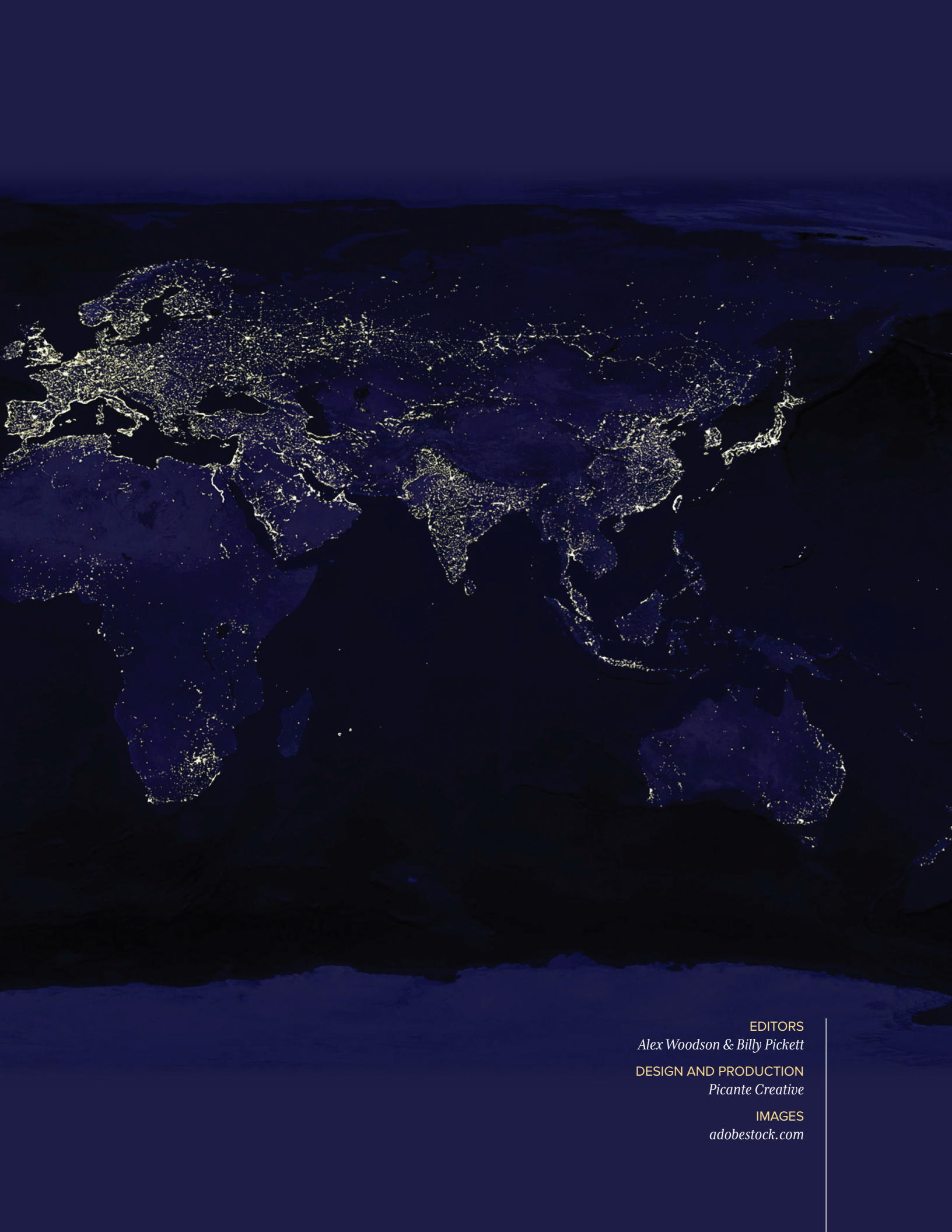


CARNEGIE COUNCIL

SUMMER INTERNSHIP 2020 RESEARCH REPORTS



EDITORS

Alex Woodson & Billy Pickett

DESIGN AND PRODUCTION

Picante Creative

IMAGES

adobestock.com

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These essays were written by Carnegie Council’s interns from the Summer of 2020. This was Carnegie Council’s first virtual cohort and their work showcases the research they conducted during their internships.

The Media and “Riot Frames”: Shaping the 2020 Protest Narrative

BY LAUREN EMMERICH

The murder of George Floyd by a police officer in Minneapolis has reminded us of the systemic racism that continues to plague our criminal justice system. The protests that followed Floyd’s murder were a call to action, reflected around the country and even around the world. As the subject of heavy reporting in late May and early June 2020, these protests have also served as a reminder of the role that the media plays in shaping the narratives of a social movement. The question remains, however, of whether that news coverage helped or hurt the movement.

Public opinion about the protests has been largely supportive, but there are interesting trends when the questions get more specific. A Pew survey conducted from June 4-10 showed two-thirds of Americans support the Black Lives Matter protests, a result consistent with what other polls had found.¹ However, a May 31 YouGov and Yahoo! News poll found that 51 percent of respondents described the protests as “mostly violent riots.” And when asked about the reasons for the protests, there was a near even split in responses between “a genuine desire to hold police officers accountable” at 43 percent and “a long-standing bias against the police” at 40 percent.² A Monmouth University poll released just over a month later on July 8 revealed a three-way split in answers to the question about whether the actions of the protesters were justified: with 30 percent saying fully justified, 35 percent saying partially justified, and 29 percent saying not at all justified. Yet, that same survey showed 46 percent of respondents believed that the *anger* which led to the protests was fully justified.³ The poll results indicate that while there is widespread support for the protests and what they stand for – which is not only clear from the polls but also from the numbers of people showing up to protest all over the country – there is a lot more

disagreement on the actual actions being taken. It is also interesting to note that Google Trends data showed a spike in searches related to “protests” and “riots” from the end of May through the beginning of June, which might be expected, but “riots” was actually a more popular search term by about 50 percent.⁴ That indicates people were more interested in seeking out information about riots than about protests. Why was that the case? And why do some people who might support Black Lives Matter characterize the protests in a negative way? One place to look for answers is the media. As I will discuss in greater detail, the media tends to sensationalize protests and focus more on violent or otherwise dramatic aspects of the protests than on the underlying issues.

The media, a term I use to refer to the news media on a national level, does play a role in shaping public opinion. Because social movements aim to get public opinion on their side, how the media portrays a movement can be important to the movement’s progress. John Zaller, a political scientist at UCLA, argues that public opinion is formed as a result of what information is presented to the public. According to his Receive-Accept-Sample model of opinion formation, individuals receive information about a topic and choose to accept what they receive as true. Then from that storage of information, they form their opinions. In other words, they “sample” what is readily available about that topic in their minds.⁵ If an individual is repeatedly inundated with positive information about a certain politician, and they accept that information to be true, then when asked for their opinion about that politician they will likely have a positive opinion. If protests for civil rights are more often than not shown in a negative light, then an individual might be more likely to associate those protests with a negative connotation and thus show less support. Shanto Iyengar, an expert in

political psychology and the media, wrote an entire book, called *News That Matters*, on this phenomenon and a related concept called framing effects. A framing effect by the media involves the media addressing a topic in a certain way, resulting in viewers or readers then continuing to think about that topic in that specific way. Iyengar and co-author David Kinder conducted a number of experiments which show the impact of how the media talks about a topic – or the frame it uses – can influence how people feel about that topic.⁶ So what happens to a protest movement, then, when it is reported on negatively or is not reported on in a way that makes its goals and demands clear?

Social scientists have recognized what they call a “protest paradigm” within journalism. The news media tends to report on protests in a way that is biased toward the status quo and to authority, while focusing on sensational aspects like outbreaks of violence and characterizing the demonstrations as a “nuisance.” A 2010 study of news coverage of protests spanning almost five decades provides evidence of an increase in this tendency to depict protests as a nuisance.⁷ Referring to protests as a nuisance might involve focusing on protesters blocking streets, creating traffic, or disrupting quiet.⁸ A 2001 study looked at news stories on protests in Washington, DC from 1982 to 1991 and found that while one of the primary tactics of social movement organizers is to gain media attention in order to spread their messages, the resulting media coverage tended to undermine the protesters’ social agenda. The researchers found that controversy, such as “counterdemonstrators, arrests, and/or violence, produced more reporting on the demonstration event itself and less attention to the issues at stake.”⁹

Danielle Kilgo, a professor of journalism at the University of Minnesota, Twin Cities, has extensively researched the protest paradigm and its continued impact on modern social movements. Her 2019 study with co-author Summer Harlowe examined the paradigm in the context of digital news media in Texas, and found that the protest paradigm is partially dependent on the topic of the protest. The authors concluded that protests centered around racism, especially anti-Black racism, were more likely to be subject to “delegitimizing” news coverage. Examples given include common characterizations of protesters against Confederate monuments as “aggressive,” and focusing on the “ruckus” and “unrest.”¹⁰ Kilgo recently spoke with the *Columbia Journalism Review* about how she sees the protest paradigm

playing out in the news coverage of the recent Black Lives Matter protests, saying that these protests are frequently covered with a “riot frame.” Indeed, she remarks how news coverage of these protests have tended to focus on the sensational aspects like violence and clashes with the police. At the same time, she finds that these stories are not counteracted with discussions about the issues underlying the protests.

Framing effects have previously been studied in the context of social issues. A 1997 study found that media framing effects could influence tolerance on civil rights issues. Specifically, researchers conducted an experiment in which they found individuals who had been exposed to a news program that discussed the KKK under the frame of free speech were likely to be more tolerant of the KKK afterward than individuals who had been shown a news program that framed the KKK as disrupting public order.¹¹ Addressing protests as riots, either literally or more subtly by continually showing images of violence, could then have an effect on the public such that they are more likely to think of the protests as riots. As Kilgo notes: “It makes people think everything is burning. And, honestly, everything is not burning.”¹²

Briefly glancing at news headlines from days when the protests were at their most highly reported seems to confirm Kilgo’s hypotheses. Consider these headlines from May 31: Fox News published, “Secret Service agents wounded outside White House; car bombs feared; official says Trump was taken to bunker.” The photos and video on the page almost exclusively are of fire, smoke, or gas, and stories focus on looting and the destruction of property.¹³ That same day, CNN ran headlines such as, “There are fires raging and tear gas fired in Washington, D.C., as city approaches curfew,” “Chaos erupts in New York as hundreds run from car fire,” and “Bill de Blasio’s daughter was arrested alongside protesters for ‘unlawful assembly’ Saturday night.” Again, images of fire are all over the page, and words such as “clash” or “standoff” are regularly used.¹⁴ Also on May 31, *The New York Times* published an article in which the author suggests the news media is capitalizing on the “chaos”:

If Twitter is the twisted heart of America’s public conversation, cable news is its aorta, carrying fear and anger, as the rapper and activist Killer Mike put it last week, into the body politic. The coronavirus pandemic and the new urban crisis have made

it impossible to look away, and journalists have at times become targets for the police. In this extraordinary news moment, the primacy of this supposedly dying medium has never been clearer, its ratings higher than ever.¹⁵

Now, this is not to doubt that violence and property destruction happened that day. The point, however, is that there were peaceful protests as well. As of this writing, no in depth content analysis has yet been conducted to determine whether the protests have been addressed more often as “riots” or in an otherwise negative way than as “protests” or with other more positive language. The extent to which the protest paradigm and the associated riot frame are being used by the media today can have repercussions on the progress of the Black Lives Matter movement and on social policy.

Social movements need public opinion on their side, and it is often an organizing strategy to get the attention of the media so that the movement has a chance of reaching wider audiences. In this case, wide audiences certainly have been reached; but could the media also be hurting the movement by focusing more on the sensational than the substantive? Riot frames aren’t likely to move hearts and minds in the way this movement would want. A September 2020 article by Pew Research Center shows overall support for Black Lives Matter has decreased since June.¹⁶ If the media has a responsibility to report the facts and inform the public, then this is an issue about which the public, not only the Black Lives Matter movement, ought to be concerned. By reporting on protests with a riot frame, or using a negative protest paradigm more generally, or even reporting with a positive connotation, the media is crafting narratives about these protests. We consume those narratives when we are inundated with images and headlines of a certain character. Whether we accept those narratives is up to us. Even Zaller’s model of opinion formation, which puts very little emphasis on the individual’s ability to form their own opinion, recognizes that an individual must accept the information presented to them as true. If we are all more aware of the narratives being presented to us and then watch and read the news with a more critical eye, perhaps more hearts and minds can be changed in accordance with genuine facts as opposed to mere editorial opinion. At the very least, we could all be more informed consumers of news media.

Lauren Emmerich is a senior at Washington University in St. Louis studying political science and psychology. She focuses on political behavior and public opinion, and plans to work for a think tank before attending law school.

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Offensive Cyber: Ethical Quagmire or Security Imperative?

BY GRADY L. JACOBSEN

When technology companies, entrepreneurs, and engineers started building the online infrastructure we today call the Internet, they did so with almost no regard for security. Of course, this author does not mean to indict those who built this world-changing technology for not being able to see the future. However, it is a simple fact that the infrastructure of the Internet – the connections, routers, and switches that connect our world – are inherently vulnerable.¹ The builders of this cyberspace could have never known the capabilities of those in the “hacking” community of the 21st century, and therefore did not build in any methods of securing the connections they created. Besides, the technology and know-how to do such a thing likely did not exist – just now we are beginning to see quantum networks being developed from the ground up to be inherently secure.

What we call “hacking” was originally thought of as a tool for individuals and small groups aiming to disrupt networks and extract resources or information for personal gain. Once the practice became commonplace, however, and governments began to suffer at the hands of these cyber criminals, hacking – or offensive cyber as this article will refer to it – became a tool of statecraft and, ultimately, war.

In 2009, the United States government signaled that it was taking the risk from cyber technologies seriously with the creation of an entirely new combatant command, U.S. Cyber Command, or CyberCom, under the jurisdiction of U.S. Strategic Command and in coordination with the National Security Agency (NSA). As an arm of the military, Cyber Command’s mission inherently encompasses both defensive and offensive authorities and responsibilities.² There is no question that protecting the networks of U.S. government and private sector organizations is a

just and moral cause – every nation has the right and responsibility to protect itself and its citizens from threats both foreign and domestic. However, as should accompany any use of force by the government, legal and ethical questions have been raised concerning offensive cyber operations.

The debate among policymakers, ethicists, and practitioners about the use of offensive cyber as a tool is robust. Not only are there questions of if, and to what extent these tools should be used, but complicating the matter is the tangle of definitional and attributional issues in a domain that has few boundaries or lines of demarcation. Without an understanding of guidelines, rules of engagement, and ethical principles, the use of offensive cyber tools comes with a severe risk of escalation and miscalculation that could quickly spill over into life or death consequences and conventional kinetic warfare.³ But which guidelines, rules, and norms should we use? Can we adopt the laws of armed conflict and just war principles for the cyber realm, or is this particular domain too unpredictable for those traditional guidelines that have governed the use of force in combat on land, air, and sea?

Before jumping into such ethical and legal questions, it is crucial to understand the various definitional quandaries that confront the policymaker and practitioner. As we are dealing mostly within the military context, it is useful to think about what exactly constitutes an “attack” in cyberspace. In conventional warfare, it’s fairly straight-forward, but should a cyberattack that wreaks no physical destruction or harm be considered an attack that warrants a retaliation?⁴ Attacks in cyberspace can come in many forms, be it denial-of-service attacks that forces a company to pay a ransom to regain access to their servers, penetration of financial networks by

state-sanctioned hackers in a sort of online heist to skirt financial sanctions, or the destruction of a nation's power grid, just to name a few possible scenarios. It is generally agreed by those charged with defending our government's online networks that even an attack that does not harm individuals, but rather the network itself, is indeed an attack and should be dealt with appropriately so long as the just war principles of proportionality, necessity, and non-combatant immunity apply.⁵ In 2011, the Pentagon went as far as naming cyberattacks acts of war, clearing the way for the use of force in any domain as a response to a cyberattack.⁶

After realizing your network has been attacked, and deciding a counterattack is warranted (regardless of what form that may take), the next and arguably most important question is: Who did it? The attribution problem is the critic's most powerful argument in terms of restraint in cyberwar. The ability for attackers to cover their tracks in cyberspace is unprecedented compared to that of operators in the physical world because of the ability to disguise the origin of the attack. A hacker can alter, or "spoof," their own IP address, or use a network of computers they have already hacked into – called a botnet – to launch an attack by proxy, among other strategies.⁷ However, the advances in cyber forensics have made the tracking and tracing of an attack much easier and more accurate. The Naval Postgraduate School's Professor George Lucas, Jr. (no, not *that* George Lucas) says the issue of attribution has its roots in conventional warfare strategies of denial. Throughout history covert military operations have been discovered and those responsible have attempted to claim innocence. Consider U.S. actions in South America during the Cold War, or the "Little Green Men" who annexed Crimea from Ukraine at the direction of the Kremlin. Investigative and analytical techniques used to expose such covert actions can also be used in concert with new technical tools and expertise to determine attribution of cyberattacks. "Nine times out of ten, the actor who would benefit the most is the aggressor," says Lucas.⁸ To be sure, the attribution problem persists nonetheless, and is a crucial step in using offensive cyber in an ethical and just manner.

An obvious follow-up is: *Should* we use offensive cyber? The Cato Institute's Benjamin Jensen and Brandon Valeriano argued in their 2019 paper that offensive cyber is both less effective than most believe and prone to escalation between great powers and their rivals – this

is especially pertinent given new Trump administration policies detailed later in this article. In their case for restraint, Jensen and Valeriano argue instead for a defensive posture focused on hardening U.S. networks to attack and using cyber for intelligence rather than war.⁹ However, it is difficult to win an argument that aims to restrict the capabilities of a superpower like the United States. The prevailing position will likely always be that if there is a capability available to us that we are not using, we are handcuffing ourselves, resorting to the ham-handed use of lesser tools.

Of course, there are ethical and unethical ways of using cyber. Honing cyber capabilities for defensive purposes can be an ethical pursuit if we extend the right of a nation to defend its sovereignty to its presence in cyberspace. As Gen. Paul Nakasone, leader of both NSA and CyberCom, wrote in *Foreign Affairs* earlier this year, monitoring networks both at the edge and hunting within them for malware is a cybersecurity imperative. And even his command's reinvigorated strategy of "defending forward" to monitor activity outside military and government networks is classified as defense by the Pentagon – think of it as an online version of U.S. troops' forward deployment in countries around the world.

Ethical quandaries come into play most frequently around the question of offensive cyber operations. Traditional conventional warfare benefits from centuries of consistent refinement to the laws of armed conflict and the guiding principles of just war theory. Though not all nations, and certainly not all rogue actors, abide by these restrictions, they provide a clear framework for how military operations should be conducted. When it comes to the cyber domain, however, the debate continues around whether these rules of engagement apply. Some would argue that these ideas can be extrapolated to fit the cyber realm, while others would say this new domain is so unique it requires new norms and international agreements.

Maj. Gen. Charles Dunlap (ret.), former deputy judge advocate general for the U.S. Air Force and current law and ethics professor at Duke University Law School, argues that the laws of armed conflict are not domain-specific, and there are very few laws at all with specific mention of individual domains. These guidelines provide the minimum standard of ethics, Dunlap writes, quoting the U.S. Navy's Lt. Gabriel Bradley.¹⁰ In order to supplement such laws, practitioners and policymakers of offensive cyber must rely on data for both assigning

attribution effectively and calculating an ethical, proportionate response. Although not necessary to develop new guidelines, Dunlap argues, it is even more critical to adhere to the ones we have in cyberspace. More radical proponents of cyberwarfare, like Stewart Baker, former general counsel at NSA, argue that we do not need new rules or norms because there should be no rules at all in cyberspace, and that so many moral and ethical questions have been raised that the military can neither plan nor execute a war in cyberspace.¹¹ However, Dunlap and Gen. Robert Kehler, former StratCom commander, lead the opposition to that view with the response that ethical and legal guidelines are entirely compatible with the military's responsibilities, and that grounding the limits of conflict wherever possible is an absolute necessity in all domains, especially in cyberspace.¹²

There are also those who believe that because cyberspace is not physical in nature, there are no borders between states, and the attribution problem is significant, the old norms cannot govern actions in such a new and different space. Proponents of this belief see the various pieces of just war theory as indicators of what stage of conflict you find yourself. *Jus ad bellum* guides the ethical underpinnings of the decision to attack while *Jus in bello* determines the ethical methods by which to use force. An additional concern to those of this ethical persuasion is *Jus post bellum*, and how to prevent a return to or continuation of war.¹³ In cyberwar, they argue, it is much more difficult to determine what stage you are in, and therefore just war theory is less useful.¹⁴ Furthermore, if we return to Nakasone and CyberCom's strategy of persistent engagement, it indicates a perpetual state of cyberwar, which they argue invalidates the application of these three stages of ethical guidelines. And although Dunlap is correct in stating that very few laws speak directly to a specific domain, those who disagree note that cyber is different enough from the four physical domains that it requires specifically tailored laws, agreements, and norms.

As the debate continues to swirl around which ethical framework to use, the capabilities, strategies, and responsibilities of U.S. cyber warfighters is changing. Nakasone and his operators at NSA and CyberCom are not only shifting their thinking around network security from an afterthought to an absolutely essential function, and cultivating a "zero trust" attitude towards every server and host they interact with, they are also taking

on the old adage of "the best defense is a good offense" in their strategy of persistent engagement.¹⁵ Nakasone believes one-off cyber operations are unlikely to defeat or subdue our enemies. Instead, cyber warfighters, he says, must conduct "cyber effects" operations often to disrupt and degrade our adversaries' abilities to attack us.¹⁶ This strategy, although more aggressive than before, still lands comfortably within the just war framework. Our adversaries have shown a willingness and capacity to attack our networks and cause harm to our society, which satisfies the *casus belli* or "just cause" requirement as well as the stipulation of imminent threat justifying pre-emptive and preventative action. Department of Defense guidelines concerning offensive cyber are also written to require adherence to the *Jus in bello* requirements of proportionality, necessity, and non-combatant immunity.

A more concerning development is the Trump administration's 2018 authorization, first reported by Yahoo! News earlier this year, that provided license to the Central Intelligence Agency (CIA) to execute covert cyber operations with little to no required approval or oversight from the National Security Council, as has been required in prior administrations.¹⁷ Although the CIA has long had the authority to engage in hacking for intelligence-gathering purposes, President Donald Trump's authorization is geared towards operations with effects outside the digital realm (e.g. degradation or destruction of infrastructure, exposing of secrets through hack-and-dump operations popularized by Russian intelligence, etc.). It also loosened restrictions on the targeting of foreign financial institutions, which was previously off-limits out of concern for retaliation against the American financial system that could cause undue financial harm to millions of people around the world. Lastly, it allows for easier targeting of individuals known as "cut-outs" who are believed to be working in the U.S. as foreign agents. Some officials believe this lower burden of proof is much too slack, and that other activities like "document dumping" do not align with U.S. values.¹⁸ Although some experts don't see these new capabilities as part of a radical policy shift and practitioners in the intelligence community have been asking for powers like these for nearly two decades,¹⁹ others like Jensen and Valeriano feel that the Trump administration is "changing the rules of the game" in cyberspace.²⁰

Although discussion of the most appropriate ethical framework is necessary, a realist perspective would

indicate that offensive cyber is another tool in the tool chest for militaries and governments around the world. Luckily, there are ethical norms and laws that govern the use of force, and time is best used in extrapolating how those guidelines apply to this new domain, rather than attempting to come up with a new framework *and* convincing the establishment you have built a better mousetrap. After all, an attack by an adversary using a particular domain does not require a counterattack in the same domain, but rather may take any form that is most effective while still adhering to just war principles. If cyber is to be used in the same way, the rules and norms governing its use should be consistent with those governing other domains. To be sure, there are major risks of miscalculation and escalation when using cyber, but the same risks are present in conventional warfare and it is the responsibility of the belligerent parties to ensure the conflict is managed appropriately.

There is no doubt that cyber is a new and dangerous weapon with a low barrier to entry that allows all manner of actors to utilize it for their own ends. However, there is no need for cyberspace to be the new Wild West, where existing laws and ethical standards do not apply. We must compete in cyberspace and we must do so ethically, and we are certainly capable of using the ideas and norms we already possess to do so.

Grady Jacobsen is a temporary program assistant at Carnegie Council, taking time off from his graduate studies at the Fletcher School of Law. At Fletcher, Jacobsen studies international security and contributes to the *Fletcher Security Review*, the school's student-run foreign affairs summer journal. His research and coursework are focused on counterterrorism in the Middle East and Central Asia, and on larger strategic issues related to great power competition. Jacobsen's professional background includes state-level legislative affairs, government communications and political campaigning.

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The Ethics of Guantanamo Bay

BY OLIVIA YANCHIK

The Guantanamo Bay detention camp in Cuba is a United States military prison first built in 1898 when the territory was secured by the United States during the Spanish-American War. Originally used as a navy base, Guantanamo became a point of contention during Fidel Castro's ascension to power in the 1950s. Despite its convenient position as a warm-water training base, Guantanamo Bay was of marginal relevance to the United States until 2001.¹ After 9/11 Guantanamo Bay was transformed into a detention facility for detainees in the "war on terror" when the first al-Qaeda militants were detained there shortly after the attacks.²

Guantanamo Bay was not chosen at random. The naval base possessed critical conditions necessary for the detainment of terrorists, including remoteness, privacy, and the fact that the facility was not on U.S. territory. Thus, the detention camp at Guantanamo Bay was free from legal review and other regulations required of prisons on U.S. soil. Strategically picked by the George W. Bush administration, Guantanamo Bay became a prison where detainees, effectively, did not have rights.³

Since its opening, 780 detainees have been held at Guantanamo. The prison costs approximately \$445 million per year and is commonly called the most expensive prison on earth.⁴ With 40 prisoners still detained on site, Guantanamo Bay has remained a political and ethical dilemma since its founding. Ethical issues around the treatment of prisoners at Guantanamo include concerns about interrogation tactics, force feeding, sexual assault, illegal and indefinite detention, torture, and a host of other issues. Moored on the very edge of U.S. territory, Guantanamo Bay has drifted in and out of public consciousness since 9/11. However, recent events from 2019 onward have revived the ethical and political questions among United States policymakers. This article aims to deliver an overview of three key cases to be examined in exploring the ethical paradox that is Guantanamo.

The first case is that of James Mitchell and Bruce Jessen, two air force psychologists tasked by the CIA in 2002 with establishing a program for "enhanced interrogation" tactics in the war on terror. From 2002 until 2009, the programs of Jessen and Mitchell were implemented by the CIA in overseas black sites and at Guantanamo.⁵ The two psychologists were paid more than \$80 million by the CIA over the course of their contract to develop "enhanced interrogation" techniques such as waterboarding, walling, standing, and sleep deprivation. The brutal tactics developed by Jessen and Mitchell included one "in which detainees' wrists were tied together above their heads and they were unable to lean against a wall or lie down."⁶

The two American psychologists testified in late January 2020 at the Guantanamo military commissions in the case against Khalid Sheikh Mohammed and four other men accused of plotting the 9/11 attacks. During the hearings, despite acknowledging that several detainees tortured under their program were never charged, Mitchell defended the program: "I thought my moral duty to protect American lives outweighed the feelings of discomfort of terrorists who voluntarily took up arms against us. To me it just seems like it would be dereliction of my moral responsibilities."⁷ Following the January 2020 hearings, the 9/11 trials came to a standstill with the onset of the COVID-19 pandemic. However, in late summer 2020, military prosecutors have attempted to restart the tribunals at Guantanamo.⁸

The willingness of the United States and its security systems to draw lines in the sand between acceptable and unacceptable forms of torture is a means by which Guantanamo remains open and operating despite its human rights abuses. In 2015 the two psychologists were sued by the ACLU under the Alien Tort Statute for their commission of torture, nonconsensual experimentation, and war crimes.⁹ The lawsuit was brought forward by the

ACLU on behalf of Mohamad Ahmed Ben Soud, Suleiman Abdullah Salim, and Gul Rahman, who were detained and tortured by the CIA in the early 2000s. The methods used on the men were tactics developed by Jessen and Mitchell during their contract, and even led to the passing of Rahman, who froze to death while detained at a black site in Afghanistan. The federal lawsuit ultimately led to a settlement between the psychologists and the plaintiffs despite government efforts to argue for the dismissal of the case.¹⁰

The justification of torture as demonstrated in the 9/11 hearings of Mitchell and Jessen, call attention to the ways in which U.S. policy makes space for the existence of Guantanamo Bay under the guise of national security threats. Excluding the ACLU lawsuit, Jessen and Mitchell have not faced legal consequences or jail time for their roles in the torture programs they designed. Previous attempts by the U.S. government to dismiss the lawsuit against Jessen and Mitchell indicate that Guantanamo and its programs likely remain shielded from scrutiny in the same manner.

The second case is the trial of Eddie Gallagher, a former United States Navy SEAL who was arrested in 2018 and charged with a series of alleged war crimes from his 2017 deployment in Iraq. Gallagher was charged with murder, attempted murder, and for posing in an inappropriate photograph with a dead ISIS fighter.¹¹ Among the charges included accusations by military prosecutors that Gallagher stabbed to death a seriously wounded ISIS prisoner of war in Mosul. Other allegations from several junior petty officers in Alpha Platoon, SEAL Team 7 include that Gallagher purposefully shot two civilians from a sniper perch.¹² “You could tell he was perfectly okay with killing anybody that was moving,” said Special Operator First Class Corey Scott to investigators in a video interview.¹³ Navy SEALs who served under Gallagher described the man as “freaking evil,” and as a toxic presence among members.¹⁴ Significantly, Gallagher was accused of the crimes by his own platoon, defying the historically tight-knit culture of the SEALs.¹⁵

Gallagher was ultimately acquitted of his more serious charges and only found guilty of posing in an inappropriate photograph. In addition to being found innocent of first-degree murder, Gallagher was found not guilty in the obstruction of justice and attempted murder of Iraqi citizens. For posing in a photo with a dead captive, Gallagher was demoted one rank. Many of the allegations

against Gallagher were dismissed on the premise that the investigation was out of control, and that Gallagher had been targeted from the beginning. Gallagher’s defense attorneys portrayed the SEALs in Gallagher’s platoon as younger and harboring malicious intentions against Gallagher.¹⁶

Following the trial, Gallagher was set to be stripped of his SEAL membership by the military. However, President Donald Trump personally intervened in the 2019 disciplinary proceeding. Through direct intervention, Trump ensured that Gallagher kept his membership in the SEALs and blocked any future demotions.¹⁷ Trump’s intervention marked the second time the president interfered on behalf of Gallagher. Prior to the trial, while being confined at San Diego’s Naval Consolidated Brig, the president ordered Gallagher’s release, “citing the highly decorated Gallagher’s service to the nation.”¹⁸

The proactive and deliberate policy of the president and courts to ignore internationally recognized policies of war is a key pillar under which Guantanamo Bay continues to remain open and operating despite its human rights abuses.

The third case is the recent Supreme Court ruling on Guantanamo prisoner Moath al-Alawi, which authorized his continued detention at the prison. The June 2019 Supreme Court denial to hear al-Alawi’s appeal marks him as a “forever prisoner” at Guantanamo.¹⁹ A citizen of Yemen, al-Alawi was captured in Pakistan in 2001 and held without charge at Guantanamo for over 17 years. The only allegations against al-Alawi were vague statements by the U.S. government that al-Alawi was involved in fighting against the United States in Afghanistan and was found to be closely linked to al-Qaeda.

The denial of al-Alawi’s appeal by the Supreme Court follows weak efforts by U.S. administrations to close Guantanamo. While in office, the Obama administration sought to close the prison, but only succeeded in transferring detainees.²⁰ Despite the fact that the camp took its current form under his administration, President George W. Bush looked to transfer detainees and maintain low numbers. In contrast, Trump has made it clear that Guantanamo Bay is here to stay, and even more disconcerting, that he wants to make the prison bigger. Despite these concerning claims, the prison population has decreased by one since Trump’s election, in contrast to decreases of 197 under President Barack Obama and 532 under President Bush.²¹ Although Guantanamo has

not expanded, it has not gone away, and the recent denial of al-Alawi in 2019 confirms that the United States is not set to take any concrete action on Guantanamo or its forever prisoners anytime soon.²²

In denying Guantanamo Bay prisoners the same rights as those imprisoned in the United States, the U.S. calls into question the rights of its own citizens. A common question surrounding Guantanamo is whether U.S. citizens could be detained there indefinitely; the answer is yes. Following the Supreme Court denial, Justice Stephen Breyer stated that the court should decide “whether, in light of the duration and other aspects of the relevant conflict, Congress has authorized and the Constitution permits continued detention.”²³ Breyer’s statement draws attention to the failure of the United States to examine the constitutional ethics of indefinite detention at Guantanamo and exposes glaring errors in the U.S. justice system.

The trial of Eddie Gallagher, the testimonies of Jessen and Mitchell, and the denial of al-Alawi’s appeal are tremors along the fault lines of this U.S. security paradox. Guantanamo Bay remains open and operating despite the ethical contradictions it presents, the torture tactics employed there, and the tone it sets for U.S. military infrastructure and international security. Guantanamo Bay is a notorious extrajudicial prison run by a country which boasts “liberty and justice for all” in the face of this glaring exception.

Olivia Yanchik is a student at Mount Holyoke College in Massachusetts, studying political science and human rights. In Fall 2020, Yanchik started her accelerated Master’s degree at the Graduate Institute of International and Development Studies in Switzerland where she studies global security.

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Authoritarianism in the Time of COVID-19: A Hungarian Case Study

BY JESSICA ZACCAGNINO

The global proliferation of the radical right is one of the most significant features of our current moment. Far-right parties have often ascended to power through democratic elections. Once elected, leaders of these parties manipulate democratic institutions to consolidate their power and undermine safeguards of civil liberties, like free speech and fair elections, leading some observers to call them “illiberal democracies.”¹ In this way, illiberal democrats gain legitimacy from their ascension to power through democratic means.² This modern form of authoritarianism exalts nationalism, majoritarianism, absolute sovereignty, and anti-intellectualism as fundamental political values, defying traditional liberal democratic norms. Illiberal governments usurp power at the national level, and from regional governments, private businesses, the media, and civil society.³ It is important to note that the term “illiberal democracy” itself is a misnomer: often these “illiberal democracies” have deeply authoritarian governments, leaders, and parties that systematically exploit democratic systems. The advent of the COVID-19 pandemic has emboldened authoritarian-leaning leaders throughout the world to abuse their authority: over 60 elections have been postponed and over 40 nations have restricted press freedom during the pandemic.⁴

This article seeks to explore how Prime Minister Viktor Orbán of Hungary has capitalized on the COVID-19 pandemic as a means to strengthen his regime. Hungary, a model nation of illiberal democracy, has manipulated state of emergency legislation to quell free speech and protests, disrupt the electoral process, and shrink civil liberties.

This article will survey pre-pandemic illiberal democracy in Hungary; analyze how the Orbán government used COVID-19 to attack journalists, postpone elections, and curb transgender (trans) rights; and ultimately demonstrate the ease in which authoritarian leaders can condense power in the midst of emergency.

Hungarian Illiberal Democracy Prior to COVID-19

Since Orbán's election as prime minister in 2010, the government has issued a series of sweeping unilateral legal reforms that have rapidly centralized his authority. The Hungarian Constitution allows a political party to freely alter any part of the Constitution if the party secures a two-thirds majority in Parliament.⁵ Orbán's party, Fidesz, secured 68 percent of seats in Parliament in the 2010 election.⁶ Fidesz amended the Constitution 12 times, changing more than 50 separate provisions to undermine checks and balances.⁷ One amendment eliminated the requirement of “a four-fifths vote of parliament to set the rules for writing a new constitution,”⁸ which would have required Fidesz to negotiate rule changes with other parties.⁹ Once this rule was eliminated, Fidesz could draft an entirely new constitution while excluding every other party from the process.

In the decade since, Fidesz has used this majority power to chip away at the Constitution and the judiciary, fill independent institutions and the media with party loyalists, and restrain civil society. Currently, the nominally independent Central Statistical Office, Constitutional Court, Prosecution Service, and State Audit Service are all packed with party loyalists.¹⁰ Ninety percent of Hungarian media is owned either by the government or allies of

Fidesz.¹¹ The Fidesz government and media frequently attack Hungarian-American billionaire philanthropist George Soros, the founder of Central European University (CEU), and his charitable organizations with blatantly anti-Semitic conspiracy theories.¹²

a. Anti-Intellectualism, Academic Freedom, and Illiberal Democracy

Anti-intellectualism is a key feature of authoritarianism: regimes instrumentalize anti-intellectual sentiments to quash political dissent.¹³ Illiberal regimes actively undermine public discourse through frequent attacks on the value of education, fomenting an environment hostile to critical debate and expertise in order to promote their single, “legitimate” illiberal ideology.¹⁴ The very presence of critical discourse and academic freedom is a direct threat to the fictive collective narratives and mythologies constructed by illiberal leaders to support their nation-state.¹⁵ Universities have become battlegrounds for illiberal attacks on free thought and opposition.¹⁶ Professors, students, disciplines, and universities writ large are characterized by populist illiberals as dangerous elitist voices indoctrinating the nation’s vulnerable children.¹⁷ Illiberal regimes disrupt reality by rejecting academic expertise, instead inserting their own one-dimensional “reality.” Universities uniquely threaten authoritarian regimes because their purpose “is [to] produce knowledge that is often critical of the established ways of doing things . . . And in the social sciences it’s quite dangerous . . . because the knowledge that’s produced is calling into question the habits and ‘ordinary ways’ that we go about doing things.”¹⁸ Disciplines such as gender studies (or the humanities as a whole) are targeted by the radical right as a threat to the nation’s traditional heteropatriarchal ideology.¹⁹ By delegitimizing academics and universities, illiberal regimes seek to limit the possibility for robust debate. In illiberal democracies, it is uncommon for universities to be shuttered through overt acts of violence. Instead, these regimes fatally wound universities through the manipulation of its legal systems and funding processes.

This anti-intellectualism is exemplified by the plight of CEU in Budapest. CEU was founded in 1991 by Soros, former Czech President Václav Havel, and other Central European dissident intellectuals as a direct response to the dissolution of the Soviet Union.²⁰ For the past 30 years, CEU has been regarded as a progressive intellectual bastion of Central Europe and Hungary, embodying the spirit of open society, multiculturalism,

and cosmopolitanism. The university is uniquely accredited in both Hungary and the state of New York. Given its reputation, CEU is an enduring target of Orbán’s systematic attacks on free thought and academic freedom. Orbán’s war against academia is not only ideological; it is also wrapped up in the very legal institutions of Hungary. In April 2017, the Parliament adopted amendments to the existing Act CCIV of 2011 on National Higher Education.²¹ This law, nicknamed Lex CEU, added new, onerous criteria for foreign universities operating in Hungary — targeting solely Central European University.²² Lex CEU made many new demands of universities, affecting work permits, requiring the negotiation of international agreements between Hungary, the state of New York, and the United States federal government, and compelling the creation of a CEU campus in the United States.²³ Many of these new stipulations were nearly impossible to meet by the January 1, 2018 deadline.²⁴ Despite the successful negotiation of a mutually accepted draft agreement with New York Governor Andrew Cuomo, the Orbán government refused to ratify the treaty.²⁵ Without Orbán’s approval, the university has been forced to relocate its United States-accredited operations to a satellite campus in Vienna.²⁶

Furthermore, Orbán effectively banned gender studies as a discipline by immediately revoking the accreditation and funding for all gender studies departments in the country.²⁷ Only two universities maintain gender studies programs in Hungary: CEU and Eötvös Loránd University. Anti-intellectual, homophobic, and misogynistic rhetoric against gender studies dates back to Fidesz’s seizure of power in 2010.²⁸ In 2015, László Kövér, a party founder, likened gender studies to Nazi eugenics.²⁹ The Orbán government’s decision to target certain disciplines — and compare them to Nazism — does not derive from a genuine desire to strengthen the quality of universities, but to control freedom of thought based on political ideology.

Nationalist-populists like Orbán yearn for a return to “traditional” society and a rejection of “post-modernism.”³⁰ The gender studies ban illustrates the culture war launched by Fidesz against the perceived moral decline of the West, and it is no mistake that this ban predominantly affects CEU. Academic institutions in other illiberal democracies have experienced similar treatment,³¹ including intrusions on gender studies and other related disciplines that challenge the heteropatriarchal hegemony and purportedly symbolize

Western excess. Fidesz leaders also frequently link their anti-CEU rhetoric back to conspiracy theories that claim Soros was “allegedly responsible for the wave of migrants in Europe.”³² This conspiracy theory appeared during the parliamentary debate on Lex CEU when “the minister responsible for education stated that ‘we are committed to use all legal means at our disposal to stop pseudo-civil society spy groups such as the ones funded by George Soros.’”³³ CEU is depicted as a manifestation of “the Soros-type extreme liberalism which hates Christian traditions”³⁴ that has infiltrated traditional Hungarian society, excluding CEU and its intelligentsia from “the community”³⁵ as outsiders in their own nation. This furthers the us versus them narrative prevalent in nationalist rhetoric and disavows the value of education. In addition to controlling democratic institutions themselves, illiberal democrats also seek to dictate societal norms by stigmatizing and suppressing non-conservative critical discourse through restricting academic freedom, the media, and civil society.³⁶

b. Free Elections

Part of the illiberal strategy is to sap power over election administration from independent agencies while maintaining the illusion of complete democracy.³⁷ The National Election Commission (NVB), the independent body charged with regulating election law in Hungary, is packed with a Fidesz majority.³⁸ In addition to monitoring elections and drawing electoral maps, the NVB also has the power to decide what referenda will be voted on in elections.³⁹ Referenda are one of the most substantial areas that civil society can attempt to influence the government.⁴⁰ Members of the NVB are nominated by the president and confirmed to their nine-year terms by Parliament; however, these nominations were not formally debated nor was there opportunity for public involvement.⁴¹ Similarly, amendments made to the legal framework for elections were often made without public involvement and are insufficiently regulated.⁴²

Fidesz’s ability to modify election law without cooperation from outside parties or the public has allowed them to manipulate previously independent institutions to preserve their two-thirds majority.⁴³ For example, Fidesz won 44 percent of the popular vote in 2014, but because of Fidesz’s manipulation of election law, the party still maintained their two-thirds majority in parliament.⁴⁴ Accountability and oversight mechanisms

like the NVB and the State Audit Office do exist and function, but their authority is often only applied at the disadvantage of opposition parties.⁴⁵ Independent media allege that the State Audit Office selectively enforces auditing regulation only when it is aimed at harming the opposition parties and limits the ability to challenge penalties, while dismissing investigations on Fidesz.⁴⁶

Although studies of Hungary’s election systems have found that elections themselves are adequately administered, fundamental rights and freedoms are exercised in a climate hostile to meaningful opposition.⁴⁷ Orbán’s rapid centralization of power has led to “a pervasive overlap between state and ruling party resources, undermining contestants’ ability to compete on an equal basis.”⁴⁸ For example, although Hungary’s public campaign funding and expenditure ceiling purport to create an equal playing field for all parties, the Fidesz government regularly launches expensive public information advertisements that promote their campaign messages.⁴⁹ Media coverage of the 2018 parliamentary election was “extensive, yet highly polarized and lacking critical analysis. . . . The public broadcaster fulfilled its mandate to provide free airtime to contestants, but its newscasts and editorial outputs clearly favoured the ruling coalition.”⁵⁰ Orbán has also changed *who* the electorate is by granting citizenship and the right to vote to ethnic Hungarians living outside of the nation’s borders in 2010.⁵¹ This enfranchisement is in line with Orbán’s broader nationalist project, one that stokes anger over Hungary’s dramatic loss of territory after the First World War, which “left a lasting legacy of resentment amongst the country’s right-wing social forces [and] still manifests itself today with both Fidesz and Jobbik.”⁵² Many ethnic Hungarians living outside of the nation share Orbán’s sentiments and their votes have aided Orbán in securing a strong majority in each election.⁵³ In the 2014 election, these voters accounted for approximately 10 percent of the electorate and voted for Fidesz at a rate of 95 percent.⁵⁴

At the polls, the public faces an environment similarly antagonistic to opposition. Voters face “hostile and intimidating campaign rhetoric [that] limited space for substantive debate and diminished voters’ ability to make an informed choice.”⁵⁵ Campaign rhetoric is xenophobic and vitriolic towards minorities and the opposition.⁵⁶ Orbán vowed “vengeance” against the opposition and called civil society activists “an army of mercenaries.”⁵⁷ As seen in the context of CEU, Hungarian

citizens opposed to Fidesz are treated not like democratic citizens exercising their freedom of choice, but as enemy combatants attempting to denigrate the nation-state.

At the same time, the public is prevented from participating in democratic oversight: citizen election observation is forbidden, public access to non-partisan elections assessment is limited, and civil society's involvement in elections is curtailed.⁵⁸ Although a right to seek an effective remedy for election law violations exists, there is “no guarantee of a public hearing at any level of the dispute resolution process.”⁵⁹ Confronted with strong media bias, voter intimidation, and limited meaningful choice between parties, the electorate is discouraged from participating in election-related activities and, as such, Fidesz is able to maintain hegemonic control over the political sphere.

Hungary and COVID-19

In Hungary, a nation on the brink of authoritarianism, the pandemic presented a golden opportunity for Orbán to further erode civil liberties and democratic safeguards. In particular, illiberal leaders like Orbán seek to disrupt public discourse and deliberation through the guise of emergency. On March 30, the Hungarian Parliament approved the “Corona Bill” that granted Orbán the ability to rule by decree indefinitely with virtually unchecked power, arguably Europe's first dictatorial *démarche* since Hitler's 1933 Enabling Act.⁶⁰ Because Fidesz controls about two-thirds of parliament seats, the bill easily passed despite opposition. In addition to permitting Orbán to rule *carte blanche* — bypassing the national assembly entirely — the law also halts all elections and enacts two to five year sentences for individuals who “distort facts” or publish “false information.”⁶¹ On top of this, the Orbán government has a history of indefinitely extending states of emergency to consolidate power: Hungary has extended a state of emergency declared for a “crisis situation due to mass migration” eight times since the European refugee crisis in 2015.⁶² Obscuring the distinction between states of emergency and normalcy serves two purposes: first, to expand Orbán's authority beyond the oversight of the legislature and second, to normalize its illiberal democracy.⁶³ By oscillating between states of emergency, whether for COVID-19 or the refugee crisis, “the authorities may turn to rule by decree as easily as switching on a lightbulb,” allowing Orbán to bypass a vote the Fidesz majority legislature at his leisure.

We have already witnessed the ramifications of the “fake news” and assembly restriction components of the Corona Bill. The Fidesz government has used this provision to silence dissenters: approximately 100 investigations have been launched by police, although cases have yet to be heard by courts.⁶⁴ The police arrested two dissenters in rural Hungary for posting criticism of the government's COVID-19 response on Facebook.⁶⁵ They were eventually released and the charges were dropped. János Csóka-Szűcs, one of the detainees, is disabled and was denied transportation back to his home.⁶⁶ Unable to use his phone, which was still in police custody, and without money, Csóka-Szűcs was forced to walk home.⁶⁷ Opposition MPs organized a series of protests against Orbán's rule by decree. In order to prevent any risk of infection, demonstrators remained in their cars and honked their horns. Demonstrators were penalized with extreme fines of up to 750,000 forints (about \$2,500) through a barrage of charges, from violating traffic laws to COVID-19 assembly restrictions.⁶⁸ The state of independent media in Hungary is already dire. As opposition MP Tímea Szabó stated, this law gives Fidesz “a free hand to do away with what's even left of the press and practically imprison journalists, doctors, and opposition lawmakers if we say things that you don't like—namely, the *truth*.”⁶⁹ This bill is one in a series of authoritarian attacks that endeavor to chill speech and quash dissent.

The state of public health emergency also grants Fidesz opportunity to pass sweeping measures unrelated to COVID-19. On March 31, Deputy Prime Minister Zsolt Semjén introduced a bill proposing 57 legislative changes.⁷⁰ This “salad bill” — an omnibus bill jumbling together clusters of unrelated proposals — was passed under the guise of the government's COVID-19 response with the goal of further consolidating power. The bill monetarily enriches Orbán and his allies by compelling a number of construction projects, including a Budapest-Belgrade railway.⁷¹ The railway project documents were classified for the next 10 years.⁷² The bill also expands Fidesz control over the arts by packing the theater supervisory board with Fidesz members or allies.⁷³ This mirrors Orbán's general strategy of decimating truly independent government agencies, media, and higher education. The bill also sought to strip local governments of municipal autonomy, likely in response to the gains made by opposition parties in the Fall 2019 municipal elections.⁷⁴

Finally, and perhaps most alarmingly, the salad bill blatantly attacks trans people and their right for their gender identities to be recognized on official documents. Now, the only gender permitted on documents is the gender that was assigned at birth. This bill is one in a long series of assaults on identities and behaviors deemed incompatible with heteropatriarchal norms. Hungarian activist Imre Szijarto writes, “Since Hungarian society at large is anything but trans-accepting, this move is not only an attack on trans people’s right to their ‘identities’ in an abstract sense. It is likely to turn regular interactions with society into rituals of humiliation.”⁷⁵ Now, trans people will be forced to routinely out themselves to anyone that will see their birth certificates, drivers’ licenses, and credit cards — this would include employers, landlords, police, and store clerks. This means heightened risks of bullying, discrimination, and physical violence.

On May 27, Deputy Prime Minister Semjén submitted legislation to end Orbán’s rule by decree on June 20. The bill passed unopposed on June 16. Since rule by decree began, the Orbán government has issued approximately 100 decrees, many of which are unrelated to COVID-19.⁷⁶ However, it is unlikely that Orbán’s further power grabs legitimized by rule by decree will fade. Parliament approved a second bill that would allow the government to declare a “state of health emergency” and revert back to rule by decree without a mandated end date.⁷⁷ During a state of medical emergency, the government may restrict fundamental rights, including the freedom of movement and assembly.⁷⁸ Although these restrictions are capped at six months, in practice, they may be extended indefinitely.⁷⁹ According to the Hungarian Helsinki Committee, the bill also amended the Disaster Management Act to permit “the government [to] order any measures it deems necessary if the measures previously specified by parliament are inadequate.”⁸⁰ The Committee contends that the June 20 end to rule by decree “is nothing but an optical illusion: if the Bills are adopted in their present form, that will allow the government to again rule by decree for an indefinite period of time, this time without even the minimal constitutional safeguards.”⁸¹ In other words, there is a high likelihood that an even more restrictive rule by decree will be imposed as the world continues to battle COVID-19. There has already been sustained encroachment on civil liberties: just two days after rule by

decree formally terminated, Szabolcs Dull, editor-in-chief of *Index*, one of the few independent news sources in the country, was fired for critical coverage of the government. As a result, the editorial board and over 70 journalists quit in protest of what the editorial board “deemed the [essential] conditions for independent operation.”⁸² As the COVID-19 pandemic proceeds, it is imminently likely that Orbán will continue to invoke emergency measures to censor dissenting speech.

Conclusion

If left unchecked, COVID-19 emergency measures will continue to result in irreparable harm to any remaining vestiges of democracy in Hungary. While democracy has been eroding in the nation for the past decade, COVID-19 operates as a cover for Orbán to abuse his authority even more blatantly than before and hasten the unraveling of democracy in Hungary. Journalist Anne Applebaum writes: “When the coronavirus arrived in Hungary, Orbán used it to illustrate that he was already fully in control of his system.”⁸³ Orbán, like other authoritarian leaders, has leveraged the pandemic and fear to openly proclaim his dominance over fundamental tenets of democracy. The Hungarian situation is exemplary of how illiberal democrats will utilize emergency to centralize authority and restrict open discourse. This abuse is not limited to Hungary: at home and abroad we are seeing mass threats to civil liberties and democratic norms. Authoritarian leaders like Orbán will continue to weaponize the politics of fear during a global pandemic to assert unfettered control through the guise of emergency. When granted the opportunity to abandon pretenses of democratic norms to rule with emergency executive powers, authoritarian leaders will take it, and perhaps prove that the system had long collapsed before the pandemic began. We may emerge from the pandemic seeking normalcy to find that the political world around us has slid further towards illiberalism.

Jessica Zaccagnino, JD, is a LL.M. in human rights and social justice candidate at the University of Connecticut School of Law. Previously, she received her Juris Doctor from UConn School of Law, where her academic work was recognized by the Award for Exceptional Achievement in Scholarship. Zaccagnino's scholarship has appeared in the *Connecticut Law Review* and the *Connecticut Journal of International Law* and includes work on illiberal democracy and authoritarianism, sexual and gender-based violence, and First Amendment law. She served as the symposium editor of the *Connecticut Law Review* (vol. 52) where she coordinated an interdisciplinary conference on political polarization. She received her BA in human rights from Bard College in 2017.

Endnotes

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³ *Ibid.* at 30.

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⁸ *Ibid.*

⁹ *Ibid.*

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¹³ Richard Hofstadter coined the term anti-intellectualism to describe the "resentment and suspicion of the life of the mind and of those who are considered to represent it; and a disposition constantly to minimize that value of life." RICHARD HOFSTADTER, *ANTI-INTELLECTUALISM IN AMERICAN LIFE* 27 (1963).

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²² *Ibid.*

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²⁴ *Ibid.* at 1068.

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²⁹ *Ibid.*

³⁰ See, e.g., STANLEY, *supra* note xiv, at 48; Joane Nagel, *Masculinity and Nationalism: Gender and Sexuality in the Making of Nations*, 21 ETHNIC & RACIAL STUD. 242, 251–53 (1998).

³¹ See *supra* note xvi.

³² Enyedi, *supra* note xxi, at 1069.

³³ *Ibid.* at 1070.

³⁴ *Ibid.* at 1069 (quoting Deputy Prime Minister Zsolt Semjén).

³⁵ Illiberal leaders conceive of “the people” as regime supporters while otherizing members of the opposition as not “true” nationals. In Hungary, Orbán’s rhetoric often speaks of true members of the Hungarian “community” as white Christians whose lineage stretches to the ethnic Magyars: “[W]e do not want our own colour, traditions, and national culture to be mixed with those of others. . . . We do not want to be a diverse country. We want to be how we became 1,100 years ago here in the Carpathian Basin.” Viktor Orbán, Prime Minister, Hung., Speech at the Annual General Meeting of the Association of Cities with County Rights (Feb. 8, 2018). See generally, BENEDICT ANDERSON, *IMAGINED COMMUNITIES: REFLECTIONS ON THE ORIGIN AND SPREAD OF NATIONALISM* (2006); ÉTIENNE BALIBAR & IMMANUEL WALLERSTEIN, *RACE, NATION, CLASS: AMBIGUOUS IDENTITIES* (Chris Turner trans., 1991).

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