior, controlling for gender, race, and a justice's previous federal court experience.

Further, I used clustered standard errors to indicate that the voting behavior of justices may be correlated within cases but independent between different cases. The first of these regressions identifies the statistical significance of being Jewish as a factor in predicting outcomes for religious freedom cases. This regression excludes the "party" variable to examine what effects religion might have on judicial voting behavior without the influence of political ideology. The second probit regression includes "party" and the same control variables as the first regression.

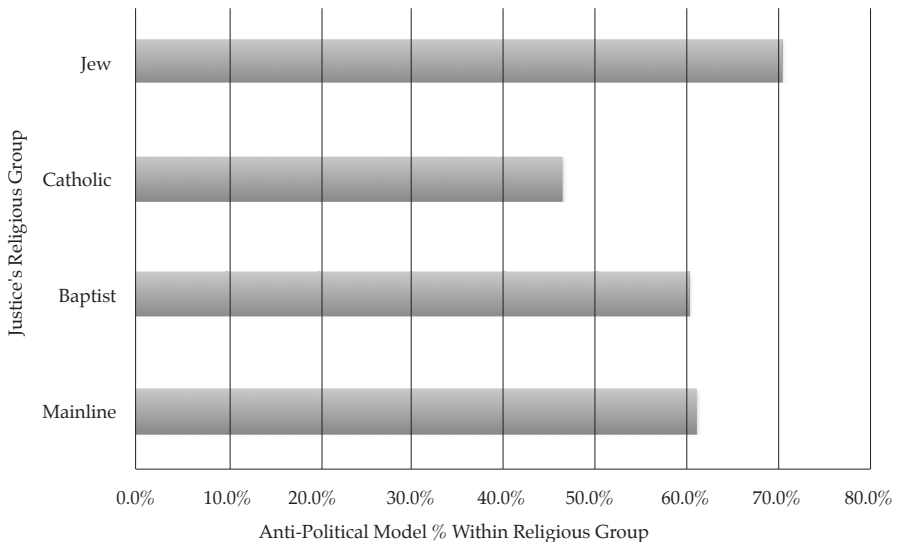
Following the probit regression analyses, I used a simple OLS regression to test the relationship between the "party" variable and the different religion dummy variables. I used both clustered and robust standard errors and included the same control variables in this regression that were used in the probit regressions. This is not a true form

of mediation model but is suggestive of the reason for the multicollinearity issues that occur when including both the party ID variable and the religion dummy variables.

Results

The first cross-tabulation examining the relationship between Jewish ethno-religious affiliation and judicial voting behavior returned positive results supporting Sisk Heise, and Morriss's Anti-Political Model at the Supreme Court level. When comparing the different justices and their voting behavior by religious tradition, I found that 70 percent of the Jewish vote followed the Anti-Political Model, meaning that a justice supports claims under the Free Exercise Clause and upholds Establishment Clause challenges against the government. Sisk, Heise and Morriss's study also found that "Other Christians," a group consisting of non-Catholics with a general Protestant affiliation, significantly supported the Anti-Political Model. The "Protestant" group of justices, a similar group, was the only group that had a higher percentage supporting the Anti-Political Model than the Jewish justices (See Appendix). To simplify the model, these general "Protestants" were categorized as "Mainline Protestants." These substantive findings show that Jews and "Protestants" are prone to vote a certain way in religious freedom cases and reveal a high propensity for Jews to vote following the Anti-Political Model.

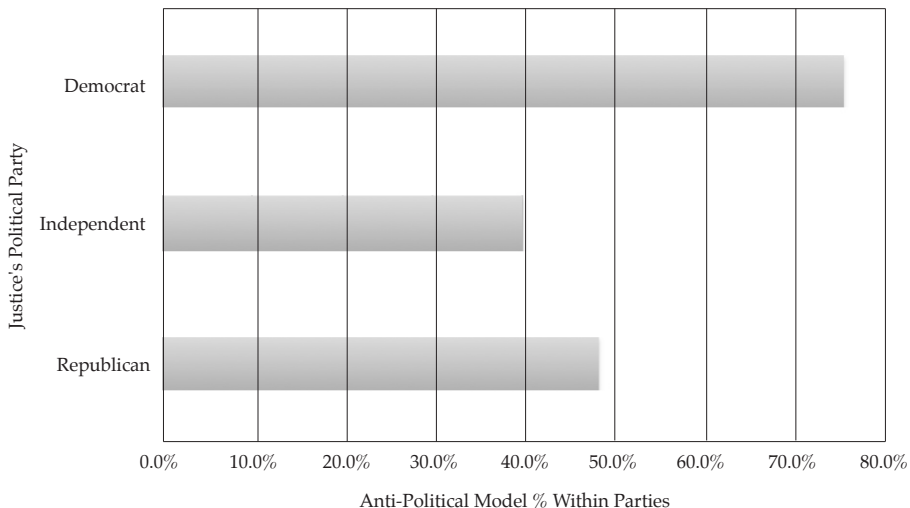
FIGURE 2: Percentage of Justices' Votes that Follow the Anti-Political Model by Religious Group



Note: This figure is compiled using the data from the "Percentage of Judicial 'Anti-Political' Voting Behavior by Religious Affiliation" table in the Appendix.

The second cross-tabulation examining the substantive relationship between a justice’s party affiliation and voting behavior provides a different explanation for a justice following the Anti-Political Model’s pattern of voting. According to the cross-tabulation, over 75 percent of the Democratic justices followed the Anti-Political Model’s voting behavior, supporting free exercise claims while also supporting challenges to government support of religion. Both independents and republicans on the court followed the voting pattern less than 50 percent. This substantive finding brings into question whether political ideology or party ID can explain judicial voting behavior as well or better than religion.

FIGURE 3: Percentage of Justices' Voters that Follow the Anti-Political Model by Party

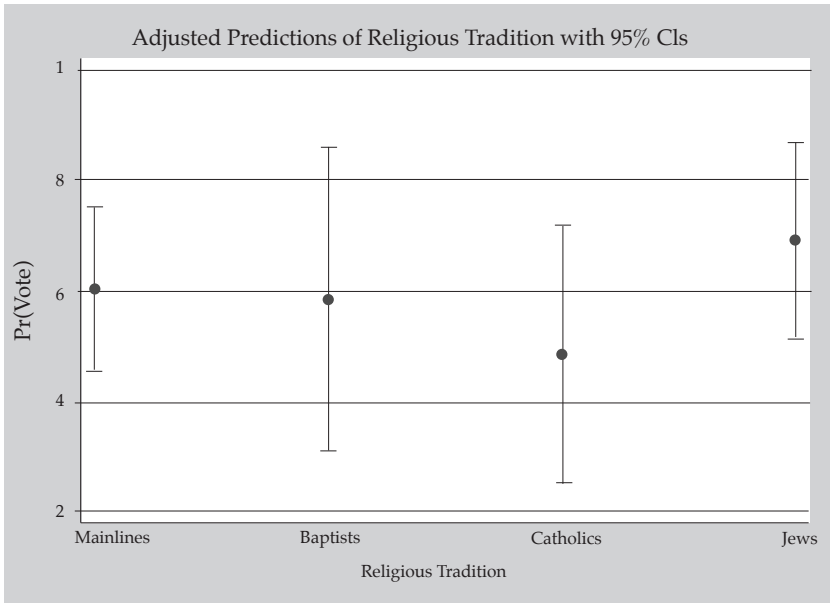


Note: This figure is compiled using the data from the “Percentage of Judicial ‘Anti-Political’ Voting Behavior by Party” table in the Appendix.

This study’s more rigorous probit analyses revealed 1) a slim margin of significance that being Jewish has a positive effect on judicial voting behavior and 2) the overpowering nature of the political ideology variable. The first probit analysis showed that being Jewish had a statistically significant effect on voting behavior when compared to a baseline of “Mainline Protestant” justices using a one-tailed test and also controlling for gender, race, and previous federal court service. The coefficient for Jewish justices is 0.239, which means that being Jewish (an increase from 0 to 1) increases the predicted probability of a justice following the Anti-Political Model of voting behavior. The predicted probability of a justice following the Anti-Political

Model of voting behavior is 0.69 for Jewish justices, while the predictive probability is only 0.60, 0.58, and 0.49 respectively for Mainlines, Baptists, and Roman Catholics. Being Jewish, therefore, has a higher predictive probability of following the Anti-Political Model than the other religious traditions. The marginal differences between the predicted probabilities may seem small, but there are differences.

FIGURE 4: Predicted Probabilities of Supreme Court Voting Behavior by Religious Group



Note: This graph was created using the marginsplot command in Stata 13. The predicted probabilities were found by holding gender, race, and federal court experience constant at their respective means. Confidence intervals are large because of a small sample size.

According to this finding, Jewish Supreme Court Justices are influenced by their ethno-religious affiliation like their Jewish counterparts on federal courts. These results were found to be statistically significant between the 90 percent and 95 percent confidence levels using a one-tailed test.

The second probit regression revealed the power of political ideology and the Attitudinal Model as a predictor of judicial behavior. When the “party” variable was included into the regression, every coefficient of the control variables were skewed, even causing the Jewish coefficient to change from positive to negative reversing the positive correlation that existed in the first probit regression. Another change from the first probit regression was the change in the Baptist and Jewish variables

TABLE 1: Probit Regressions of Religion's Effects on Voting Behavior in Religious Freedom CasesDependent variable: *Judicial Voting Behavior in Religious Freedom Cases*

Variables	Effects on Judicial Voting Behavior	
Baptist	-0.048	-0.703**
	(-0.220)	(-0.205)
Catholic	-0.295	-0.411
	(-0.288)	(-0.311)
Jewish	0.239 ^x	-0.657**
	(-0.167)	(-0.313)
Served on Federal Court	0.000	0.000
	(0.000)	(0.000)
Race	-0.202	-0.219
	(-0.223)	(-0.183)
Party		0.580***
		(-0.106)
Constant	0.234	0.774***
	(-0.211)	(-0.264)
Observations	178	178
Robust standard errors in parentheses		
*** p<0.01, ** p<0.05, * p<0.1 ^x p<0.1 for a One-Tailed Test		

Note: Heteroskedasticity-robust standard errors are given in parentheses under estimated coefficients. The *F*-statistics are heteroskedasticity-robust. Coefficients and *F*-statistics are individually statistically significant at the *10% **5%, ***1% significance.

from having little to no statistical significance to being statistically significant at the 99 percent and 95 percent levels respectively. These results suggest that there is some form of relationship between the religion and party affiliation variables.

Without running a complete mediation model to test the exact relationship between the religion and party affiliation variables, I conducted a simple regression with clustered and robust standard errors. This regression revealed that both the

Baptist and Jewish dummy variables were statistically significant at the 95 percent level, meaning that with 95 percent certainty these religious groups have an effect on a justice's party affiliation. Both religious coefficients are positive, showing that being a Baptist or a Jewish justice increases the likelihood that a justice is also a democrat.

TABLE 2: Regression of Religion's Effects on Party Identification

Dependent variable: *Party ID of Supreme Court Justices*

Variables	Effects on Party
Baptist	1.066**
	(-8.44)
Catholic	0.157
	(-1.79)
Jewish	1.541**
	(-6.68)
Served on Federal Court	0.001**
	(-8.15)
Gender	-0.256**
	(-3.2)
Race	0.099
	(-0.38)
Constant	-0.906**
	(-28.84)
R ²	0.51
N	178
* p<0.05; ** p<0.01	

Note: Dependent variable is the party affiliation of each justice. Religion variables are measured compared to the baseline of Mainline-Protestant justice's voting behavior. Clustered and heteroskedasticity-robust standard errors are in parentheses beneath the coefficients.

Conclusion

The seemingly contradictory results of this study shed a little light on the complicated relationship between the Anti-Political and the Attitudinal Models that seek to explain judicial voting behavior. One of the difficulties of this study is the

high level of multicollinearity between the religion and political affiliation variables. Trying to separate and determine the overlap between the exact effects of religion on judicial decision-making or of religion through the intermediary of political ideology on justices' voting behavior is difficult. This makes it difficult for regression analysis to clearly define the power that religion has in either model.

Although Jewish ethno-religious affiliation does not have a very robust effect on how a justice votes when tested without the party affiliation variable, these results add weight to the argument that religion has a measurable effect on judicial behavior. It is important to see that a 0.2 difference between the predicted probabilities of Jewish and Roman Catholic justices is sizable on a 0 to 1 scale. This difference proves intriguing when comparing Catholics, a widely persecuted, Christian sect in America that remained on the outside of politics until the early to mid-twentieth century, to Jews, who are rising from the ashes of previous discrimination and entering more fully into the political jungle. One would think that the Catholics and the Jews would be more similar in their voting behavior because of similar struggles related to discrimination as religious groups, but that is not the case. With three Jewish justices currently on the court, the higher probability of following the Anti-Political Model could result in a higher proportion of cases decided in favor of free exercise issue and against government involvement with religion.

Even with minimal significance supporting the hypothesis that Jewish ethno-religious identity has an effect on judicial voting behavior, one must realize that by including the party affiliation variable the regression became skewed in many directions with the "party" variable being highly statistically significant. These results, with the statistically significant relationship shown in the simple regression, suggest the Attitudinal Model is a strong predictor of judicial voting according to the anti-political voting pattern with the effect of Jewish ethno-religious identity playing a subordinate role, possibly having some of its effects mediated through the "party" variable.

However, it is important to note the limitations of a small sample size for this study (twenty cases, 178 votes) did not completely eliminate the statistical significance of the relationship between Jewish judicial affiliation and justice voting behavior. Therefore, it may be assumed that as more religious freedom cases come before Jewish justices, the theory behind this study could be proved more extensively. A further limitation being that only eight Jewish Supreme Court justices have served in the twentieth and twenty-first centuries, the strength of the Anti-Political Model should increase as the number of Jewish Supreme Court justices increases as well.

The general finding of this study reveals there are influences other than political ideology that may affect the voting behavior of Supreme Court justices, even though the Attitudinal Model remains a strong predictor of judicial voting behavior. Although there has been a limited number of Jews on the Supreme Court, they

are over-represented in the judiciary. By understanding how their religion may influence their voting behavior, academics may more easily predict the kinds of decisions that the Jewish justices will make. Future research should expand the kinds of cases that are examined in relation to the religious beliefs of Supreme Court justices and their voting behavior. Also, because of the small sample size of the different types of cases, establishment and free exercise, I chose not to test them independent of each other. Future research should examine each type of case and see if the Anti-Political Model holds in both camps at the Supreme Court level.

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APPENDIX

Percentage of Judicial “Anti-Political” Voting Behavior by Religious Group

Notes: “Frequency of Vote” means the number of judges who voted either following the Anti-Political Model (Vote=1) or not (Vote=0).

Simplified Percentage of Judicial “Anti-Political” Voting Behavior by Religious Group

Notes: “Frequency of Vote” means the number of judges who voted either following the Anti-Political Model (Vote=1) or not (Vote=0).

Percentage of Judicial “Anti-Political” Voting Behavior by Party

Notes: “Frequency of Vote” means the number of judges who voted either following the Anti-Political Model (Vote=1) or not (Vote=0).

List of Cases Used in Study

Establishment Clause Cases

1. *Abington School District v. Schempp*, 374 U.S. 203 (1963)
2. *Capitol Square Review Board v. Pinette*, 515 U.S. 753 (1995)
3. *Chamberlin v. Dade County Board of Public Instruction*, 374 U.S. 487 (1963)
4. *Cutler v. Wilkinson*, 544 U.S. 709 (2005)
5. *Epperson v. Arkansas*, 393 U.S. 97 (1968)
6. *Good News School v. Milford Central School*, 533 U.S. 98 (2001)
7. *McCreary County v. ACLU of Kentucky*, 545 U.S. 844 (2005)
8. *McGowan v. Maryland*, 366 U.S. 420 (1961)

9. *Rosenberger v. University of Virginia*, 515 U.S. 819 (1995)
10. *Santa Fe Independent School District v. Doe*, 530 U.S. 290 (2000)
11. *Two Guys v. McGinley*, 366 U.S. 582 (1961)
12. *Van Orden v. Perry*, 545 U.S. 677 (2005)

Free Exercise Cases

1. *Braunfeld v. Brown*, 366 U.S. 599 (1961)
2. *City of Boerne v. Flores*, 521 U.S. 507 (1997)
3. *Gallagher v. Crown Kasher Super Market*, 366 U.S. 617 (1961)
4. *Gonzales v. O Centro Espirita Beneficenteuniao do Unaio Vegetal*, 546 U.S. 418 (2006)
5. *Presbyterian Church v. Hull Church*, 393 U.S. 440 (1969)
6. *Sherbert v. Verner*, 374 U.S. 398 (1963)
7. *Torcaso v. Watkins*, 367 U.S. 488 (1961)
8. *Watchtower Bible and Tract Society of New York v. Village of Stratton*, 536 U.S. 150 (2002)

Populism and the 2005 Iranian Presidential Election

by John Gibbons

"We shall put the fruits of oil wealth on the ordinary person's dinner table" (Ehsani 2006; Tait 2006).

Causes of Populist Electoral Victory

In 2005, former mayor of Tehran and political lightweight Mahmoud Ahmadinejad shocked the world with an unexpected victory in the Iranian presidential elections. Perhaps even more bizarre than his surprising second-place finish in the first round of voting was his complete domination of the second, run-off round against Akbar Rafsanjani, a former president of Iran. The news media was quick to label Ahmadinejad as a populist, and indeed his discourse did have comparatively strong populist elements (Hawkins 2010). Assuming Ahmadinejad is a populist, how did he come to power? Specifically, does his meteoric ascent to Iranian political glory fit the standard "recipe" for populist electoral victories?

Hawkins (2010) researched and empirically tested various causal theories of populism, and he found that aggregate country-level data disproved mass society and structuralist causal theories of populism but confirmed economic and corruption theories. Specifically, the "economic voting" causal theory posits that "populist movements are driven by repeatedly bad economic performance, especially when this performance is repeated across governments from prominent parties" (Hawkins 2010, 134). Hawkins found that this theory was partially supported by empirical data (2010, 136). The "corruption and democratic norms" causal theory, on the other hand conceives of populism as a normative response to crises of legitimacy resulting from widespread systematic violation of the rule that citizens can construe as corruption; it requires not only some policy failure, but also a backdrop of

political institutional failure that populist discourse can sensibly interpret as a violation of democratic norms (Hawkins 2010, 148).

The correlation, Hawkins found, between both perceived corruption and actual corruption and the election of a populist executive was strong (2010, 151).

This, therefore, is the causal mechanism for populism: economic disappointment, combined with widespread corruption, can produce electoral victory for populists. I say *can produce* because Hawkins makes clear these are only necessary but not sufficient conditions for populism, and more research needs to be done on what exactly “ignites” these conditions with populism (2010, 160–65). Can we see these causal mechanisms in the case of the 2005 Iranian presidential elections? Did these causal mechanisms operate in one round of the election voting but not the other? If the election does fit the “recipe,” what was the additional factor that ignited the political kindling? I believe Ahmadinejad’s victory in the 2005 presidential election does, indeed, fit this pattern, and corruption and economic disappointment played a major role in the electoral results.

Widespread Corruption as a Causal Factor

There is little question that corruption infests Iranian government and society, both before the 2005 election and now. Iran is always represented poorly in Transparency International’s Corruption Perceptions Index: 2003–2005, Iran received (out of 10) 3.0, 2.9, and 2.9, placing it 78th, 87th, and 88th, respectively, out of the world’s countries (Transparency International). Similarly, the World Bank’s Worldwide Governance Indicators assigned Iran an average “Control of corruption” score of -0.48 (on a scale of -2.5, worst, to 2.5, best) for 1996–2005 (World Bank 2013). In a case study of Iran, Mashali (2012) found there is a statistically significant correlation between perceived corruption at the highest levels of government and actual corruption at lower levels. Corruption, then, has a pernicious tendency to spread from top to bottom. As a well-known Iranian has written, “If a king takes and carries away an apple of someone, his soldiers will root out the apple trees” (Saadi, quoted in Mashali 2012, 775).

It is also clear that Iranian voters were both aware and critical of the corruption plaguing their country. Indeed, corruption had become an integral part of the Iranian way of politics. The 2005 World Values Survey found that 45.6% of Iranians said they had “not very much” confidence in the government overall (Medrano, “V138”), 66.0% of Iranians said that they had “not very much” confidence in the press (Medrano, “V133”), 38.7% had “not very much” confidence in the police (Medrano, “V136”), and 50.1% had “not very much” confidence in the justice system (Medrano, “V137”).

It seems this is such a deeply entrenched part of Iranian politics that it has affected the Iranian citizenry’s perception of the world around them. The same survey found that, in response to the question, *Can most people be trusted or do you need*

to be very careful in dealing with people? only 10.5% of Iranian believed most people could be trusted. The remainder—an enormous 89.4%—believed one must be very careful in dealing with people (Question V23). Additionally, a majority of Iranians believe most people would take advantage of them (Question V47). Indeed, a popular Iranian television series, viewed by “90 percent of people with access to a television,” portrays a small Iranian town riddled with corruption (Author unknown 2005). Why is the series so popular? “This comic soap opera may be set about 70 years ago in the little village of Barareh, but Iranian viewers see its corrupt councilors [and] rigged elections . . . as a microcosm of Iran today” (Author unknown 2005).

Nevertheless, although the Iranian people may accept that corruption infests the government, they overwhelmingly oppose it. 72.9% of Iranians believe it is *never* “justifiable for someone to accept a bribe in the course of their duties” (World Values Survey 2005, Question V201). Behzad Mashali (2012) describes the situation this way:

With respect to Iran, it can be said that corruption is a malady without a cure in this country because neither statesmen nor citizens are interested in fighting the menace. In other words, statesmen are interested (with big interest) in corruption and citizens lack the motivation or hope to battle against it (785).

Ahmadinejad, then, becomes the glorious solution to Iran’s corruption problem. As a political “outsider,” Ahmadinejad could (and did) credibly run on a platform to fight corruption, “ascribing Iran’s economic malaise to corruption and bureaucratic incompetence” (Ehsani 2006). He drew attention to his middle-class income, his sparsely furnished house, and the lack of a swimming pool in his backyard (Vick 2005). In fact, virtually all descriptions of Ahmadinejad’s 2005 campaign activities mention his distinctive opposition to governmental corruption: “[his] campaign concentrated on lambasting those who had frittered away the country’s oil wealth” (Ganji 2005, 1). Ahmadinejad himself said the first-round results of the 2005 election were “the nation’s cry against a cross-section of the country’s managers” (Ganji 2005, 1).

This was especially true in the run-off round of voting, which pitted Ahmadinejad, alone, against Rafsanjani, who “is widely considered to be one of the most corrupt politicians in Iran” (Ganji 2005, 1). Anoushiravan Ehteshami and Mahjoob Zweiri write

Rafsanjani, an ally of the father of the Islamic Revolution, Ayatollah Khomeini, is also a billionaire and a highly influential senior politician, and is apparently identified by the poorer classes in Iran with the current corruption plaguing Iranian society.

Ironically, his campaign seemed to make matters worse, for he virtually refused to go out and conduct a public campaign, calculating that people would choose him over the uncertainty represented by others.

His elitism only appeared to validate what had turned Iranians off from the start, reminding them of the dishonesty and cronyism that had been associated with

his presidency. In 2005 there was no real connection between Rafsanjani and the Iranian electorate; his lifestyle had no resemblance to that of an average Iranian (2007, 60).

The second round of the election thus became a cosmic struggle between good and evil: Ahmadinejad, who “presented himself to the public as ‘a conservative with clean hands,’” versus Rafsanjani, the literal embodiment of corruption (Ehteshami and Zweiri 2007, 60). With Ahmadinejad placing such an emphasis on corruption in campaign activities before both rounds of the election (and Rafsanjani making virtually no public appearances), surely corruption must have been at the forefront of Iranian voters’ minds when casting their ballots. “‘We will win the runoff,’ close aide [to Ahmadinejad] Nasser Qomian said. ‘Iranians have felt Ahmadinejad in their hearts. Iranians are fed up with Rafsanjani, who did little to improve the life of the poor,’ he added” (Naji 2008, 85).

Economic Disappointment as a Causal Factor

There was obviously much corruption throughout Iran at the time of the 2005 presidential election but was economic frustration as universally prevalent? The answer to the economic question is not as readily apparent as to the corruption question, since Iran’s economy does not seem to have struggled before the elections. In fact, Iran’s GDP per capita had been dramatically increasing since about 2000 (World Bank 2013). Hawkins (2008) notes that while most of the countries seem to fit the “economic decline” causal theory of populism, that “two of our strongest instances of populist discourse, Bolivia under Morales and Iran under Ahmadinejad, are not well explained by this indicator, and have relatively strong trends of [economic] growth in comparative context . . . Iran’s long-term growth average is actually fairly strong” (135–36).

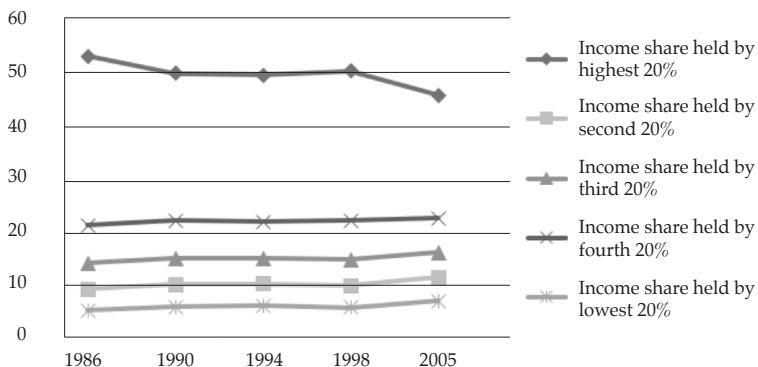
Economic aid for the poor was a central plank of Ahmadinejad’s campaign. One of his best-known campaign slogans was “*We shall put the fruits of oil wealth on the ordinary person’s dinner table*” (Ehsani 2006; Tait 2006). Samii (2006) observed that “Ahmadinejad’s campaign promise that Iran’s oil revenues would end up on Iranians’ tables . . . contributed greatly to his winning the 2005 presidential election.” Rieffer-Flanagan (2013) wrote that “Offering a populist message to improve the economic situation of the poor and the middle class was one of the key aspects of his victory” (93–94). Indeed, the Iranian people “voted for him [Ahmadinejad] because he promised to improve their economic situation, and he was one of the few politicians who were [sic] not perceived to be corrupt” (Rieffer-Flanagan 2013, 94). Yet the question remains, what needed to be improved economically?

As noted before, Iran’s GDP per capita had been improving significantly for several years by the 2005 presidential elections (World Bank, 2013). Shown below in Figure 1, Iranian incomes had, in fact, become modestly more equitable in the years before the elections (World Bank 2013). Salehi-Isfahani (2006) writes that

poverty [in Iran], having substantially declined in recent years, is quite low by international standards and in comparison to pre-revolution years. . . . Significantly, poverty sharply declined and inequality decreased somewhat in the five years leading up to the election. Increased welfare of the poor over the period is also evident in access to basic services, such as electricity and safe water, as well as in ownership of household appliances (“Abstract”).

The Iranian economy does, however, suffer from consistently high unemployment rates. According to the Statistical Centre of Iran (2013), in the years leading up to the election, the Iranian workforce consistently posted double-digit unemployment rates—14.2 percent in the worst year. To test the effect of unemployment on support for Ahmadinejad, I performed a regression on province-level unemployment rates (Statistical Centre of Iran 2013) against percentage of total votes by province cast for Ahmadinejad in both rounds of the presidential election (Princeton University 2013). If voters truly responded to Ahmadinejad’s economic populism, then Ahmadinejad’s percentage of the vote in each province should be positively correlated with unemployment rates. I found no correlation between votes for Ahmadinejad and unemployment rates in the first round of the elections, and actually found a statistically significant negative correlation between votes for Ahmadinejad and unemployment rates in the run-off round (see Figure 2). In other words, as unemployment increased, voters in the second round were *less* likely to vote for Ahmadinejad—the opposite of what was expected. Of course, in both round two regressions, even though the coefficients are statistically significant, the R^2 values are fairly low (0.108835 and 0.349819), which means there are other variables that explain the variance in the votes received by Ahmadinejad, which may reverse the direction of the relationship once accounted for in the regression models.

FIGURE 1: Iranian Income Inequality



Source: World Bank, 2013.

FIGURE 2: Effect of 2005 Unemployment on Votes for Ahmadinejad

Round 1 ($R^2 = 0.005627$)		
<i>Variable</i>	<i>Coefficient</i>	<i>Standard Error</i>
Intercept	23.1443	10.05062
2005 unemployment	-0.34233	0.860014

Round 2 ($R^2 = 0.108835$)		
<i>Variable</i>	<i>Coefficient</i>	<i>Standard Error</i>
Intercept	74.18555	6.09845
2005 unemployment	-0.96498*	0.521834

FIGURE 3: Effect of Five-Year Average Unemployment on Votes for Ahmadinejad

Round 1 ($R^2 = 0.035135$)		
<i>Variable</i>	<i>Coefficient</i>	<i>Standard Error</i>
Intercept	27.52179	8.505799
2005 unemployment	-0.6692	0.662736

Round 2 ($R^2 = 0.108835$)		
<i>Variable</i>	<i>Coefficient</i>	<i>Standard Error</i>
Intercept	79.93975	4.475292
2005 unemployment	-1.35341***	0.348696

For Figures 2 and 3: * = significance at the $p \leq 0.10$ level, ** = significance at the $p \leq 0.05$ level, *** = significance at the $p \leq 0.01$ level.

Based on this data (positive GDP growth and no positive statistical relationship between unemployment and support for Ahmadinejad), I reached the same puzzling question Hawkins (2008, 135–36) encountered in his research: Why is the Iranian populism case such an economic outlier? Why did the Iranian people “[vote] for him [Ahmadinejad] because he promised to improve their economic situation” (Reiffer-Flanagan 2013, 94) if there was so little to improve? If the results in this election fit Hawkins’s model, economic disappointment should be prevalent and an important factor in the outcome of the election. It is clear unemployment was a serious problem, but the data in my regressions suggest Ahmadinejad did not have higher support in provinces with higher unemployment. Where are the economic troubles that drove voters to populism in all but two of the countries examined by Hawkins (2010)? Djavad Salehi-Salehi-Isfahani posits a possible explanation to this paradox in his 2006 research entitled “Revolution and redistribution in Iran: poverty and inequality 25 years later”:

The wide gap between the evidence presented . . . which shows improvement in the welfare of the poor, and popular sentiments in Iran, which indicate worsening poverty and inequality, raises important questions about the political economy of redistribution in Iran. I suggest that in the context of a distributive economy such as Iran's in which wealth accumulation is seen to depend more on political access than individual productivity, more subjective feelings of envy and fairness may matter more than objective indicators of poverty and inequality (2006, "Abstract").

In other words, Iranian voters supported Ahmadinejad not because of actual economic trouble, but because they *felt* impoverished, taken advantage of, and left out of the country's economic gains. As far as vote choice, economic perceptions may certainly be potentially just as powerful as economic realities; if voters *feel* impoverished, that can influence their decision-making even if it is not necessarily based on the true condition of the economy.

Salehi-Isfahani's theory explains empirical data on Iranian attitudes about the role of government in economics and economic conditions. The 2005 World Values Survey found that 59.7 percent of Iranians believe the country's top priority should be ensuring "a high level of economic growth." The same survey found that 68.9 percent of Iranian favor a greater degree of income equality, and 73.38 percent are favorable to the government "tak[ing] more responsibility to make sure people are provided for" (World Values Survey 2013). As far as current economic conditions, 58.9 percent of Iranians are dissatisfied to some degree with their household's financial situation, 61.2 percent believe they are in the lower-middle or lower class, and 62.2 percent believe they are in the bottom 50 percent of the income distribution (World Values Survey 2013). It is clear Iranians in general feel economic frustration, and they believe the government is responsible to provide the answer.

Why does there exist such disconnect between economic perceptions and economic reality among Iranian voters? Salehi-Isfahani (2006) writes:

Most Iranians who express dissatisfaction with their economic system seem to have exaggerated ideas about the size of oil income and are suspicious of how it is distributed. Wild speculations about accumulations of wealth by Iranians inside and outside Iran is indicative of how little information exists about the size and the distribution of the oil rent in Iran. Not surprisingly, corruption rather than reliance on markets is the main reason why Iranians suspect the oil money has not found its way to their dinner table, to paraphrase Ahmadinejad's effective election slogan. . . . Lack of transparency in the Iranian economy in general, and about how the oil rent is distributed in particular thus fuels envy and complicates politics precisely at times when the economy is posed for rapid growth (41).

Salehi-Isfahani's explanation is supported by research on the Iranian economy and government. Popular overestimation of the size of a nation's oil income is common in countries whose economies largely depend on oil rents (Hawkins 2013). It is not surprising that so "little information exists about the size and . . . distribution" of oil profits, since Freedom House has given Iran consistently poor scores in both "political rights" and "civil liberties" every year since 1998, the first year for which scores were available (Freedom House 2013). Even if media freedoms were more liberal in Iran, it would change public opinion little, because 71.1 percent of Iranians have little or no confidence in the press, and only 10.5 percent believe people can be trusted (World Values Survey 2013, Questions V23, V133). Additionally, as has already been discussed, corruption is rampant in Iranian government and society.

Because of the nature of the Iranian economy and the "[l]ack of transparency" in government, Iranians are prone to perceive economic trouble when there exists none in reality (Salehi-Isfahani 2006, 41). It seems, therefore, that Iran satisfies Hawkins' (2010) "economic disappointment" criterion for a populist electoral victory. Even though there exists no actual serious economic troubles (in relative perspective), Iranians exhibit a great deal of economic frustration. Like corruption, economic disappointment is likely to have been at the forefront of voters' minds, since Ahmadinejad made both the centerpieces of his presidential campaign.

"The Spark" to Ignite the Political Situation

Hawkins (2010) is clear that corruption and economic troubles are likely necessary but not sufficient causes of populist electoral victories (160–65). Essentially, corruption and economic woe create the circumstances in which the spark of populism may ignite a successful political movement. More research is needed in the "supply side" of populist movements (Hawkins 2010, 163–65), which Hawkins says could be linked to the availability of a charismatic leader (163–65). Is Ahmadinejad a personalistic leader of the caliber necessary to ignite the conditions for a populist victory? Obviously, Ahmadinejad connected with voters in a way that Rafsanjani could not. Samii (2006) writes that

Western journalists noted Ahmadinejad's popularity with average Iranians when they assessed his standing a year after his election. *The Wall Street Journal*, for example, reported on June 22 [2006]: "The president's popularity is soaring thanks to . . . his embrace of economic populism." "Ordinary people marvel at how their president comes across as someone in touch, as populist candidate turned caring incumbent," *The Washington Post* reported on June 3 [2006], adding that Ahmadinejad shows "a relentless preoccupation with health, housing, and, most of all, money problems."

Ahmadinejad's appeal was based on the way in which he portrayed himself as an average Iranian during the campaign (Vick 2005; Persian Mirror 2005; Rieffer-

Flanagan 2013, 93–94; Ehteshami and Zweiri 2007, 60). Indeed, “[w]hile Rafsanjani courted the reform vote, the mayor of Tehran was selling himself as the people’s champion” (Naji 2008, 82). Vick (2005) further elaborated on the contrast between the presidential candidates:

In an election season that brought slick, Western-flavored campaigning to Iran, Ahmadinejad’s pitch stood out for its austerity. His campaign posters were printed in black and white. A half-hour television special dwelled on the modesty of his home, a traditional Iranian house furnished with only a chair at the desk he shared with his father. “Where’s the swimming pool?” the narrator asked. Several voters had described him as refreshingly authentic.

Additionally, Iranian society was already particularly susceptible to populist rhetoric because of the lingering legacy of the 1979 Iranian Revolution. Ayatollah Khomeini’s rhetoric leading up to the 1979 Revolution contained both populist and Islamist overtones (Curtis 2013; Salehi-Isfahani 2006, 2–3), and Ahmadinejad’s rhetoric likely brought brief glimpses of Khomeini’s inspiring revolutionary messages to a perhaps-nostalgic Iranian public. The lingering populist influence of the 1979 Revolution created a political environment even more favorable to a populist candidate than a country with just corruption and economic trouble would be, allowing an extraordinarily likeable populist candidate to capitalize on the convergence of corruption and economic frustration.

Election Fraud?

It may be, however, that Ahmadinejad was not elected legitimately. “It’s one thing for Tehranis to have an affinity for him,” noted an Iranian researcher. “But in Isfahan? Shiraz? Yazd? He was close to second before even the Tehran votes were counted” (Vick 2005). Accusations of election fraud regarding the first round of the election are common¹—even Rafsanjani and Karroubi protested Ahmadinejad’s surprising second-place finish (Ehsani 2006; Vick 2005; Ganji 2005; Naji 2008). Of course, given the particularly closed system of government in Iran, including low levels of political and civil liberties (Freedom House 2013), it is unlikely such allegations would be investigated fairly. It appears there will always be speculation about whether Ahmadinejad won the election unfairly, but (absent any conclusive evidence of electoral fraud) the populism-based explanation is the best explanation available to researchers.

Of course, the allegations, if true, would throw an interesting twist into any populist explanation of Ahmadinejad’s electoral victory. Ganji (2005), already skeptical of the legitimacy of the election, observes that “[d]espite President Ahmadinejad’s [*sic*] rhetoric and his populist platform, he is an embodiment of ‘the system’” (“Key points”). It would be ironic, indeed, if a candidate who campaigned so strongly against corruption, won the presidential contest through election fraud. It would be equally ironic for a populist candidate to win because “a conspiring elite

subverted the will of the people” in Ahmadinejad’s favor (Hawkins 2009, 1044). Nevertheless, because the evidence for election fraud is unlikely to ever be more than circumstantial, any examination of this election must inevitably leave open the possibility of fraudulent results.

Conclusions and Questions

Ahmadinejad’s surprise victory in the 2005 Iranian presidential elections offers a unique case study into the causes of populist electoral victory. I find the conditions that led to the populist win in Iran do follow the populist recipe described by Hawkins (2010). Corruption was widespread and common in Iran for years before the election, and although there was healthy economic growth at a national level, there still existed among the Iranian electorate a pervasive misconception of economic difficulty. Of course, the most important factor in voting decisions is not necessarily reality but rather voters’ perceptions of reality. Therefore, voters merely *believing* they are impoverished led to the same election results as if they were actually impoverished. The populist rhetoric of the 1979 Revolution made the Iranian electorate even more susceptible to populism than it otherwise would have been, which allowed the likeable populist candidate, Ahmadinejad, to seize the opportunity and win the presidential election.

Of course, more research is needed into the economic conditions of the Iranian people on the eve of the 2005 presidential election. Based on populism theory, we would expect more Iranians in provinces with higher unemployment would have voted for Ahmadinejad, but statistical analysis seems to show this is not true. Perhaps there are other variables not accounted for in the regressions—for example, are populist candidates more or less popular with young voters than with the average voter? It could be, for instance, that Ahmadinejad had little support among young Iranians, which would explain the regression results, since “[y]oung people ages 15–29 make up 35 percent of the population but account for 70 percent of the unemployed” (Salehi-Isfahani 2009). More research must also be done into the feelings of perceived economic troubles described in this research. What social class do these feelings affect most, and how intense are these feelings? Additionally, any leaks of hard evidence about 2005 election fraud would help to confirm or dispel speculations that make it difficult for this research to be as definitive as one would like.

Nine years later, the causes of Ahmadinejad’s victory are still immensely important for Iranian politics and society. Since 2005, Ahmadinejad won the 2009 election as an incumbent before a more moderate candidate won the presidency in 2013. Will similar economic and corruption troubles in the future allow conservatives to regain the reins of the Islamic Republic, or will the ripples of the Arab Spring lead to a more open and democratic Iranian society? Would a future conservative candidate have to employ Ahmadinejad-style populism to win, or would other campaign strategies work equally well or better? Only time will tell.

NOTE

1. For further discussion of these allegations, see Ganji (2005), Naji (2008), and Vick (2005).

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The Belligerent Basques and the Composed Catalans: An Analysis of Violence in Basque Country and Catalonia

by Deborah Sutton

Introduction

In October 2013, the European Court of Human Rights ordered Spain to free a Basque separatist militant, ruling that Spain had illegally extended her detention. The woman, Inés del Río, was incarcerated in 1989 for her involvement in twenty-three ETA assassinations and bombings in Madrid. She was due for release in 2008, but Spain continued to detain her, as they have dozens other ETA terrorists (Fotheringham 2013). The court declared that retrospective changes in her sentence violated her human rights. Yet Spain's minister of justice justified her extended sentence, claiming it was unfair that "a person who has committed one murder suffers the same penal consequences as somebody who has committed twenty" (Fotheringham 2013). This is just one example of the ongoing conflict between Basque Country and Spain. Despite a ceasefire since 2011 and proclaimed peace between the Basque state and its Spanish mother, dissatisfaction persists and national liberation movements continue.

The motto of the violent Basque nationalist movement, Euskadi Ta Askatasuna or ETA, is *Bietan jarrai* or "Keep up on both." This statement refers to the two figures in its national symbol: the snake, which represents politics, and the axe, which represents armed struggle. The motto reminds Basque nationalists that in order to gain the independence they desire, they must straddle both politics and militancy. Nationalism in Catalonia is less aggressive. The Catalan Solidarity for Independence is an umbrella election coalition for six political parties that support Catalan independence. Instead of promoting belligerence, their motto positively proclaims "We make independence possible!" The two mottos indicate a stark difference in the strategies of Basque and Catalan nationalists.

Various groups in Spain have had differing levels of separatist movements. Francisco Franco's totalitarian, nationalistic, oppressive regime used intimidation to keep those movements at bay. For example, "Public speaking of anything but Spanish was discouraged under the slogan '*une bandera, una patria, una lengua*'" (Greene 2012). However, once Franco's regime fell, the separatist movements returned more resolute than before. Since the fall of Franco's regime, radical reformist groups within the states of Andalusia, Catalonia, Basque, and Galicia have sought further autonomy within the Spanish government and sometimes complete secession from the motherland. In order to meet these states' demands, Spain has increasingly devolved since 1975 to give each Spanish state equal rights in the federal government as well as wide legislative and executive autonomy within each state government. For some, however, it is still not enough.

My intention is to seek out what key differences exist between Basque Country and Catalonia that are mechanisms of violence in one area and peace in the other. Catalonia and Basque Country are two cases that are similar in having distinct identities and in their desire for separation. Both states claim a unique identity from Spain in their language, ethnicity, and culture. They have regional media, football teams, and iconography that reinforce an identity cleavage between themselves and greater Spain. Both regions experienced harsh repression of their individual identity during the Franco regime, which fueled widespread sympathy for the independence cause. In addition, Catalonia and Basque share similar geographic features. Both areas are tucked away in the Pyrenees Mountains, which allows cultural isolation and defines a distinct territory. However, the Basque separatist movements have turned to violence and terrorism in their fight for independence, while Catalonia has not. Discovering what mechanisms cause nationalistic violence is essential to preventing civil war and, in the worst cases, genocide. Although no two situations are alike, understanding what fuels violence in Basque Country may shed light on solving or forestalling other conflicts around the world. In order to identify these factors, I will first lay out the similar characteristics of Basque Country and Catalonia that define their identity. Then, I will outline the differences. I argue that the presence of a core city in Catalonia, the higher inter-intelligibility of the Catalan language to Spanish, and the higher levels of mixed association between Catalans and Spaniards has given Catalonia no need to resort to violence to promote their nationalist agenda.

Literature Review

Much research has been done on what provokes groups into conflict. And since the world, once round, is now flat as nations, ethnic groups, and cultures converge more than ever before, conflict is ubiquitous. "In an ethnically plural society, where freedom of expression is not curtailed, some conflict on identity-based cleavages is typically expected" (Varshney 2007, 278). However while conflict is commonplace,

it takes a certain recipe to turn that conflict violent. Scholars debate back and forth over the ingredients of violent conflict. Charles Taylor argues that a group's need for recognition fuels violence. A group seeks recognition to counter threats to its equality, its rights, its language, its culture, its identity. Taylor states explicitly, "The need [for recognition], it can be argued, is one of the driving forces behind nationalist movements in politics" (2005, 225). Inevitably, violence garners attention from the government, but the attention is likely to be unsatisfactory. Instead of gaining further civil rights, political representation, and/or autonomy, violence can lead to less freedom. The government retaliates against violence by initiating further group suppression. Thus, the age-old conflict between the authority and the masses perpetuates: "The complex dynamic between the forces of authority on the one hand, and the society over which it presides on the other, has been at work since time immemorial. Violence has always been a necessary part of the contestation over the legitimacy of that authority" (Miller 2013, 10). Also, violent conflict is often a result of political contention between groups: "Minorities and majorities increasingly clash over such issues as language rights, regional autonomy, political representation, education curriculum, land claims, immigration and naturalization policy, even national symbols" (Kymlicka 1995, 1).

One scholar disregards the disputation over the ingredients of violent conflict and instead focuses on the heat of the recipe. A mixture of group dissatisfaction factors do not necessarily lead to violence, Petersen argues, until a "spark" sets off the movement. In his research, he posits that one of four emotions—fear, hatred, resentment, and rage—or a combination of the four spark violence. He explains, "While identities are multiple and malleable, identities can crystallize when one is in grasp of a powerful emotion" (Petersen 2002, 3). In other words, emotion explains *how* a general discontent consolidates and mobilizes into a movement. "Each emotion-based narrative provides an explanation of how, in the face of social complexity and fluidity, such a brutal simplicity comes to frame outlooks and motive action. Emotion can coordinate motivations and effectively point a legion of individuals in one particular direction" (Petersen 2002, 3–4).

In my opinion, the ingredients of violent conflict vary depending on situation. The forces behind violent conflict are as complex as the communities in which it sprouts. In this paper, I propose an argument that explains the violence in one nation of Spain and not in the other. It is not a general formula for all nationalist movements.

Similarities

Ethnolinguistic Identity and Nationalism

Nationalism began to sweep across Europe during the nineteenth century. Peter Alter terms this period "*Risorgimento* nationalism," referring to the influence of Italy's nationalistic unification on other nationalistic movements. These campaigns across Europe were also inspired by the liberal ideologies spawned by the French Revolution

of 1789. The people in Europe not only sought political unity through representation but also a unity of culture. On the other hand, Europe's balkanization during the twentieth century was based on identity, specifically an ethnolinguistic identity. Political states were subsequently formed around those ethnolinguistic groups.

Various autocratic leaders have used pathological and patriotic rhetoric, expressing a common ethnic and linguistic identity, to mobilize a group of people toward unification. For example, Joseph Stalin, in an essay on nationalism, claims that "a common language is one of the characteristic features of a nation" (Franklin 1973). Ho Chi Minh appealed to the familial connectedness of the Vietnamese people: "We have the same ancestors, we are of the same family, we are all brothers and sisters. . . . No one can divide the children of the same family" (in Connor 2002, 24). Slobodan Milosevic also strained the common ancestral identity of all Serbian people when rallying for Serbian independence: "This is your land. These are your houses. Your meadows and gardens. Your memories. You shouldn't abandon your land just because it's difficult to live, because you are pressured by injustice and degradation. Otherwise your ancestors would be defiled and descendants disappointed" (in Connor 2002, 25). These dictators appealed to the common ethnic identity of their people for support; and language defines ethnicity.

David Laitin argues that language is as key to the process of state formation as are political, economic, or demographic factors (1989). And Rokkan and Urwin argue that while there are many expressions of identity, language "is the most pervasive and obvious stigma of distinction" (1982). The phenomenon of language as the nucleus to state building can be attributed to the rise of literacy rates, increased education for all classes, print media in local vernaculars, and the decline in the use of Latin. In other words, colloquial languages began to be important in identifying a person's origin, family, and ethnicity. Peter Alter describes how language invoked violence among linguistic groups: "Linguistic movements [became] the core of a radical nationalism disposed to the use of violence, particularly where the language of the people or a minority was subject to discrimination by a dominant 'official language'" (1985, 43). Language creates cleavages between groups and can pose as rigid challenges to state authority.

In Basque Country, its spoken language is a language isolate, meaning it is genealogically unrelated to any other language in the world and its origin probably dates back to the Neolithic Era. The Basque language has no modern linguistic sisters. While most Basque-speakers are bilingual in Spanish and Basque, their ancient language is taught and promoted in school and remains a source of cultural pride. On the other hand, Catalan is a romance language, more similar to French than Spanish. However, Catalans exhibit the same pride in their unique language as the Basques. Catalonia has its own Catalan-language television shows, radio stations, newspapers,

and educational curriculum. In fact, there is a higher level of relative proficiency in Catalan than in Basque.

Culture and Nationalism

Again, ethnolinguistic identity is only one building block in the construction of a national identity. There is also culture. Lambert explains, "The nuclei around which a group's identity is crystallized is based on a shared language, origins, character and culture, or common subordination to a given state's power" (1964, 52). We have discussed the significance of language above, but the boundaries of states also encompass cultural realms. Here we define culture as "a term which refers both to the material production (artifacts) and to the symbolic production (the aesthetic)" (Hayward 1993, 92). Thus, we analyze the media (film, television, radio) and the iconography in Basque Country and Catalonia and how these influence their national pride.

In his famous work *Imagined Communities* Benedict Anderson attributes the epidemic of nationalism to innovations in communication, specifically print media (1983). Through print communication people are able to relate with one another and mobilize for common causes, thus communities are born. Communication is a cause of nation building (Yrungaray 2003, 2). Anderson's theory is compelling, but it fails to keep up with modern times. His theory fails to incorporate the impact of modern media on nationalism. No longer is print media the sole medium for communication. Technology has expanded communication to television, film, and Internet; therefore, technology has expanded nationalism. "There can be no question that better communication, improved by new modes of transport, innovations in news transmission, higher standards of literacy, the expansion of the press and so forth, provides a crucial environment for the spread of a national consciousness through a given population" (Alter 1985, 55).

For a tiny nation, Basque Country has a proud national cinema. The film industry in Basque Country did not take off until after Franco's death in 1975. Prior to the end of Franco's dictatorship, the film industry in Basque Country was limited to private, illegal clubs where films were viewed, politics discussed, and Basque spoken—all illegal actions. Many films from that early illicit period have an obvious pro-separatism/pro-ETA political bias. However, the Basque cinema exploded in the 1970s when the first Basque provincial government decided to allocate 5 percent of its regional budget to the local film industry. Unsurprisingly, a political dialogue continued to permeate Basque national cinema. Film has been, and always will be, a means to disperse a political agenda. Films like the *Spirit of the Beehive*, *Julio Medem*, and *Obaba* wrap subtle, or not-so-subtle, political sentiments into their stories.

Catalan cinema is arguably just as revered as Basque cinema, and, like Basque cinema, it often aims to leave a political imprint on its audience. Catalonia is home to its own annual film festivals and Catalan films are viewed and praised at film

festivals around the world. As in Basque Country, Francoist repression managed to galvanize Catalan nationalist pride and that pride presented itself in the film industry (Jordan and Mogran-Tamosunas 1998, 158). Only a few months after Franco's death, "more than seventy film professionals joined forces and set up the Institut de Cinema Catala (ICC) (Jordan and Mogran-Tamosunas 1998, 159). Here a forum for defining Catalan cinema was assembled and the new Catalan Cinema was born. Specific purposes of Catalan films as outlined by the ICC are to defend and normalize the Catalan language and engage film "in the struggle for democracy and political autonomy" (Jordan and Mogran-Tamosunas 1998, 159). Unabashedly, Catalan cinema was earmarked for nationalistic intentions. Whether nationalism fueled the cinema or whether the cinema fueled nationalism is unknown, but surely the consumption of national cinema instilled a national identity on the audience in Basque Country and Catalonia.

In addition to national cinema, both Basque Country and Catalonia have their own television and radio stations that are broadcast locally in their respective vernacular. Thus, Basques and Catalans are not forced to consume only Spanish media. Instead, they can opt to absorb their nation's media. I argue that national media reinforces the social cleavage between the in-group and out-group. Peter Alter explains how the media unites a group; he says that through media exposure "people become conscious of the commonalities that further social integration" (1985, 57).

Another way to stimulate a group of people into a nation is through the use of iconography. Iconography may be symbols, such as flags, banners, songs, and colors, or it may be people or institutions, such as national heroes, historical figures, celebrities, football teams, etc. Both regions have used icons and symbols to promote a national identity. The most important way to portray a sense of cultural identity is through symbols (Assmann 1998, 125). Basque Country and Catalonia have their own national flag, anthem, and football teams. The importance of icons in channeling patriotic feelings is explored in Dallas Hulseley's dissertation on the iconography of American nationalism. Whether they are visual or audible, national icons "inspire faith, devotion, and obedience to nationalist ideal" (2005, 4). Benedict Anderson also makes claims about how icons, especially icons in the media, help to enforce "imagined communities" (1983, 69). Although identity is posed as "imagined," because all members of the community will never know each other, all members still feel a tangible belonging to the larger group.

Economic Strength and Nationalism

Spain is an economic embarrassment for the European Union. Spain, Portugal, Italy, Ireland, and Greece are the weak links in the European Union's plan to become an economic powerhouse in today's world market. Spain has been in a deep recession since the credit crisis of 2008. In 2013, its current unemployment rate was 27.2 percent,

and its youth unemployment was 57.2 percent—one of the highest in Europe (Joy, Smith-Spark, Rebaza 2013). Its national debt crippled the country's banks from giving loans to investors and industry suffered. In the end, the European Union had to bail Spain out in order to avoid the country's complete default. However, two regions of Spain averted economic disaster: Basque Country and Catalonia. While the rest of Spain's economy deteriorated, Basque Country and Catalonia were booming.

Basque and Catalonia were both industrialized earlier than the rest of Spain. Both regions were rich in natural resources and had easy access for trade. Therefore, industrialization in Basque Country and Catalonia would inevitably yield high returns—and it did. Basque and Catalonia's income per capita and other indicators are higher than the rest of the country (Lilli 1994, 343). Basque Country has a booming steel manufacturing sector that makes trains for Amtrak all over the world (Fraye 2012). These two peripheral regions are far more economically advanced than the state's center: Madrid (Lilli 1994, 343). This is a major cause for Basque and Catalanian dissatisfaction with Spain. Basques and Catalans resent being the "milk cows" for the rest of Spain, sustaining the underperforming capital and impoverished south, i.e., Andalusia (Hechter 1974). Many nationalists perceive the respective states of Basque and Catalonia would be better off not belonging to the Spanish state (Lilli 1994, 344).

Francoism and Nationalism

When Franco came to power in 1939, he implemented a harsh nationalization policy across Spain. His regime "halted and even reversed the process of democratization, modernization, and decentralization" (Guibernau 2004, 34). He insisted the people of Spain adopt a mainstream Spanish identity. Other cultures, like Basque, Catalan, Galician, and Andalusian, were suppressed by his regime. Any other language besides Castilian Spanish was banned. His government, in the name of order and unity, controlled the media, education, social elite, and bureaucracy, creating a surveillance state (Guibernau 2004, 35). Franco attempted to culturally and linguistically homogenize the country. He promoted the Flamenco dance and bullfighting as Spanish symbols to smother out other cultural traditions.

An unintended consequence of group repression is a stronger identity. "The especially harsh treatments received by the Basques and Catalans encouraged the formation of a firm feeling of belonging in these communities—as a result the dichotomy between 'us' and 'them' was accentuated further" (Guibernau 2004, 36). The excessively repressive policies of Franco's regime unintentionally backfired. Instead of quelling national identities, they exacerbated them. In fact, if it had not been for Franco's authoritarian rule, nationalist and separatist movements in Basque Country and Catalonia may not exist today. His efforts to homogenize the region only encouraged the people to hold onto their language and their culture. Thus, Basque and Catalan separatism was born.

Theory

It is intriguing that two nations within Spain with similar aspirations for separation, autonomy, and/or independence pursue their goals through different means. Catalonia has used its powerful local government to pressure the Spanish parliament to grant them further autonomy. There is a referendum for Catalan independence currently lying in wait on the parliament's agenda. Their methods have been pragmatic and bureaucratic. In addition, every year Catalans commemorate the Catalan National Day—a day memorialized in remembrance of the day Catalan troops defeated invading Spanish troops in 1714—in a nationwide celebration that culminates in a human chain that runs along the border with France to Valencia. Hundreds of thousands of Catalans join hands every summer to show Madrid their unity and their defiance (Burgen and Hamilos 2013). Demonstrations like these in Catalonia are peaceful, yet powerful. On the other hand, Basque Country separatists often use temper-tantrum-like violence to get attention from the capital. The ETA alone has killed 952 people since 1968 and injured thousands of others in order to attract the Spanish government's attention; these acts are usually met with firm disapproval. The following are differences between the two nations and what I propose as causal variables of violent nationalism in Basque Country and peaceful nationalism in Catalonia.

Hypothesis 1: A Dominant and Influential Core City Leads to Less Violence

A core city is a populous metropolis in a state or nation that is the center of industry, government, and culture. The rest of the population sprawls away from the core city into suburbs, towns, and villages. Examples of core cities include Paris, London, and Berlin. A core city is vibrant, wealthy, attractive, and powerful; it is a cultural, political, and economic hub. Sometimes it is a state's capital, sometimes it is not.

If a national group has its own core city in the state, then it wields tangible power in federal negotiation. In a compare and contrast analysis of Malaysian and Indonesian nationalism, Peter Kreuzer explains that when there is equality and power-sharing at the elite level of government there is no recourse of violence to secure group rights (Kreuzer 2006, 44). Thus, as the core city inevitably has sway in the federal government, a separatist nation with a core city does not need violent demonstrations in order to achieve its goal. It has the innate ability to use the political process of the democratic system to enact change. Furthermore, the desires of the core city's population cannot be ignored by the rest of the government or else the government will be voted out. A core city with its large population gives the nationalist movement a priceless bargaining chip in the federal government. Varshney explains, "The conceptual issue is whether conflict is violent, or it is pursued within institutionalized channels of polity" (2007, 279).

A core city also supplies a central location for activists to galvanize and strategize and even use the groupthink phenomenon to its advantage. An unorganized chain of nationalist groups across the nation allows for the birth of extremism. The choice to turn to terrorism to promote a cause is selected by collective rationality, not irrationality (Crenshaw 1990, 8). "The group possesses collective preferences or values and selects terrorism as a course of action from a range of perceived alternatives" (Crenshaw 1990, 8). In other words, terrorism is considered against other methods of achieving political goals and selected to be the most efficacious. And in small groups, a dissenting voice against terrorism is immediately quelled. In addition, when the nationalist group is small and vulnerable, a loud and violent demonstration shows the most strength. When there is galvanization in a central location, the movement is already loud and does not need violence to be heard. In sum, disunity and disorganization among nationalists results in sporadic terrorist hubs spread out across the nation; whereas, a core city provides a central location for the group to meet and plan.

Hypothesis 2: Higher Levels of Intergroup Association Lead to Less Violence

One of Ashutosh Varshney's seminal works uses quantitative means to show civil society reduces violence if interaction crosscuts across ethnic lines. He argues that interethnic and intraethnic networks of civil engagement play opposite roles in ethnic conflict (Varshney 2001, 363). Interethnic mixing builds bridges and manages tension and is therefore an agent of peace (2001, 363). However, "if communities are organized only along intraethnic lines and the interconnections with other communities are very weak (or do not exist), ethnic violence is then quite likely." He also defines civil society into two types: associational forms of engagement and everyday forms of engagement. Associational forms of engagement are "business association, professional organizations, reading clubs, film clubs, sports clubs, NGOs, trade union, and cadre-based political parties" (2001, 363). Everyday forms of engagement consist of "simple, routine interactions of life, such as whether families from different communities visit each other, eat together regularly, jointly participate in festivals, and allow their children to play together in the neighborhood" (Varshney 2001, 363). Both types are necessary to crosscut cleavages and reduce conflict. Intergroup interaction leads to an acceptance of the other group by humanizing its individuals. Intergroup social mixing also leads to intergroup marriage which further increases the acceptance of the other group. One is less likely to hate and kill someone of another group when their aunt, cousin, or brother-in-law whom he or she loves is also a member of that group. Josh Gubler and Joel Selway use empirical evidence to make the claim that crosscutting cleavages reduce the likelihood of civil war (Gubler and Selway 2012). This theory can be extended to conflict in general: salient social cleavages that crosscut across ethnolinguistic identity reduce conflict among groups. For

example, it is less likely you will harm someone who may be the same ethnicity as your sister-in-law or yoga instructor. Crosscutting through intergroup association leads to less violence.

Hypothesis 3: Inter-Intelligibility of Language Leads to Less Violence

In addition, language divides society into linguistic factions that can further flame nationalism—although language is not necessarily a creator of nationalism (Edwards 2009, 211). This is because nationalist sentiment reflects a “complex sense of groupness” and identity of which language is a pivotal part (Edwards 2009, 211). Joshua Fishman further explains how language is a root of ethnonationalism: “A ‘true’ nation [is] an ethnic one based on primordial connections of kinship and descent, informed by an inherent collective spirit language expressed in its own language; consequently, a community that [does] not have its own language could not be an authentic nation” (Fishman 2012, 55). Identity, whether it be ethnic, religious, or linguistic suggests group “sameness” and also implies a sense of “otherness” for people outside the group. Furthermore, linguistic sameness entails group intelligibility and mutual communication; those who cannot communicate with the group are excluded. Therefore, intra-intelligibility within the group and inter-intelligibility among groups establishes a group bond that allows socialization and associational mixing and establishes an out-group that is estranged and met with “ignorance, intolerance, disdain and fear” from the in-group (Edwards 2009, 44). Thus, language is “a crucial element of what constitutes racial and ethnic identification” and in defining the in- and out-group (Fishman 2010, 12).

Finally, a nation with its own unique language is constantly at risk of losing its distinct language to the lingua franca of the motherland. In fact, many small languages are becoming extinct as larger languages, like English and Chinese, permeate the globe. However, the globalization and homogenizing of human society is strengthening local bonds, rather than diminishing them, argues Anthony Smith (Edwards 2009, 178). Thus, the push to preserve local culture is likely to “stimulate” ethnic solidarity and nationalist fervor (Edwards 2009, 178). For example, nations like Wales have passed initiatives to preserve its historical language. However, for a language to survive modernization it must have four components: standardization, autonomy, historical value, and vitality (Fishman 2010, xxiv). This is a feat that is difficult to achieve in today’s converging society. And because language and ethnicity are closely intertwined, a loss of language is seen as a loss of ethnic identity (Fishman 2010). Furthermore, when the foundation of nationalism is ethnically based this loss often turns unpleasant and violent (Edwards 2009, 178).

Differences and Results

These three hypotheses are tested through a similar research design. I have compared similarities between Basque and Catalan identity above and below I

analyze the differences in identity and situation that are causal factors of terrorism. It stands that after the similarities are eliminated, whatever differences remain are the cause of violent nationalism in Basque Country.

Core City

Basque Country and Catalonia are both peripheral states of Spain. Their location on the rims of the Spanish state and their shelter in the Pyrenees Mountains has nourished Basque and Catalan identity and secessionism. However, there is one stark difference between the nations of Basque Country and Catalonia: a core city. Catalonia has a core city—Barcelona—that is influential in Spanish politics, and Basque Country does not. Barcelona is Spain's second-largest city, with 1.6 million people, and it is a center of trade, industry, tourism, and play. It is the heart and soul of Catalonia, and its industrial sector makes it the brawn of Spain. On the other hand, Basque Country's largest city is Bilbao with 352,000 people. Already, Barcelona's large population gives Catalonia a token advantage in negotiating autonomy with Spain.

Barcelona, as a populous core city, wields enough clout to influence decision makers in Madrid for three reasons. First, it is an industrial hub, and the most profitable city in Spain. Without Barcelona, it could be argued that Spain's economy would collapse even further. Second, Barcelona, and the rest of Catalonia, is a tourist magnet; the city itself has a multi-million dollar tourism industry. Third, pro-Catalan-independence parties hold a greater amount of seats in the Spanish parliament than pro-Basque parties. In Spain's lower house, the Congress of Deputies, out of 350 seats, a combination of twelve seats are held by two Basque nationalist parties, a total of nineteen seats are held by two Catalan nationalist parties and the second-largest political party in Spain, the Spanish Socialist Workers' Party, includes Catalan independence as part of its political platform and holds 110 seats in parliament. In a Senate of 266 senators, as of 2014, Basque nationalist parties hold six seats while Catalan nationalist parties hold twenty-six seats (Senado de Espana 2013). In government, Catalonia has the numbers and thus the pressure to enact change through the democratic system. The central government is unlikely to upset Catalonia when it depends greatly on the Catalans' public support to maintain legitimacy and authority. Spain is willing to cooperate and adhere to the demands of Catalonia because of its core city population and political power, while it is less willing to listen to the Basque country, because it has no collateral for talks.

Also, a core city allows galvanization of separatist efforts so activists do not resort to peripheral, violent demonstrations for attention. For example, a protest organized in Barcelona that disrupts traffic and repels tourism is likely to get the attention of Madrid—like the annual human chain of Catalan that stretches 400 kilometers across Catalonia to signify solidarity in the separatist cause, whereas scattered terrorism by Basque perpetrators is likely to be met with dismay and suppression by the central government. Another difference is that separatist movements in Catalonia are both

grassroots and treetops grown; the elite in Catalan are equally or more interested in separatism from Spain as much as the general public. The president of Catalonia firmly supports the cause and is expected to declare the next regional elections (in 2016) to be a plebiscite on independence; he expressed that the “vast majority of Catalans favor a referendum” of independence, and a stipulation in the constitution that bans state self-determination will not stop the force of the public (*The Economist* 2013). While both groups want further political autonomy, the separatist movements in Basque Country are more often limited to offshoot radical groups that are consistently ignored by the Spanish government and the Catalans have an organized base—in part due to a galvanizing core city—for its movement.

Intergroup Association

Basque Country has a history of isolation. The region resisted invasion and integration for centuries. Thus, their individuality flourished untainted by the outside world. On the other hand, Catalonia has frequently been a part of modern Spain and historic Spanish kingdoms and its rise in nationalism did not begin until the nineteenth century. Historically, Catalonia has had more association with the rest of Spain than Basque Country. I propose that intergroup association between the Catalans and the Spanish allows for trusting relationships to form and crosscut otherwise deep ethno-linguistic divides.

The Basques are an ancient group that settled in the Pyrenees Mountains over seven thousand years ago; predating Greek and Mesopotamian civilizations. Their homeland selection indicates a special foresight: The land is rich in natural resources like fish, game, wood, stone, and minerals, and its mountains isolate the land, protecting the early Basques from outside invasion. Even while Spain was conquered, united, Balkanized, and unified again, Basque Country remained untouched. It was never conquered by the Visigoths or Moors and successfully held off Spanish invaders time and time again. It was the last region of Spain to be visited by Christian missionaries. For centuries, hardly anyone immigrated to or emigrated from Basque Country. Thus, it maintained a unique identity—with a unique language—for centuries. However, Franco’s fanatical Spanishification of the Iberian Peninsula attempted to purge Basque identity from the region. Franco was ultimately unsuccessful. The Spanish language, culture, traditions, and religion seeped into the isolated Pyrenees, but instead of replacing Basque tradition, it made the Basque culture more resilient. The Basques resisted change. Today, there are many Spanish immigrants living in Basque Country so the Basque culture is not as pervasive as it once was, but for the Basques who still reside in their homeland, they proudly guard their traditions. A region as isolated as Basque Country is unlikely to be easily assimilated.

On other hand, Catalonia is a more integral part of Spain. Although the Catalans claim a unique identity, their culture and way of life is similar to Spain. Catalonia has historically been a part of Spanish kingdoms for centuries. In the

twelfth century, Catalonia was incorporated into the kingdom of Aragon since its location served as a strategic seaport for the kingdom (BBC 2013). And in the fifteenth century, Catalonia became a part of Spain when King Ferdinand of Aragon and Queen Isabella of Castile married and united their kingdoms (BBC 2013). It was not until the nineteenth century that Catalans ushered in a new sense of Catalan identity and a revival of their language. Previous to that, Catalonia was a content region of Spain. Catalans moved around Spain and the Spanish moved into Catalonia, and so the Catalans intermarried with the Spanish and adopted Spanish culture. Catalonia's history of association with Spain causes them to be less antagonistic toward their Spanish neighbors. The Spanish are their friends, their families, and their coworkers.

One example of the intergroup association between the Spanish and the Catalans is the rivalry between the two largest football clubs in Spain: FC Barcelona and Real Madrid. The rivalry between these two teams is played out in the most watched football match in the world: The Classic. Hundreds of millions of people worldwide enthusiastically follow the match, but for Barcelona and Madrid fans, the match extends beyond sports. FC Barcelona represents Catalonia and Real Madrid represents Spain, and their political rivalry is played out in the game. It could be argued that the football rivalry further divides Catalans from the rest of Spain, but on a deeper level, the competition unites Spain, much like the Olympic Games unites the world every two years. Real Madrid and FC Barcelona are the most popular and most talented football teams in Spain, and there is a level of mutual respect in addition to the mutual loathing. Basque Country also has a team, Athletic Bilbao, but their team is vastly overshadowed by these two juggernauts.

Inter-Intelligibility of Language

Basque and Catalan are regionally unique languages; the languages are spoken in the home, taught in school, and are two of the four official "recognized regional languages" in Spain. Since Spanish is the official language for Spain and the ubiquitous lingua franca, their respective languages are more than a method of communication; they are Basque and Catalan identity. However, the linguistic status of Catalan is higher than Basque. Basque "faces the possibility of extinction within several generations," while Catalan proficiency is thriving (Lilli, 345). Only one-fifth of Basque's population speaks Basque, while around half of Catalonia's population speaks Catalan, with signs of constant improvement (Lilli 1994, 345). In the eyes of the Basque people, Spain's encroaching presence in Basque Country is manifested in the desiccation of their language. There is genuine fear among Basque nationalists for the fate of their language (Lilli, 348). And since a threat to a group's language is a threat to its identity, the Basques react with "hatred and panic" and violence (Lilli 1994, 345).

One reason for the annihilation of ancient languages is due to mass communication via the printing press. Rokkan and Urwin write, "The chances of survival of a peripheral language were severely reduced if it had not been standardized and had not become a medium of mass communication before the takeoff of industrial development" (1983, 69–70). This partly accounts for the different status of both languages. Basque language did not become uniform until the nineteenth century, while Catalan was standardized in the fifth and sixth century. Another reason for the extinction of ancient languages is inter-intelligibility. "Inter-intelligibility can be defined as the 'distance' (measured in the degree of difficulty of understanding the other languages) between the peripheral and central languages" (Lilli 1994, 346). Catalan is a romance language similar to French and Spanish. Therefore, Catalan has a higher level of inter-intelligibility with Castilian Spanish than Basque. The Basque language is completely unique, with no linguistic ties to any other language in the world. Residents of Basque Country have no reason to learn and speak Basque except for cultural sentiment. Thus, immigrants to Basque Country do not learn Basque. The same argument could be made for Catalan. However, because Catalan is so similar to Spanish, it is quickly picked up by residents and immigrants alike. Catalan speakers can easily switch between Catalan and Spanish, and Spanish speakers can easily understand Catalan. The language permeates Catalonian media and life because the language is accessible. Catalonia's laws require teachers, doctors, and public workers to use Catalan in addition to Castilian Spanish. A Catalonian can learn Castilian and still retain its native tongue, while a Basque speaker lost to Castilian is lost forever (Lilli, 347). The influx of Castilian into Catalonia did not create the same frustration or loss of identity as it did when it reached Basque Country. Thus, a high level of inter-intelligibility of language increases the language's survival rate and reduces the need for violence.

Limitations

First, this research has low external validity. The results of this study are independent to the region studied. I cannot make the claim that the same independent variables will cause nationalistic violence in any nation of the world without further study and testing. Further study, analysis, and experimentation must be done before the theory can be expanded globally. This is an isolated case and must be treated as such. Also, this is only a qualitative study. I believe further quantitative research and testing should follow for more conclusive argument.

Although I am acknowledging the limitations to my thesis, I also pose that the arguments presented above should not be ignored. They were concluded through careful analysis and should be acknowledged. The causes of violence in Basque Country are important to know. Although the ETA has declared a ceasefire with Spain since 2011, that does not mean the peace will last. The ETA has carried out 3,300

terrorist attacks since the 1970s. The lull in their activity is only temporary, unless we can understand their motives. If we can discover what drives violence in Basque Country, beyond their desire for nationalism, we have a better chance at stopping the violence.

Conclusion

“Emotional attachment to the homeland derives from perceptions of it as the cultural hearth and, very often, as the geographic cradle of the ethnonational group” (Connor 2002, 29). Nationalists in both Basque Country and Catalonia see their land as a “cultural hearth” and a homeland for their family. Both groups are fighting for nationalism. And yet, the Basques have used violence to promote their cause and the Catalans have not. Why the difference? In 1994, Jacques Lilli analyzed the differences between Basque and Catalan nationalism. He claims Basque nationalism is primordial, based on its ethnic identity and, therefore, personal—and often emotional, whereas, Catalan nationalism is pragmatic. I agree with some of his arguments, but I think he is missing key pieces.

In this study, I compared the similarities of Catalanian and Basque nationalism in order to pinpoint the independent variables that cause violence. Catalonia and Basque Country are similar in that they have a distinct ethno-linguistic identity from Spain, they both utilize national media to promote political ideas, they both have national symbols that unite their people, they are both economically strong—the richest regions in Spain, and they both had their culture language harshly suppressed under the Franco regime. Basque and Catalan are both emotional in their resentment for previous—and current—discrimination and repression of their culture. And they both have elements of pragmatism in that they realistically know they could stand alone as countries separate from Spain. However, I have pinpointed three differences in the status of Basque Country and Catalonia that I believe are poignant: Catalonia has a core city—Barcelona; Basque Country does not; Catalonia has more intergroup association with Spain; and the Catalan language has a higher level of inter-intelligibility with Spanish than Basque.

At present, the Basque nationalist group ETA has declared a cease fire with Spain. There have been no violent attacks in a couple of years, but any number of events could spark a resurgence of ETA terrorism. This study may provide ways in which Spain may reduce dissatisfaction and prevent future attacks. For example, efforts should be made to enhance Basque Country’s largest city, Bilbao. A few government policies that encourage business, industry, and migration in Bilbao will be beneficial for the quality of life of existing residents and for the security of the region. Second, an active civil society must be promoted. Intergroup mixing via associations and daily activities is vital to curbing violence. Through organized associations, like clubs and sports teams, the Basque people will be encouraged to step out of their

cultural isolation and mix with other Spaniards. Finally, policies to preserve and teach the Basque language must be implemented. It may seem counter-intuitive that the way to reduce ethnic violence is to reinforce an ethnic identity through its language; however, the threat to the Basque language causes widespread resentment toward Spain. To reduce the animosity between Basques and Spaniards is to allow Basque Country to flourish, unimpeded by Spanish dominance.

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