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Table of Contents

About the Colorado Political Science Review..... 3

Note from the Editors..... 4

ARTICLES

Examining the Drivers of Far-Right Support in Western Europe: How Cultural Threats Shape Electoral Outcomes..... 5

Rings of Fire: The Olympic Institution Behind its “Diplomatic” Veneer..... 37

Lobbying and the Environment: Is Litigation the Unexpected Key to Environmental Policy?..... 80

En Español, Por Favor: How Spanish Advertisements Shape House Campaigns and Candidate Success..... 133

A Trojan Horse in Congress: Publicly Elected Officials Use the Stock Market for Personal Gain..150

From Doctrine to Deployment: An Evaluation of Proportionality in Historical Conflicts and Its Lessons for Modern Warfare..... 164



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About the Colorado Political Science Review

The Colorado Political Science Review (CPSR) is a student-written and student-edited journal bringing political science perspectives to important issues of the day. The opinions and perspectives in the CPSR are those of the individual authors. We seek to generate thoughtful discussion and analysis rooted in social science theory and supported by research and data. The CPSR is housed in the Political Science Department at the University of Colorado Boulder and is supported by the American Politics Research Lab and the LeRoy Keller Center for the Study of the First Amendment.



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Note from the Editors

The Colorado Political Science Review is proud to present its first feature edition of honors theses from students in the Political Science and International Affairs programs at the University of Colorado Boulder. The honors thesis process is one of the most rigorous experiences that any undergraduate can partake in. It takes months of hard work, discipline, and resolve to see a thesis project through to completion. In this edition of the Colorado Political Science Review, we are highlighting six such projects. From a project highlighting the shifts in European political thought to an analysis of the insider trading practices of the American Congress, honors thesis projects in the realms of political science and international affairs highlight various intriguing perspectives. These projects epitomize CPSR's goal of highlighting student-written work that contributes to the academic discussion of political science and international affairs. We wish to congratulate all six authors on completing their honors theses and wish them the best of luck in their careers post-graduation.



Examining the Drivers of Far-Right Support in Western Europe: How Cultural Threats Shape Electoral Outcomes

Delaney Callahan, University of Colorado Boulder

Abstract: *This paper examines the rise of far-right parties in Western Europe, focusing on the role of culture and traditional values in driving electoral success. The central argument is that traditional values, encompassing social conservatism, opposition to progressive social changes, and religious identity, have become a dominant driver of far-right support since 2017, surpassing the influence of immigration concerns. Using data from the European Social Survey (ESS) from 2002-2024, the study finds that traditional values predict far-right voting, with a significant increase in support from 2018 onward. The analysis shows that individuals with higher traditional values were far more likely to vote for far-right parties, with a dramatic rise in the probability of support from 5% to 25% for the most traditional voters in the post-2017 period. The findings indicate that while immigration remains relevant, cultural conservatism is now a new and significant factor driving far-right success. Through a comparative analysis of France's National Rally, Italy's Brothers of Italy, and Germany's Alternative for Germany (AfD), the paper explores how these parties have leveraged cultural narratives to resonate with voters. Case study findings reveal that far-right parties across Europe have successfully mobilized voters by prioritizing cultural issues, rather than solely relying on economic or immigration concerns. This trend highlights the increasing importance of cultural conservatism in shaping European politics. Ultimately, the paper concludes that the surge in far-right support is not based on previous explanations like economic turmoil, a reaction to immigration, or party competition, but that cultural factors, specifically the preservation of national identity and traditional values, are driving the growth of far-right movements, reshaping the political landscape in Europe.*

In recent years, far-right parties in Western Europe have transformed from political outsiders into dominant forces shaping national governments. Italy's Brothers of Italy now leads the country, France's National Rally secured a historic victory in the European Parliament elections, and Germany's Alternative for Germany (AfD) has doubled its vote share, gaining unprecedented influence. Elsewhere, the rise of the far right has upended political systems, the Netherlands faced months of gridlock after Geert Wilders' Freedom Party won the general election, while in Sweden, the Sweden Democrats remain essential to the governing coalition despite being excluded from formal power. As these parties gain traction, they are not only reshaping national politics but also challenging the foundations of European democracy.



This surge in far-right support presents a pressing question: why are voters increasingly turning to these parties, and what explains their recent growth? While economic grievances, electoral systems, and immigration concerns are often cited as driving forces, these factors alone do not fully capture the far right's growing appeal. I argue that cultural identity and traditional values are at the heart of this shift. Using a mixed-methods approach, with a quantitative analysis of European Social Survey (ESS) data from nine countries, and a qualitative analysis of far-right rhetoric in France, Italy, and Germany, I find strong evidence supporting this claim, revealing that voters with more traditional cultural values are significantly more likely to support far-right parties, particularly in elections since 2018, and that party leaders have increasingly framed their political platforms around cultural preservation, national identity, and resistance to perceived threats to traditional values.

This thesis proceeds as follows; first, I review the existing literature on far-right support and its proposed explanations. Next, I develop the argument that cultural identity plays a central role in driving voters toward the far right. I then present the quantitative findings from ESS data, followed by a qualitative case study of far-right parties in France, Italy, and Germany. Finally, I discuss the broader implications of these findings for European democracy and political stability.

Literature Review

This section details pre-existing scholarship on the far-right, and examines the increasing prominence of far-right ideologies in Western Europe, focusing on the many defined key factors driving this political shift.

Collectively, the research finds that sufficiently permissive electoral systems are critical to far right success, and sought to investigate how economic insecurity, electoral systems, political preferences, immigration, and cultural dynamics all play a role in the increasing rise in the far right movement within Western Europe. Additionally, far-right success is more likely in political systems where traditional class cleavages have declined, giving rise to new conflicts centered on immigration, nationalism, and culture. Through an analysis of foundational texts and recent scholarships, this review offers an in-depth explanation of the dynamics and supporting factors surrounding this debate. These sections seek to explore the key arguments, from economic and cultural grievances, to the role of institutional factors, electoral structures, and political realignments. Each section will delve into the critical factors underpinning the successes of the far right; how electoral systems provide platforms for success, the role of economic insecurity and how welfare nationalism, immigration concerns, and the use of cultural and identity concerns influence political preferences.

This literature review synthesizes the existing scholarship on these issues, identifying commonalities among the far right movement like nationalist rhetoric, anti-immigration sentiments, and Euroscepticism, while also examining areas of debate. While some scholars argue in support of institutional, electoral, immigration, or economic factors as the most significant, the existing literature omits the importance of cultural identity, national narratives, and perceived threats to traditional values as a significant driver behind the rise of the far right, rather than short term economic crises, or political instability. Throughout this review, cultural gaps in literature are identified and prioritized, underscoring the culture's under-appreciated and multifaceted nature behind the recent surge in far-right support in Western Europe.

Economics

Economic insecurity has long been considered a major driver of far-right support. Unemployment, wage stagnation and austerity measures, particularly after the 2008 financial crisis, has fueled the overwhelming resentment towards already established political parties, shifting support towards the far right. This economic argument for far right support is bolstered by findings that show how dissatisfaction with traditional parties increases in the face of economic downturns. Austerity measures and a rise in unemployment rates have fueled the resentment towards left leaning established parties (Golder, 2003). This analysis has claimed that these are the sources behind populist rhetoric, allowing far right parties to position themselves as the champions of a “forgotten” working class.

However, the relationship between economic distress and far right support is particularly strong when welfare benefits are perceived to be inadequate for citizens, or that it has become overly generous to immigrants (Halikiopoulou and Vlandas, 2018). They link economic grievances, particularly around welfare chauvinism, where native citizens are prioritized in social policies, to far-right success. Their research draws on data from the European Social Survey to show how voters’ economic concerns, particularly in relation to immigration, are leading to growing support for far-right parties. They found that while unemployment does not significantly determine far-right support on average, it is positively associated when unemployment benefits are low, indicating the complexity of economic influences on political behavior.

Yet, there are critiques that focus on austerity and immigration, arguing that economic inequality between urban and rural populations is key to understanding the rise of the far right (Marsili, 2024). The argument indicated this intersection is not just a response to economic hardship, but a reaction to cultural threats. Highlighting how these economic grievances are often intertwined with cultural anxieties, causing those who are faced with economic hardship to perceive immigration as a direct threat to their livelihoods and overall wellbeing. This intersection between both an economic distress and cultural apprehension creates not only a complex voter landscape, but a situation where economic factors are unable to be analyzed in isolation without the consideration of culture. It is no surprise that economic hardship plays a role in the successes of far right parties, but it is undeniably intertwined and arguable based on culture and identity based issues. The focus on economics as a sole narrative risks overlooking this role of personal and social identity in shaping political preferences.

Electoral Systems and Party Competition

Another area of research emphasizes the role of electoral systems and party competition in creating opportunities for far-right party advancement. Electoral systems shape the competitive environment in which these parties operate, influencing opportunities for the far right to grow and gain traction. Proportional representation (PR) systems, in particular, facilitate the success of smaller parties by lowering the barriers to parliamentary representation. It was also attributed that proportional representation systems serve as the facilitators of smaller parties, therefore allowing far-right movements to gain speed and recognition within certain legislative systems (Ziblatt, 2023). In contrast, majoritarian systems, which tend to favor larger parties, pose greater challenges for these far right movements. The key concept here is the electoral system impact, referring to the overall design of a nation’s electoral systems and how it affects the representation of fringe parties in their political landscape.

In PR systems, like Germany and the Netherlands, you are more likely to see far right success within their respective parliaments because these systems give smaller parties better chances at winning seats. With this increased visibility, the ability to gain support and influence public perception/discourse becomes simple. This structure creates an environment for the smaller party to gain visibility and legitimacy (Golder, 2016). Electoral success for the far right depends not just on voter preferences (demand-side factors) but also on party strategies and alliances (supply-side factors). Far-right parties are no longer just protest movements, but they have proven that their ideological positions, especially when combined with economic populism and cultural authoritarianism, can win elections (Golder, 2016). While research highlights the interaction between electoral systems and party strategies, it often downplays how electoral rules shape far-right success. For instance, proportional representation can amplify the impact of far-right parties by allowing them to gain seats even with a relatively small share of the vote.

Another criticism of the electoral systems approach is that while it sets an expected threshold for far-right party emergence, it cannot explain the extent of that support. For instance, it may clarify why a far-right party exists in the permissive Netherlands but not in the restrictive UK; however, it does not explain why a party receives 20% of the vote instead of 10%. Likewise, the electoral systems literature faces limitations when it comes to explaining trends in support over time. While there is valuable insight into how party systems create opportunities for this far right emergence, it doesn't account for why this support increases or decreases within a given system. For example, France's majoritarian electoral system has remained constant, yet the National Rally (formerly the National Front) has experienced a dramatic rise in voter support under the leadership of Marine Le Pen. In the 2024 European Parliament elections, the party secured 31.4% of the vote, notably, support for the National Rally increased in 98.6% of France's municipalities (Fevrier, 2024). This suggests that factors beyond electoral systems, such as changing cultural dynamics, economic grievances, and strategic party leadership, are more relevant in explaining shifts in support for the far right.

The decline in voter loyalty to traditional political parties can be explained as creating space for the far right to present themselves as a fresh alternative, and showcase the exploitative nature of these systems (Kitschelt and MacGann, 2006). These specific systems can amplify the voices within radical parties while others attempt to marginalize them. In majoritarian systems, dynamics shift. In the UK, we see a limit of success of these far right parties due to the winner-takes-all nature of the system. The interaction between an electoral design and voter behavior is crucial in understanding the rise of the far right. Systems that allow for smaller parties to gain representation are far more conducive to the success of the far right.

Yet, as Golder points out, while electoral rules like proportional representation can amplify the presence of far-right parties, allowing them to gain seats with a relatively small share of the vote, the literature often underplays how these electoral structures interact with party competition strategies to shape far-right success beyond just mere seat acquisition. The relationship and importance of issue salience in electoral success is further explored by this. It's found that far right parties benefit more from shifts in public concerns, such as immigration or EU integration, rather than changes in their own policy positions (Vasilopoulou, 2022). Their research highlights the role of mainstream party strategies in shaping electoral outcomes, emphasizing the significance of how party positions interact with voter concerns.

Further exploration can be seen in the discussion by showing that mainstream parties in some countries have begun breaking down the cordon sanitaire, or the refusal of one or more political

parties to cooperate with certain other political parties, which allows hard-right factions to access power through coalitions (Coi, 2024). This strategic shift by traditional parties underlines the importance of understanding electoral tactics in determining far-right success, especially in systems that favor coalition-building over majority rule and reflects a changing political landscape in which the far-right is no longer isolated but integrated into the political mainstream.

But while electoral systems are important, they do not necessarily explain this rise of the far right. Many argue that the far right's success is more about the collapse of traditional party structures and voter realignment, than the specificities of an electoral system. Additionally, nations like Spain provide a tangible counterexample to this pattern of proportional representation system, where far right movements have historically struggled despite a favorable electoral structure. This suggests that electoral structures alone are insufficient to explain the rise of the far right's rise and broader political and social dynamics should be considered.

Demographics and Populist Attitudes

Understanding the political preferences of voters who support far right ideologies is crucial when looking at the broader implications. Voter preferences for strong, anti-establishment leaders are key when examining a rise in far right parties. This populist rhetoric emphasizes the need for strong leadership that promises change, and to challenge the political establishment. Research indicates that demographic factors such as age, socioeconomic status, and education play significant roles in shaping political preferences, highlighting growth in the far right. European far-right parties have adopted populist strategies emphasizing anti-establishment rhetoric and appeal directly to the “common person” (Kundnani, 2024, Mudde, 2021). This approach resonates with voters who feel alienated by traditional political elites and institutions, leading to a significant shift in political preferences toward more radical and nationalist positions. While younger voters are seen to gravitate towards more progressive ideologies, older voters lean right, often associated with concerns of national identity and cultural preservation. They also argued that far right leaders appeal to voters who feel alienated by the traditional political elite, and have turned to look for someone who will “shake up” the system they feel so betrayed by.

The rise of the far right is no doubt partially driven by voter preference for leaders who challenge political establishments and offer simple solutions to complex issues. While these leaders’ ability to connect with voters plays a large role in their success, focusing solely on leadership can overlook the broader structural factors that enable the far right to climb. The populist party popularity can therefore be seen as a reaction to these perceived failures.

Immigration

Immigration has remained a central issue behind far right party support across Western Europe. The perception that immigration poses a direct threat to national identity and social cohesion is consistent in far right rhetoric. Immigration, particularly from Muslim-majority countries, is often framed as being a threat to European identity. Le Pen’s National Rally has consistently framed immigration as a primary concern, using it as means to galvanize support by portraying immigrants as a cultural threat (Golder, 2016; Halikipoulou and Vlandas, 2018). Highlighting the interplay between immigration

narratives and national identity indicates that fear surrounding cultural dilution and social fragmentation is being capitalized on.

Expanding on this, rising immigration levels are often seen as a central factor driving support for the rising populist right within Western Europe (Rooduijn, 2015). Voters who perceive immigration as a threat, whether that is towards job security, or national identity, are seen to gravitate towards far right parties, who position themselves as protectors of the national border, defender of cultural homogeneity, and opponents of mass immigration. These concerns directly resonate with voters who view immigration as a socio-cultural and economic threat. However, it is also pointed out that while immigration is a significant issue, it is not seen as the sole driver of far-right support but rather one of several important factors that, when combined, contribute to the rise of these parties (Rooduijn, 2015).

While immigration remains a potent issue for far right parties, it is not solely about the number of immigrants. Far right parties have increasingly capitalized on showcasing the broader fear behind this: a loss of national identity. It's argued that far right movements have increasingly been driven by the cultural factor, rather than immigration alone (Marsili, 2024). These parties have skillfully framed immigration as a symbol of deeper societal changes that threaten traditional values and a way of life, amplifying fears around cultural loss and blaming national decline on immigration as a whole. The strategic framing of immigration, as a cultural issue rather than just economic, has allowed for far right parties to gain traction among voters beyond their traditional audience. The intersection of immigration with cultural and identity based anxieties makes this a powerful, and multifaceted issue.

Culture

The resurgence of far right parties in Western Europe is intricately tied to cultural dynamics, where cultural grievances and identity policies contribute to the broader acceptance of far right ideologies within mainstream political discourse. The concept of cultural backlash, indicated that individuals with conservative leaning values are more likely to support far right parties as a reactionary defense against progressive culture change (Norris and Inglehart, 2019). They identify a demographic profile of voters, those who are often older, less educated, and seen to be economically insecure, are motivated by this desire to reclaim lost cultural values. This generational divide in political values illustrates the complexity of cultural grievances in driving support for far-right ideologies.

This appeal is rooted within this act of self defense, with “new nationalism,” resonating with voters who argue that the cultural narratives promoted by progressive groups are under attack and see the position of far right parties as defenders of traditional values and the national way of life (Halikikiopoulou and Vlandas, 2019, Sierakowski et al., 2024). This is further asserted that the far right capitalizes on these feelings of cultural dislocation, framing globalization and immigration as threats to national identity, which gives voters the push they need to look towards far right parties who are promising their old way of life back.

As Coi (2024) points out, public sentiment on immigration and national sovereignty is a key factor behind the rise of populist parties. As voters shift their concerns from economic issues to questions of culture and identity, far right parties have now successfully positioned themselves to be the champion of national culture. However, Coi (2024) highlights the fragmentation within the far-right, where cultural grievances unite voters, but internal divisions on broader political strategies often limit cohesion.

In addition to national identity, regional culture plays a large role in far right support. The concept of dialectal identity and political behavior is connected as part of the cultural drive, arguing that voters in peripheral regions of Germany are more inclined to vote far right because of this regional cultural identity (Ziblatt et al, 2023). Their research identifies a significant positive correlation between dialectal distance from standard German and electoral support for the AfD (Alternative for Germany party). This underscores how historical center-periphery dynamics and regional dialects can shape political behavior and far-right support. Not only does cultural distinctness shape political alignment, but it allows one to understand how deeply culture impacts voting behavior, suggesting that cultural grievances are central when looking at the rise of the far right.

The cultural dimensions of the far right's resurgence reveals the complex interplay between national identities and political preferences. By framing their narratives around cultural preservation and the push for traditional values, far right parties are able to effectively mobilize and stay in power. This appeal to both national and regional cultural concerns underscores the centrality of cultural grievances within the rise of far right ideologies across Western Europe.

While existing literature offers valuable insights into the rise of far-right movements in Western Europe, key gaps remain. Economic explanations, such as austerity and globalization-induced labor market changes, capture important structural pressures but fail to account for why far-right support has surged even in relatively stable economies. Institutional analyses provide useful frameworks for understanding electoral viability but often overlook the deeper societal shifts that make these parties electorally viable in the first place. Cultural explanations, while increasingly acknowledged, are often treated as secondary to economic and institutional factors. However, growing tensions over national identity, immigration, and the perceived erosion of traditional values suggest that culture is not merely an auxiliary factor but a driving force behind the far-right's appeal. By centering culture as the primary explanatory variable, this study seeks to bridge the gaps in existing scholarship and offer a more comprehensive understanding of why far-right ideologies are gaining traction in Western Europe. This foundation sets the stage for the following theory section, which will further develop the argument that cultural anxieties, particularly those surrounding national identity and perceived cultural loss, are the most significant catalysts for far-right support.

Theory

The resurgence of far-right parties (FRPs) cannot be fully understood through economic or institutional explanations alone. While more material concerns like economic instability and unemployment have always played a role in shaping political preferences, specifically when it comes to the far-right, it is cultural anxieties, those tied to perceptions of national identity erosion, that have proven to be the most recent significant predictor of far-right support. These anxieties provoke a defense of traditional values, which, in turn, fuels FRP support. This theory builds on Norris and Inglehart's conceptualization of cultural values, which encompass authoritarian values, political mistrust, and left-right self-placement, to argue that perceived cultural threats drive increased support for FRPs.

Norris and Inglehart's framework helps clarify why cultural anxieties, rather than purely economic concerns, are central to far-right mobilization. They argue that contemporary political cleavages are increasingly shaped by a libertarian-authoritarian divide, with cultural values at the core of this polarization. Authoritarian values, characterized by a preference for strong leadership, social

conformity, and resistance to change, align closely with the far-right's emphasis on law and order, nationalism, and anti-immigration policies. Political mistrust, another key component, fosters skepticism toward mainstream parties and democratic institutions, leading disillusioned voters to support outsider movements that promise to restore traditional social hierarchies. Finally, left-right self-placement serves as a heuristic through which individuals align their cultural grievances with political choices, positioning FRPs as defenders of traditionalist ideals against perceived progressive overreach.

Culture is best understood as the shared values, norms, and beliefs that shape individual and societal behavior. One of the defining tensions in contemporary politics is the clash between traditionalist and progressive worldviews. Progressive values emphasize individual freedoms, gender equality, LGBTQ+ rights, and a secular governing body, while traditionalist values prioritize national identity, classic family structures, religious loyalty, and hierarchical social order. This ideological divide has become particularly pronounced in response to progressive social changes such as the legalization of same-sex marriage, increased immigration, and policies promoting multiculturalism. As these shifts challenge long-standing traditional norms, segments of the population experiencing a perceived loss of cultural dominance increasingly turn to FRPs as a means of preserving their values.

The relationship between perceived cultural threat and recent FRP support can therefore be seen as the struggle between traditionalist and progressive worldviews. As progressive policies gain traction, those who feel alienated by these changes are more likely to view immigration, multiculturalism, increased LGBTQ rights, evolving definitions of family structures and shifting social norms as existential threats to their national and cultural identity. These concerns often extend to the preservation of religious values and ethnic traditions, which are perceived as under siege in an increasingly diverse and secular society. This dynamic explains why FRPs have found success not only among the economically insecure, those disillusioned with their party systems, and those experiencing increased immigration, but also among voters whose primary concerns revolve around cultural preservation.

This study seeks to show support for the hypothesis that: Voters with stronger traditional values will be more likely to support far-right parties.

Research Design, Data, and Methods

My research methods section describes the design and scope of my study, and outlines the methods and controls implemented to ensure its organization and structure. This study is composed of two sections. First, a non-experimental correlational design, and second, a three-part case study. The non-experimental correlational design seeks to identify the relationships between the increasing prominence of far-right parties in Western Europe and the perceived key factors of culture driving this political shift. The multi-national scope of this research focuses on identifying broad patterns of how traditional values impact voting for the far right. Cross-national survey data from the European Social Survey (ESS) from 2002-2024 covering 9 different countries within Western Europe served as the primary source for this analysis. The countries are as follows: Austria, Belgium, France, Germany, Italy, Netherlands, Spain, Sweden, and Denmark. For all models, the unit of analysis is the individual, and up to 98,505 observations are included.

This study was designed to test the hypothesis that perceived cultural threat, specifically comparing progressive versus traditional values, will positively predict support for far right parties' growth and support in Western Europe. This is through the identification of variables that are linked by culture, such as gender equality, LGBTQ+ rights, secularism versus religiosity, and feelings of being in the ethnic majority. These factors serve as key indicators of broader cultural anxieties, with the perception that progressive social changes undermine perceived national identity and traditional values driving increased support for far-right parties. By analyzing these variables, the study aims to demonstrate how strong traditional values, rather than purely economic or institutional factors, play a significant role in shaping political alignment and fueling the rise of far-right movements across Western Europe.

The second is a qualitative analysis, utilizing a comparative approach with selected case studies; France, Germany and Italy, and was adopted to fill the gaps in casual claims between perceived cultural threats and far right support. Within each country, I compared support for far right parties from their inception to now, to examine how these cultural shifts may influence electoral outcomes and far right success.

Data Collection

Cross-national surveys from the European Social Survey and party speeches were the primary sources for this study. ESS provided insight into individual attitudes toward immigration and national identity, while the personal candidate verbiage offered more detailed manifestos of the far right for case study application. To measure the correlation between these perceived cultural threats and far right party support, correlation analysis and regression models were used. These methods allowed for an assessment of how changes in cultural perceptions influence voting patterns and overall support for populist rhetoric and far right parties.

There were some limitations and potential confounding variables within this design. Due to the non-experimental design, causality is unable to be definitively established. The study is only able to demonstrate a correlation, not a causal relationship. Because of this, case studies were employed, but other factors that were possibly missed could contribute to the rise of the far right. The inclusion of control variables such as economic indicators and education helped reduce the risk of misinterpreting observed relations, and the use of cross temporal and cross sectional comparisons helped assist in eliminating these confounding variables.

The cross-national non-experimental designs measurable dependent and independent variables were as follows.

Dependent Variable and Model Specification

The dependent variable in all models is the recalled vote in the most recent national election. This data is from the European Social Survey data, and is a nominal binary dependent variable (vote for FRP =1, not voting for FRP = 0). Because the dependent variable is binary, indicating a choice between voting for a far-right party (FRP) or not, logistic regression is the most appropriate modeling approach. Logistic regression allows for estimating the probability of voting for an FRP based on a set of independent variables, making it well-suited for analyzing categorical political behavior.

Independent Variables

These variables include three measures of religiosity, two measures of concern about immigration, one measure of support for LGBTQ+ rights, one measure of support for traditional family values, and one measure of support for ethnic identity. For a full description of survey wording and measurement scale for the variables included, see appendix A. Together, these variables serve as indicators of cultural anxieties, capturing attitudes toward key societal changes, with higher scores representing more traditional values and lower scores indicating more progressive stances. The level of measurement is ordinal, using scale survey responses to record.

The independent variables were measured on a scale from a minimum of 0 through a maximum of 10. In theory and in practice, the data set has a full range, a mean of 3.36, a standard deviation of 1.56. To assess perceived cultural threat, I included eight specific measures that originally had varying scales, some binary, some on a 1-5 scale, and others on a 1-10 scale. To ensure comparability, all measures were rescaled so that they contribute equally to a final 0-10 scale, where 0 represents the most progressive possible position and 10 represents the most traditional possible position.

Control Variables

To account for potential confounding factors that may influence the relationship between perceived cultural threat and support for far-right parties, several control variables were included in this study. On an individual level, variables such as gender, age, years of education, employment status (unemployed or retired), income decile, and satisfaction with economic conditions and democracy were controlled for. To address economic grievances (Golder, 2003; Halikiopoulou & Vlandas, 2018) and populist attitudes (Ziblatt, 2023; Coi, 2024), I control for attitudes toward immigration's economic impact, as well as satisfaction with the economy and democracy. This helps clarify how economic and political conditions shape cultural perceptions. Given the tendency that certain demographic groups are more likely to vote for the far right (Norris & Inglehart, 2019; Sierakowski et al., 2024), it is essential to control for age, gender, and education. Further research suggests that individuals with traditionalist gender attitudes gravitate toward movements that reject feminism and emphasize more rigid gender hierarchies. Therefore, controlling for gender and age is crucial, as older men, in particular, may feel threatened by changing gender norms and thus be more likely to support far-right parties (Brechenmacher, 2024). Lower levels of education and income, often linked to economic insecurity, are also associated with stronger support for far-right ideologies. For voters who perceive immigration as a threat, particularly to job security (Rooduijn, 2015), I control for employment status. As educational systems vary widely across countries, the number of years of formal education was used as a standard measure for this control variable. These individual characteristics are critical because they can shape political preferences and attitudes, which may influence the perception of cultural threats and, consequently, the likelihood of supporting far-right parties.

In this study, country-level control variables, such as migration and district magnitude, were initially considered. However, due to the structure of the European Social Survey (ESS), which is conducted in multiple rounds across different years, it proved difficult to integrate country-level data into the dataset. As a result, the decision was made to exclude these variables. Instead, fixed effects for both country and ESS round were included as controls. This approach captures variations across countries and over time, effectively addressing potential confounding factors related to national context and temporal changes.

Results

This section is used to describe the results and their interpretation in relation to my hypothesis.

Table 1 shows the likelihood of voting for far-right parties for the time periods of 1) 2002-2024, 2) 2002-2017, and 3) 2018-2024. As shown in Table 1, there is generally strong support for the hypothesis that traditional values predict support for far-right parties. In 2002-2024, the model showed that a one point increase in traditional values predicts a 0.06 increase in the log odds of voting for a far right party; indicating an overall positive effect that is statistically significant at 0.01 level across the comprehensive timeline.

Table 1: Comprehensive ESS controls vs. traditional values

	(1) Vote FRP, 2002-2024	(2) Vote FRP, 2002-2017	(3) Vote FRP, 2018-2024
Traditional Values	0.06*** (0.01)	-0.05*** (0.02)	0.20*** (0.02)
Immig. Bad Economy	0.23*** (0.01)	0.23*** (0.01)	0.23*** (0.01)
Age	-0.00*** (0.00)	-0.00*** (0.00)	-0.01*** (0.00)
Years Education	-0.01* (0.00)	0.00 (0.00)	-0.01** (0.01)
Male	0.41*** (0.03)	0.46*** (0.03)	0.37*** (0.04)
Unemployed	-0.21*** (0.06)	-0.23** (0.09)	-0.14 (0.10)
Retired	-0.01 (0.04)	0.07 (0.05)	-0.07 (0.06)
Sat. Economy	0.02*** (0.01)	0.02** (0.01)	0.04*** (0.01)
Sat. Democracy	-0.05*** (0.01)	-0.05*** (0.01)	-0.08*** (0.01)
Intercept	-4.16*** (0.12)	-3.87*** (0.16)	-3.11*** (0.16)
<i>N</i>	98505	56473	32065

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

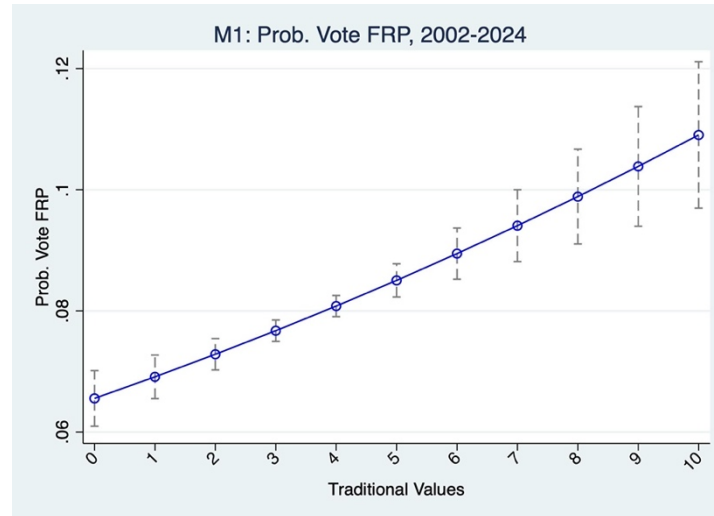
Standard errors in parentheses

Country and year fixed effects not shown

Figure 1 plots the predicted probability of voting for the far right across the full range of Traditional Values (0 = most progressive, 10 = most traditional), while holding all other variables at their mean values. The data shows that individuals with the lowest levels of traditional values (scores of 0-2) have only about a 6-7% chance of voting for the far right, whereas those with the highest levels (a score of

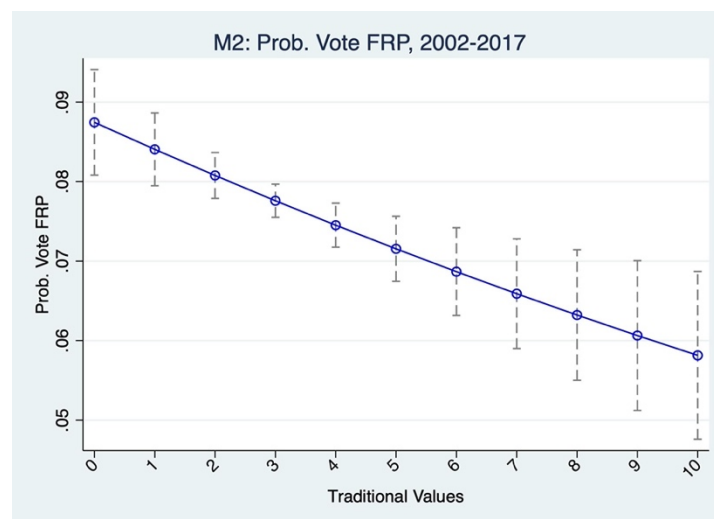
10) have an estimated probability of 11%. The mean voter, at level 5, sits at a predicted probability of voting for the far right of 8.5%. These results strongly support the hypothesis that increasing traditional values is a significant driver of support for the far right.

Figure 1: ESS Predicted Probability 2002-2024



However, from 2018-2024, Model 3 shows that traditional values increased the log odds of voting for the far right by 0.20, marking the most statistically significant positive effect. While 2002-2024 shows a significant relationship between traditional values and far-right party support when considering the full dataset, this effect is driven primarily by the post-2017 period, as the 2002-2017 data actually indicates a negative correlation, whereas 2018-2024 exhibits a substantial positive relationship.

Figure 2: ESS Predicted Probability 2002-2017

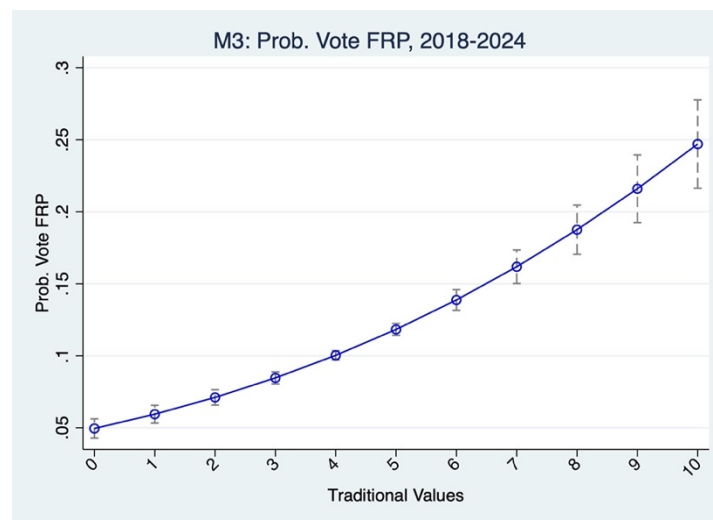


While Model 1 shows positive effects overall, this masks the interesting variation in traditional values over time. In fact, in Model 2 covering 2002-2017, traditional values decreased in significance, with a one point increase in traditional values decreasing the log odds of voting for the far right by .05. Figure

2 presents this data, and the likelihood of voting for the far right decreases slightly from approximately 9% to 6% when moving from the most progressive to the most traditional end of the spectrum.

In contrast, Figure 3, which includes only the most recent ESS surveys from 2018-2024 (Model 3), reveals a dramatically different effect. Here, Model 3 shows that Traditional Values has an even stronger positive relationship with far-right voting, with a 0.20 increase in the log odds for each one-point increase in the Traditional Values measure. Figure 3 illustrates that individuals with the lowest Traditional Values scores have an estimated 5% probability of voting for the far right, while those with the highest Traditional Values scores (a score of 10) have a striking 25% probability of doing so. This suggests that Traditional Values have become a far more salient predictor of far-right support in the post-2017 era, aligning with broader political and cultural shifts emphasizing nationalism, anti-immigration rhetoric, and traditionalism.

Figure 3: ESS Predicted Probability 2018-2024



Overall, these findings highlight that while the full dataset (2002-2024) suggests a general positive relationship between Traditional Values and far-right support, this effect is not consistent over time. Instead, the significance of Traditional Values as a predictor of far-right support is most important when looking to identify the recent surge of far-right party support, but it should be noted that the general positive effect of Model 1 is actually reflecting the significant effect of traditional values in the 2018-2024 period.

A potential criticism of traditional values being the primary driver of far-right support is the possibility of immigration variables being the core issue, rather than the hypothesis being attributed to broader traditional values as a whole. That is, because traditional values include two measures that directly ask about the effects of immigration on culture and society, it is possible that the significant effects observed above are only a result of immigration attitudes rather than traditional values more broadly. If the effect of Traditional Values on far-right support were merely a proxy for anti-immigration sentiment, we would expect the statistical significance of Traditional Values to diminish once these controls are introduced. In order to test for this possible confounding effect, the exact same models were run with the two selected immigration variables from the ESS removed and controlled for.

In Table 2, the ESS compared the probability of voting for the far right controlling for immigration values for the time periods of 4) 2002-2024, 5) 2002-2017, and 6) 2018-2024. In 2002-2024, as seen in Model 4, traditional values are negatively related to voting for the far right, predicting a 0.08 decrease in the log odds of voting for far-right parties, indicating an overall negative effect that is statistically significant across the comprehensive timeline.

Table 2: Comprehensive ESS immigration controls vs. traditional values

	(4) Vote FRP, 2002-2024	(5) Vote FRP, 2002-2017	(6) Vote FRP, 2018-2024
Traditional Values	-0.08*** (0.01)	-0.14*** (0.01)	0.12*** (0.03)
Immig. Bad Economy	0.08*** (0.01)	0.08*** (0.01)	0.08*** (0.02)
Immig. Bad Culture	0.15*** (0.01)	0.15*** (0.01)	0.13*** (0.02)
Immig. Bad Society	0.15*** (0.01)	0.15*** (0.01)	0.16*** (0.02)
Age	-0.00*** (0.00)	-0.00*** (0.00)	-0.01* (0.00)
Years Education	-0.00 (0.00)	0.00 (0.00)	0.01 (0.01)
Male	0.31*** (0.03)	0.33*** (0.03)	0.29*** (0.07)
Unemployed	-0.21*** (0.07)	-0.17** (0.08)	-0.24 (0.19)
Retired	-0.03 (0.04)	0.03 (0.05)	-0.14 (0.11)
Sat. Economy	0.03*** (0.01)	0.03*** (0.01)	-0.02 (0.02)
Sat. Democracy	-0.02*** (0.01)	-0.00 (0.01)	-0.13*** (0.02)
Intercept	-4.95*** (0.13)	-4.78*** (0.15)	-4.63*** (0.30)
<i>N</i>	96395	74754	31494

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Standard errors in parentheses

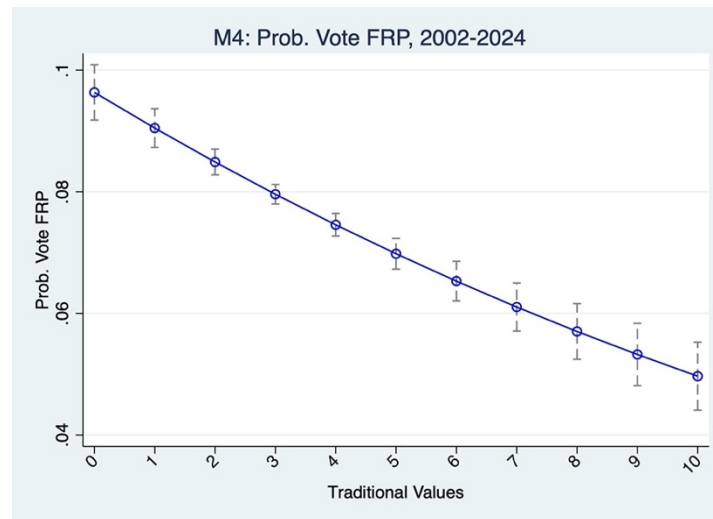
Country and year fixed effects not shown

When looking at Figure 4 (Model 4), which includes all ESS surveys from 2002-2024 removing the immigration variables and placing them as a control, we see there is now a negative correlation between traditional values and voting for the far-right. Figure 4 plots the predicted probability of voting for the far right across the full range of Traditional Values (1 = most progressive, 10 = most traditional),



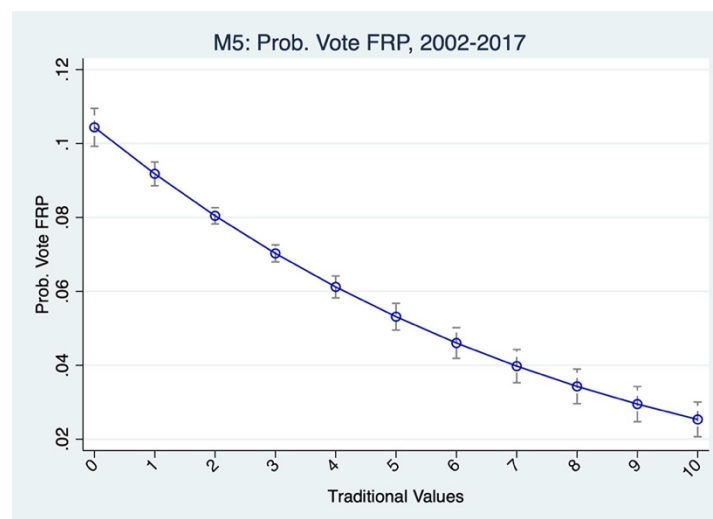
while holding all other variables (including immigration) at their mean values. The data shows that individuals with the lowest levels of traditional values (scores of 0-2) now have about a 9% chance of voting for the far right, whereas those with the highest levels (a score of 10) have an estimated probability of 5%. The mean voter, at level 5, sits at a predicted probability of voting for the far right of 7%.

Figure 4: ESS Immigration Control 2002-2024



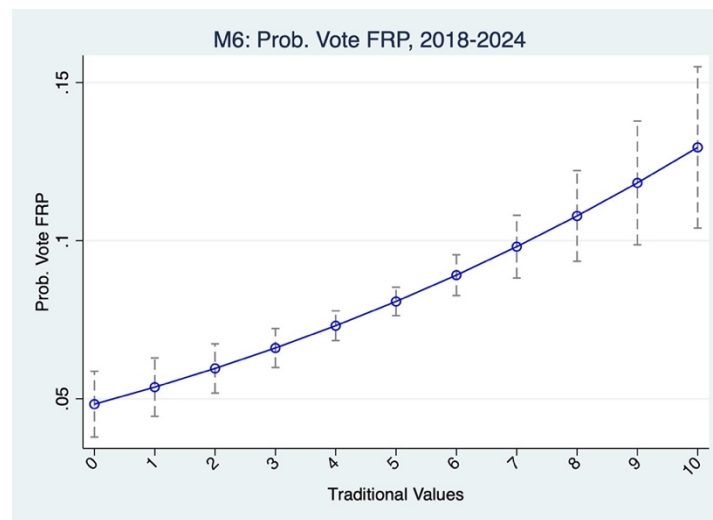
In 2002-2017, Model 5 shows that traditional values again negatively affected the log odds of voting for the far right, predicting a decrease of 0.14. Figure 5 (Model 5), presents the same analysis but restricted to the 2002-2017 period. This time period is similar to Model 4: Traditional Values continue to be seen as negatively related to far-right party support. Figure 5, plots these findings on the full range scale as well, showcasing that the likelihood of voting for the far right decreases from approximately 10% to 2% when moving from the most progressive to the most traditional end of the spectrum.

Figure 5: ESS Immigration Control 2002-2017



While Model 4, 2002-2024 shows a significant negative relationship between traditional values and far-right party support when considering the full 2002-2024 dataset with immigration variables removed and controlled for, this effect masks the most recent data, and Model 6 (2018-2024) exhibits a substantial positive relationship even with the removal of immigration based variables. In Model 6, traditional values increased the log odds of voting for the far right by 0.12, marking the most statistically significant positive effect. This is where we again see the significance of culture in the most recent years, and a clear positive correlation between traditional values and far-right vote share. Those identified as the most progressive on the scale only have around a 5% chance of supporting the far right, in comparison to the most traditional voter with 12%.

Figure 6: ESS Immigration Control 2018-2024



While these results indicate that immigration attitudes are indeed strong predictors of far-right support, as they have always been, the effect of Traditional Values continues to remain statistically significant even when controlling for these immigration-related factors in the most recent years. This suggests that while anti-immigration sentiment is an important factor, broader traditional values, encompassing views on gender roles, family structures, and social conservatism, independently contribute to this surge of far-right support specifically when attempting to explain voting behavior in the post-2017 period.

Discussion

The results from the European Social Survey (ESS) reveal a significant and evolving relationship between cultural factors and far-right party support across Europe. This study strongly supports the hypothesis that traditional and cultural values are a key driver of far-right support, particularly when it comes to recent years of electoral success. While earlier predictors like immigration concerns will always remain important, the recent surge in far-right support is seen to be increasingly rooted in those broader cultural values identified.

During the 2002-2017 period, far-right support was largely explained by cultural grievances tied to immigration, consistent with earlier research such as Rooduijn (2015) or Golder's (2016) work. The other aspects of traditional values during this time are seen to have had either a negligible or slightly

negative association with far-right voting, suggesting that cultural backlash was primarily centered around migration issues rather than broader cultural conservatism.

However, the 2018-2024 period marks this significant shift. Even after controlling for immigration attitudes, traditional values, like opposition to LGBTQ+ rights, an emphasis on ethnic majority status, religious conservatism, and the adherence to traditional family structures, become strong and independent predictors of far-right support. The predicted probability models highlight this transformation: while voters with high traditional values showed little inclination to support far-right parties in the earlier period, their predicted probability of doing so surged from 5% to 25% after 2017. This indicates that cultural issues beyond immigration, like gender norms and religious identity, have become central to the recent far-right appeal.

More importantly, the recent rise in far-right support cannot be fully explained by these 'classic' predictors alone. While economic dissatisfaction and anti-immigration sentiments still remain relevant, the growing emphasis on cultural traditionalism marks a new and significant development. This shift reflects a broader cultural realignment, where identity politics, social conservatism, and value-based grievances drive electoral choices. Early patterns of far-right support were consistent with immigration-driven concerns, but post-2017 dynamics highlight how cultural values, especially negative views on progressive social changes and ties to traditionalism have emerged as the primary predictors.

In summary, the role of culture in shaping far-right support has consistently mattered but has evolved over time. From 2002-2017, immigration was seen as a predominant cultural factor. Since 2018, however, traditional values have not only complemented but surpassed immigration concerns as the leading cultural driver. This shift explains the recent surge in far-right support across Europe and underscores the importance of understanding how evolving cultural attitudes, particularly around identity, tradition, and social norms, reshape political landscapes.

Case Studies

This case study aims to examine how France's National Rally, Italy's Brothers of Italy, and Germany's Alternative for Germany (AfD) have leveraged cultural narratives. These countries were selected because they represent a most different case approach: although each has seen strong far-right performance, the political contexts are quite distinct. France has a long history of far-right parties, Italy has relatively limited far-right presence, and Germany's AfD is a more recent political phenomenon. The economic contexts also vary, with Italy particularly affected by the Euro crisis, while Germany remained largely unaffected, and was even a major lender to indebted countries. Immigration has also shown variations; during the peak refugee crisis year in 2015, France was accountable for taking in around 100,000 refugees, while Germany took in around 1 million. These three nations also differ when it comes to electoral systems, with France as majoritarian, and Germany and Italy as more permissive.

Through speech, written messages, and media, these far right political institutions have been able to successfully resonate with voters and drive their recent political victories. By analyzing the cultural strategies employed by these parties, these case studies highlight their electoral successes. In France, the National Rally has become the second-largest party, and in Italy, the Brothers of Italy now lead a far-right government. In Germany, while the AfD has only recently entered parliament, it has risen to

become the second-largest party. This section will provide a nuanced understanding of how culture and traditional values function as a tool for political mobilization.

These successes underscore the powerful role that cultural narratives and traditional values play in political mobilization, offering insights into the broader appeal of far-right ideologies in diverse European settings. Additionally, the case study seeks to address limitations in the non-experimental design, particularly the challenge of establishing causality in the ESS survey data, by using cultural insights to fill gaps in understanding the electoral success of these far-right parties.

France Case Study

In a France that had just adopted anti-racism laws, 1972 marked the creation of the country's most prominent far-right party, Front National (National Front). Now called *Rassemblement National* (National Rally), the Front National was founded by Jean-Marie Le Pen, the party was an uneasy alliance of French nationalists, anti-communists, military veterans, and fascist sympathizers, including former members of the Waffen-SS. In the beginning, Le Pen and his team did little to make their views more appetizing for the average voter. Electoral success was far from its grasp, even failing to secure a place on the presidential ballot in 1981. The National Rally remained largely ostracized from French politics, and was viewed as just too radical even by many conservatives. However, the creation of the National Rally was more than just a political maneuver; it was an attempt to give the far right a palatable face, one that left room between the neo-fascists and the more presentable nationalists.

At its inception, culture was not the primary vehicle for the party's messaging. Instead, economic grievances and law-and-order rhetoric dominated its appeal. In the 1980s and 1990s, France was grappling with high unemployment, deindustrialization, and the rise of a European economic order that many working-class voters saw as a threat to their livelihoods (Tuppen, 1988). The National Rally's initial appeal rested on economic nationalism and protectionist policies, framing globalization, the European Union, and immigration as threats to French jobs. It was seen to follow the ideology framed by Pierre Poujade, a French right-wing populist politician, who founded the idea of Poujadism (a small tax protest movement) (Tikkanen, 2025). While cultural concerns had always been present in the party's rhetoric, they took a backseat to more material anxieties, particularly among working-class voters who had historically aligned with the left but felt increasingly abandoned by mainstream parties.

Throughout the 2000s, security concerns and opposition to the European Union took center stage in the party's electoral strategy. The National Rally framed the EU's policies, such as the Schengen Agreement, which allows free movement across European borders, as reckless, arguing that they exposed France to heightened security risks and economic instability. This messaging resonated with voters who were increasingly skeptical of globalization and supranational governance, particularly in the aftermath of the 2008 financial crisis (Berezin, 2006). In 2014, the party shocked French political figures by obtaining 25 percent of the parliamentary vote, making the National Rally the top French vote-getter in a multiparty system (Wilcox, 2015). Economic arguments remained potent, and while cultural issues like immigration and national identity were still part of the conversation, they were framed more as security risks than existential threats to French heritage. The National Rally also capitalized on the fears of terrorism, particularly after the 2015 attacks in Paris and Nice, and positioned itself as the defender of national sovereignty against the EU's overreach. These attacks, which killed over 130 people in Paris and 86 in Nice, reinforced the party's long standing narrative that mass immigration, particularly from Muslim-majority countries, posed a direct threat to France's

security (Chrisafis, 2015). At the same time, the party continued to champion its Eurosceptic platform, portraying the EU as an undemocratic institution that threatened France's sovereignty and economic stability. The party's rhetoric in this period was particularly effective because it tapped into widespread anxieties about crime and instability. The idea that France's traditional values were under siege was present but secondary to more immediate concerns about security and economic hardship. Unlike in later years, when cultural grievances would become the dominant rallying point for the far right, the early 2000s and 2010s were defined by a fusion of economic nationalism, Euroscepticism, and security-based fearmongering.

It wasn't until nearly five years ago that culture became the dominant factor in the National Rally's success. Cultural anxieties became a defining feature of its platform, amplified by political discourse that increasingly centered on issues of identity, tradition, and perceived social decline. Under Marine Le Pen (daughter of National Front's founder), the party underwent a rebranding process that softened its extremist edges, effectively removing her father from the party, and denouncing his more than xenophobic comments, made it more appealing to mainstream voters. As Marine Le Pen assumed leadership of the party, she began to reframe previously unpopular ideas and present them in a more palatable light, broadening the party's appeal. One of the most striking examples of this shift is her handling of the party's policy of *préférence nationale* (national preference), a cornerstone of the National Rally's platform since the late 1970s (Chemin, 2024). This policy would give priority to French citizens for jobs, social services, and benefits. It should be noted that the term "*préférence nationale*" has long carried a sense of arbitrariness and potential unfairness, contradicting the French Republican principle of equality under the law (Chemin, 2024).

Marine Le Pen was able to successfully and purposely reframe this policy by renaming it *priorité nationale* (national priority) and *patriotisme social* (social patriotism). The shift from *préférence nationale* to *priorité nationale* was part of a broader strategy to present far-right policies in a more mainstream light, tapping into the growing cultural grievances of voters who were concerned about immigration, national identity, and the preservation of French heritage (Wilcox, 2015).

Marine Le Pen also made careful adjustments in her language around issues of race and identity. Her father, Jean-Marie Le Pen, was known for his unapologetic and explicitly racial rhetoric: "Yes, the races are unequal. I am only saying in public what most French people think in private," Mr. Le Pen had said in response to a French journalist covering the National Front's summer school (Dejevsky, 1996).

Marine Le Pen has, however, avoided the word "race" altogether. Instead, she spoke about "cultures," "civilizations," and "nations" as entities that have a right to remain separate and distinct (Wilcox, 2015). In her presidential campaign launch in 2017, Le Pen delivered a speech in Lyon arguing this very aspect of culture, and the idea of "Frenchness" as a way of life.

I am the candidate of the people. Indeed, in all respect, this presidential election is nothing like the previous ones; it opens the crucial debate at which the foundations of our country are at stake. Its outcome will determine whether France will remain a free nation; and for those of our fellow countrymen and women who like us, feel French above all, it will determine our existence as people...Globalization feeds on the denial of the fundamental pillars on which the French nation was founded and which most French people still regard as essential...we have not given up being French yet. (Le Pen, 2017)

This rhetorical shift allowed her to distance herself from the most overtly discriminatory language of her father's era, while still advancing a message of cultural protectionism. Le Pen framed the growing influence of foreign cultures, particularly Islamic culture, as a direct threat to the French way of life (Chambraud, 2022). By presenting these issues through the lens of cultural preservation rather than racial superiority, she successfully broadened the appeal of her policies while tapping into the anxieties surrounding France's changing demographics.

While some may claim that the history of the National Rally was long considered an issue for Marine Le Pen, recognizing that the origins of the party itself was not for the 'undecided' voter, it can be argued that the daughter of the party's founder has been long embracing this rather than running from it. In 2015, Marine Le Pen was set to face trial for comments comparing Muslim public prayer to that of Nazi occupation (Iyengar, 2015). The comments made in 2010 during a public rally in Lyon stated that "if we're talking about an occupation, we could talk about the [street prayers], because that is clearly an occupation of territory," she had said. "There are no tanks, there are no soldiers, but it is an occupation nevertheless, and it weighs on people" (BBC, 2015).

The transition from economic and security-based rhetoric to cultural grievance politics can be traced to a broader shift in the global political landscape. The rise of populist movements in Western Europe and even the United States demonstrated that voters were increasingly motivated by cultural identity rather than the traditional economic concerns. In France, debates over *laïcité* (secularism), the role of Islam in public life, and the preservation of French heritage gained unprecedented prominence, providing the National Rally with a new and powerful narrative. *Laïcité* is a core tenet of the French Republic that advocates for a strict separation between religion and state, and became a part of these key cultural battlegrounds (Legi France, n.d.). Le Pen used the topic to argue that France's secular identity was under threat due to the growing influence of Islam, particularly through practices such as Muslim women wearing the hijab in public spaces or Muslim communities building mosques (Nowak, 2017). These discussions were not just about religious freedoms but were reframed as cultural and societal battles to preserve a distinct French way of life.

By the 2020s, cultural anxieties reached a tipping point. The party's discourse no longer just framed immigration as a burden on the economy or a security risk, instead it became a cultural battle over the very essence of what it meant to be French. Policies and rhetoric that once focused on job loss and EU regulations were now overtaken by discussions of a "cultural replacement," national pride, and the erosion of traditional French values. The 2024 Paris Olympics marked an easy point of reference for this, when rightwing politicians like conservative senate leader Gérard Larcher and Reconquête party leader Eric Zemmour Spoke out against France's biggest pop star, Aya Nakamura, as the opener for the games ceremony. They argued that her performance, which was rumored to include a rendition of Édith Piaf's "La Vie en Rose," was inappropriate, and contended that her music, particularly given her French-African heritage, symbolized the growing influence of foreign culture in France, which they argued undermined French identity (Dodman, 2024). This criticism was notably in contrast to the reception of other international stars, such as Canadian singer Celine Dion, who performed for the Paris Olympics as well. Despite Dion's Canadian nationality, her performances were largely embraced as part of the French cultural fabric, illustrating a huge discrepancy in the treatment of foreign-born performers. The fact that a Canadian artist, seen as culturally aligned with French norms, faced no opposition underscores how the controversy surrounding Nakamura was rooted not in nationality, but in the broader fear of cultural change linked to immigration and perceived threats to French heritage, and unapologetic racism. Critics of Nakamura's performance argued that her African heritage, combined with the growing Muslim influence in French society, represented a departure

from what they considered the authentic “French way of life.” The rise of social movements advocating for progressive changes, such as racial justice protests and gender identity debates, also fueled the perception that French identity was under siege, a narrative the National Rally capitalized on.

What makes this shift particularly significant is that it represents a broader transformation in voter priorities. While economic hardship and security threats remain concerns, the most potent driver of far-right support today is the belief that French culture is at risk. This cultural conversation, once secondary to economic and political grievances, has now become the dominant framework through which the National Rally engages its supporters.

In many ways, the party’s success in the last five years is not just a political phenomenon but a cultural one. It reflects a growing demand for a return to traditional national identity, a rejection of progressive social changes, and a fear of cultural erosion. What began as a movement fueled by economic frustration has now evolved into a party whose primary appeal is rooted in cultural protectionism, demonstrating that the battle for France’s political future is now being fought on cultural, rather than economic, grounds.

Italy Case Study

In the aftermath of World War II, Italy emerged from the wreckage of fascist rule determined to chart a new democratic course. The country’s 1948 constitution explicitly outlawed the reformation of the Fascist Party, and the postwar political order was built on an unspoken consensus: fascism belonged to the past (THE CONSTITUTION OF THE ITALIAN REPUBLIC, 1948). The dominant parties of the post-Mussolini First Republic, the *Democrazia Cristiana* (Christian Democrats) and the *Partito Comunista Italiano* (Italian Communist Party), positioned themselves as actors against totalitarianism, both the far right and the Soviet-aligned left.

Yet, beneath this democratic facade, Italy’s legacy of fascism never fully disappeared. The *Movimento Sociale Italiano* (Italian Social Movement, MSI), a neo-fascist party founded in 1946 by former supporters of Mussolini, lingered on the fringes of politics for decades. Though marginal in electoral terms, similar to the beginnings of the National Front in France, MSI served as a refuge for those who still clung to nationalist ideals. However, for much of the postwar period, these elements remained politically ostracized, and were considered too radical considering Italy’s history. That equilibrium began to collapse in the early 1990s, with the infamous *Mani Pulite* (Clean Hands) corruption investigations that shattered Italy’s postwar party system, leading to the dissolution of the once-powerful Christian Democrats and Socialists (Vannucci, 2009). This scandal allowed for the reemergence of nationalist and populist forces that had long been excluded, with Italy’s dominant parties failing to stay strong in their attempt to fight against fascist stances.

These early movements focused on more traditional populist rhetoric; corruption, economic grievances, and opposition to political elites. The “Us vs. Them” argument was at the heart, positioning the average Italian citizen as a victim of the corrupt, out-of-touch political elite. Since the 1990s, Italy has been a breeding ground for this far-right, populist rhetoric (Di Donfrancesco, 2024). Housing Silvio Berlusconi’s *Forza Italia* (Go Italy), the *Lega Nord* (Northern League), the *Movimento Cinquestelle* (Five Star Movement), and the current Prime Minister Giorgia Meloni’s *Fratelli d'Italia* (Brothers of Italy) (The Good Country, 2025). Berlusconi’s Forza Italia party attempted to position

itself as a pro-business, center-right force but frequently made political alliances with the far right, including Lega Nord and the post-fascist *Alleanza Nazionale* (National Alliance), the predecessor to Fratelli d'Italia (Dona, 2022).

Meloni, who began her political career in MSI's youth wing, positioned herself as the torchbearer of a new nationalist movement, one that embraced elements of Italy's past while appealing to her future audience through a rebranding (Ray, 2025), (Mingardi, 2023). She co-founded the Brothers of Italy in 2012, distinguishing it from Berlusconi's party by taking an even harsher stance on immigration, national identity, and Italy's relationship with the European Union (The Week, 2022). Her party framed itself with a defining slogan: "*Dio, patria, famiglia*" (the defender of God, family, and fatherland) (Giuffrida, 2022).

Amid growing dissatisfaction with Italy's political establishment and economic stagnation, the Brothers surged from a minor party to the dominant force on the right (Paolucci, 2022). While these economic hardships, political disillusionments, and anti-immigration sentiments helped fuel the Brothers rise, Meloni's ability to harness cultural identity politics has been central to her especially recent success. She does not simply present herself as an anti-establishment reformer, but rather she actively crafts a vision of Italian identity rooted in nostalgia, tradition, and a rejection of globalist influences (Ozzano, 2024). The cultural appeal, positioning herself as the defender of Italy's Catholic heritage, as an advocate for the traditional family structure, and against what she calls the erosion of national values by progressive ideologies, is what has driven her success exponentially (Rizzitelli, 2023).

Her speeches frequently invoke these themes of Italian pride, allowing her to tap into voters' fears of cultural displacement and national decline (Dona, 2022). Her acceptance speech in 2022 was riddled with cultural appeals, as she framed her win as a mandate to defend traditional values and national identity (Rizzitelli, 2023).

I don't believe in a state that places the desires of a homosexual to adopt a child before the right of that child to have a father and a mother, just because the homosexual votes and the child doesn't. A fair state takes care of the weakest, of the one who cannot defend himself... They say that family is the enemy, national identity is the enemy, gender identity is the enemy, everything that defines us for them is the enemy... They have to take away everything we are because when we won't have an identity and roots anymore, we won't have awareness, we will be unable to defend our rights... I am Giorgia, I am a mother, I am Italian, I am Christian, you won't take that away from me. (EU Debates, 2022)

By the 2022 elections, Meloni's message had resonated widely. Her victory speech served as a defining moment in her political career, portraying these cultural shifts as a coordinated attack on fundamental aspects of personal and collective identity.

...And so they attack national identity, they attack religious identity, they attack gender identity, they attack family identity. I can't define myself as: Italian, Christian, woman, mother. No. I must be citizen x, gender x, parent 1, parent 2. I must be a number. Because when I am only a number, when I no longer have an identity or roots, then I will be the perfect slave at the mercy of financial speculators. The perfect consumer... [But] we will defend it... We will defend God, country, and family. Those things that disgust people so much. We will do it to defend our freedom. Because we

will never be slaves and simple consumers at the mercy of financial speculators.
(Shwartz, 2022)

She argues that forces, whether they be globalization, the European Union, or progressive elites, seek to strip people of their cultural and historical roots. By reducing individuals to “citizen x” or “parent 1, parent 2,” she suggests that these forces are erasing traditional social structures, replacing them with a faceless, dehumanized society governed by economic interests rather than cultural heritage. Her speech also underscored a key aspect of her ideological appeal: a rejection of progressive social policies. By presenting her stance as a defense of “natural families,” she not only signaled opposition to LGBTQ+ rights but also framed the issue as part of a broader cultural battle against left-wing and EU-imposed values (Kirby, 2022; Mattia, 2022).

Meloni’s rise represents more than a shift in Italy’s political landscape; it signals the mainstreaming of far-right nationalism in a country that once sought to banish fascism to history (Kirby, 2022). Her ability to blend traditional conservative values with modern populism, and her strategic use of media, pulling at culture, have made her such a strong force in European politics (Schmidt, 2024). While she has sought to distance herself from explicit neo-fascist ties, her party’s ideological roots remain deeply intertwined with Italy’s far-right past (Dona, 2022).

Her premiership underscores a broader trend across Europe: the resurgence of nationalist and populist movements that capitalize on economic uncertainty, migration fears, and dissatisfaction with mainstream politics. However, Meloni’s unique strength lies in her ability to make this movement about more than just policy; she has transformed it into a battle over Italian identity itself.

Germany Case Study

Since the Holocaust and the fall of the Berlin Wall, German officials have worked tirelessly to confront its past and prevent the resurgence of extremist ideologies. The country’s post-war constitution, democratic institutions, and strict laws against hate speech and Holocaust denial were designed to safeguard against the dangers of ultranationalism. However, the past decade has seen an alarming rise in far-right violence, electoral success, and mainstream political influence, much of which has been attributed to the increased popularity of the *Alternative für Deutschland* (AfD) party.

2013 marked the birth of the AfD, with its beginnings labelled as an anti-European Union party, has since morphed into the classic far-right trope of extremism, anti-immigration, anti-semitic, anti-muslim, and overall anti-democratic ideals (ADL, 2025).

The AfD’s rise has been especially pronounced in Eastern Germany, a region with a legacy of economic decay and political volatility. The historical east-west divide in Germany, deepened by the Soviet-aligned East Germany and the democratic West Germany, has contributed to the AfD’s stronghold in former communist states, where disillusionment with unification has fueled far-right support (Baker & Quince, 2025).

Cultural identity has emerged as a central theme helping in the successes of recent AfD strategy, with the party framing a significant part of its platform around the preservation of German culture, language, and tradition, stating “Identity is primarily shaped by culture and in itself cannot be left to the free play of forces” (AfD, 2017). The AfD’s own manifesto underscores this emphasis:

The AfD is committed to German as the predominant culture. This culture is derived from three sources: firstly, the religious traditions of Christianity; secondly, the scientific and humanistic heritage, whose ancient roots were renewed during the period of Renaissance and the Age of Enlightenment; and thirdly, Roman law, upon which our constitutional state is founded. Together, these traditions are the foundation of our free and democratic society, and they determine daily patterns of social interaction in society, and shape the relationship between the sexes as well as the conduct of parents towards their children. The ideology of multiculturalism is blind to history and puts on a par imported cultural trends with the indigenous culture, thereby degrading the value system of the latter. The AfD views this as a serious threat to social peace and the survival of the nation state as a cultural unit. It is the duty of the government and civil society to confidently protect German cultural identity as the predominant culture. (AfD, 2017)

This cultural focus extends beyond rhetoric: in states like Thuringia and Saxony, where the AfD holds substantial influence, the party has redirected public funding away from civic groups, theaters, and other cultural projects, some even describing the arts as a “thorn in the side of the AfD” (Dege & Wunsch, 2024). Director of Beeskow Castle in Beeskow, Brandenburg, Arnold Bischinger, home to the Oder-Spree Regional Museum, says that “Anything that is not originally ‘German’ stands no chance with the AfD,” and that because the AfD’s concept of culture is identitarian, specifically ethnically oriented, that if the party is serious about their claims of “remigration”, that “every second person will have to leave” (Dege & Wunsch, 2024).

Prominent party figures, like Bjoern Höcke, the head of the AfD in the central state of Thuringia, advocate not only for political change but also for what they describe as cultural renewal (Conradi, 2024). He even defines himself and this branch as the “resistance movement against the further erosion of German identity” (Dziadosz, 2024). Many of Höcke’s speeches emphasize revising Germany’s memory culture surrounding the Holocaust and National Socialism, seeking to minimize collective guilt narratives and embrace German nationalism. In 2017 at a beer hall, Höcke spoke out against the remembrance of Nazi crimes, stating “Until now, our mental state continues to be that of a totally defeated people. We Germans are the only people in the world that have planted a monument of shame in the heart of their capital.” (Oltermann, 2017).

The prioritization of pride in German heritage over historical atonement is a key aspect to this cultural appeal. This cultural revisionism not only aims to redefine national pride but also serves as a potent mobilization tool for the party.

In 2021, Höcke finished one of his campaign rally speeches with the words “*Alles für unsere Heimat, alles für Sachsen-Anhalt, alles für Deutschland.*” (“Everything for our homeland, everything for Saxony-Anhalt, everything for Germany”), the last phrase being associated with and carved into the service daggers of the Nazi SA paramilitary units (Dziadosz, 2024). In 2024, he was criminally charged and found guilty for this offense, and was ordered to pay 13,000 euros (Al Jazeera, 2024). Again in 2024, a court ruled that Höcke was found guilty and ordered to pay a fine of 16,900 euros for using the first two words of the slogan (“Everything For...”), and then encouraging the crowd to finish the phrase at an AfD event (Jochecova, 2024).

Also in 2021, the general public became knowledgeable that the German Federal Office for the Protection of the Constitution (*Bundesamt für Verfassungsschutz*, BfV), the domestic intelligence agency which monitors extremist threats to Germany’s democracy, was treating the AfD, and its



corresponding youth group (Junge Alternative), as a suspected right wing extremist group (Ehlers, 2024). In April of 2023, the BfD listed the AfD as an officially suspected extremist organization, which the AfD sued against and subsequently lost (BfV, n.d.).

Despite this, the AfD has continued to gain electoral ground, becoming the first far-right party to win a German state since the Nazi era. The party advocates nationalist, anti-immigration policies, and has positioned itself as the voice of disaffected Eastern Germans.

Most recently, Alice Weidel, AfD's candidate for chancellor in Sunday's Feb. 23 snap elections, spoke to Tesla CEO Elon Musk about her party's platforms (The Economic Times, 2025). During the conversation, Weidel stated:

...we have this insane, wokeish, leftish, socialist agenda, in our educational system, so the young people, they don't learn anything, in school, in university. They just learn about gender studies... in some states here in Germany, they abolished the writing grades in order to get a language grade. You don't need to write German properly anymore because our entire educational system has been deteriorating. That is also the main reason why young people vote for us now... (The Economic Times, 2025)

Weidel, and other AfD members have mastered the ability to tap into broader fears that Germany's traditional values and cultural heritage are being eroded by progressive social policies. Her emphasis on the perceived decline in educational standards, and highlighting concerns over curriculum changes and the alleged deprioritization of the German language, all resonate with voters who feel cultural identity is being undermined.

The AfD's focus on culture, exemplified through these policies that target education, the arts, and community organizations, has become the party's most recent and potent driver of electoral success. By linking cultural preservation with national pride and stability, the AfD has successfully appealed to segments of the electorate disillusioned with globalization, demographic shifts, and perceived moral decay. As Germany gears up for the said 'snap federal election', the AfD remains to be polling in second place nationally. While many Germans continue to view the AfD unfavorably, the party's ability to frame cultural preservation as synonymous with national identity has resonated with a pretty significant segment of the electorate, particularly in regions grappling with economic and demographic challenges.

Discussion

Recent elections demonstrate a clear connection between far-right parties' increasing emphasis on cultural values and their electoral growth. In France, the National Rally's focus on issues like national identity propelled Marine Le Pen to the second round of the 2022 presidential election, reinforcing the party's position as a defender of traditional French identity in the face of globalization and demographic shifts. Similarly, in Italy, the Brothers of Italy capitalized on nationalism, traditional family values, and opposition to immigration, leading to a decisive victory in the 2022 general election and the formation of a far-right government under Giorgia Meloni. In Germany, the AfD has shifted its focus to cultural issues, including national sovereignty, gaining significant support and becoming the second-largest party in several regional parliaments in the 2021 federal election.

These examples underscore the broader trend: far-right parties across Europe have been able to galvanize significant voter support by framing their platforms around cultural preservation, national identity, and traditional values. Their electoral success is not merely a continuation of traditional far-right politics but reflects a new era where culture has become the central issue, enabling these parties to break through established political barriers and achieve remarkable growth.

Conclusion

The rise of far-right parties across Western Europe since 2018 has been characterized by a pronounced emphasis on traditional cultural values, marking a significant shift in the political landscape. Both the analysis of recent trends and the success of parties like France's National Rally, Italy's Brothers of Italy, and Germany's AfD point in the same direction: cultural values have become central to the political strategies of the most successful far-right movements. The case studies of these parties illustrate how cultural narratives around issues like immigration, national identity, and traditional family structures have resonated deeply with voters, leading to their electoral successes.

This represents a new period of far-right success, one that departs from traditional economic or institutional explanations in favor of a focus on cultural and identity-based issues. The ESS survey data further supports this shift, showing that attitudes toward culture and immigration are increasingly correlated with support for far-right parties, suggesting that cultural concerns now drive political preferences in a way that was not as pronounced in earlier periods. My argument is that we are witnessing something fundamentally new in the far-right's appeal, where the salience of culture, rather than solely economic or immigration concerns, has become the new driver of electoral success. Understanding this shift is crucial for grasping the current political moment and the future trajectory of far-right movements in Europe and even beyond.

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Appendix

Table 3: Independent variable traditional values measures

freehms	Gays and lesbians free to live life as they wish	Value	Category
		1	Agree strongly
		2	Agree
		3	Neither agree nor disagree
		4	Disagree
		5	Disagree strongly
lnnobed	Obedience and respect for authority most important virtues children should learn	Value	Category
		1	Agree strongly
		2	Agree
		3	Neither agree nor disagree
		4	Disagree
		5	Disagree strongly
imueclt	Country's cultural life undermined or enriched by immigrants	Value	Category
		0	Cultural life undermined
		1	1
		2	2
		3	3
		4	4
		5	5
		6	6
		7	7
		8	8
		9	9
		10	Cultural life enriched
imwbent	Immigrants make country worse or better place to live	Value	Category
		0	Worse place to live
		1	1
		2	2
		3	3
		4	4
		5	5
		6	6
		7	7
		8	8
		9	9
		10	Better place to live

rlgatnd	How often attend religious services apart from special occasions	Value	Category
		1	Every day
		2	More than once a week
		3	Once a week
		4	At least once a month
		5	Only on special holy days
		6	Less often
		7	Never
rlgblg	Belonging to particular religion or denomination	Value	Category
		1	Yes
		2	No
feethngr	Feel part of same race or ethnic group as most people in country	Value	Category
		1	Yes
		2	No
rlgdgr	How religious are you	Value	Category
		0	Not at all religious
		1	1
		2	2
		3	3
		4	4
		5	5
		6	6
		7	7
		8	8
		9	9
		10	Very religious
		.a (77)	Refusal*
		.b (88)	Don't know*
		.c (99)	No answer*
		*)	Missing Value

Rings of Fire: The Olympic Institution Behind its “Diplomatic” Veneer

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Abstract: *The modern Olympic Games, lauded as a celebration of global unity and international peace, operates within a systemic framework riddled with paradoxes. While the International Olympic Committee (IOC) espouses noble goals of inclusivity and diplomacy through sport, its historical foundations of exclusivism, colonialism, and elitism trickle into the 21st century, underscoring the institution’s complex reality. Rings of Fire begins in its historical analysis of the Olympic Games, revealing the linkage between the institution’s aristocratic foundations and its contemporary operations. This analysis examines the IOC’s evolution from a self-proclaimed humble, not-for-profit athletic showcase to a profit-driven and exploitative enterprise, one which directly contributes to the mass displacement and lowered socioeconomic conditions of a nation’s most vulnerable. My approach will critically assess the IOC’s role in perpetuating inequality and occidental hegemony, analyzing the paradoxical nature of the institution’s mission versus its tangible execution. My thesis seeks to understand the influence of systemic exploitation, sporting imperialism, and systemic inequality as integral facets of the IOC’s operations, ultimately providing an examination of the institution’s performativity and ulterior prerogatives beyond the strife of unity through sport. Exploring both the socioeconomic and geopolitical repercussions of the Olympics will contribute to a critique of the institution, assessing the behind-the-scenes operations of the Games. Effectively, I seek to position the IOC as a point of focus for international scrutiny.*

You are offered a wager: if you accept, you are guaranteed to lose \$2 billion, displace tens of thousands of a population’s most vulnerable citizens, and accelerate the climate crisis. Do you accept it? The rational decision-maker would say no, yet these are the tangible results of Brazil’s Rio 2016 Olympic Games (O’Halloran, 2024). Every two years, the Olympic Games amass hundreds of millions of viewers, delivering “6.55 billion impressions across NBC Sports social channels” in Paris 2024 and an average of 30.6 million in for prime time coverage alone¹ and connecting individuals through peaceful displays of international athleticism and the strife of human excellence (NBC Universal, n.d.).

The International Olympic Committee’s mission statement articulates this pursuit in its mission statement: “[Olympism] is the idea of setting your rivalries aside. There is more that unites us than divides us... Olympism seeks to create a way of life based on... social responsibility and respect for

¹ The 30.6 million figure accounts for the live Paris primetime (2-5 p.m. EST) and U.S. primetime (8-11 p.m. ET/PT) (NBCUniversal, n.d.)



internationally recognised human rights and universal fundamental ethical principles within the remit of the Olympic Movement... [Its] goal is to contribute to building a better and peaceful world... which requires mutual understanding with a spirit of friendship, solidarity and fair play” (International Olympic Committee, n.d.-c).

The dichotomy between the ideals of Olympism functions in stark contrast with the IOC’s reality. Between the promising veneer of diplomacy rests a “non-profit” institution driven by revenue maximization, a network of deepened socioeconomic disparities, environmental degradation, and geopolitical polarity. Especially considering the extent to which the event amasses international attention, my research prompts inquiry into question: How do the paradoxes of the International Olympic Committee (IOC)’s stated goals versus its tangible operations create and reveal systematic exploitation, perpetuate matters of existing socioeconomic inequality, and diminish the legitimacy² of the institution?

My thesis argues that these paradoxes can be mapped by a close analysis of the IOC’s increased focus on monetization and commercialization and by closely examining – via case study – how the IOC’s profit-generating goals disproportionately implicate the world’s most vulnerable communities.

Acknowledging and analyzing this paradox requires a comprehensive understanding of the IOC’s foundations. On the 23rd of June 1894, French aristocrat Pierre de Coubertin rose at Sorbonne University in Paris, proposing a revival of the ancient Olympic Games, the most recent of which occurred 1503 years prior (International Olympic Committee, n.d.-d; Penn Museum, n.d.). In his righteous and bold vision, Coubertin envisioned a modern Games whose operations could facilitate world peace through sport, an endeavor open to all except to those not part of the socioeconomic elite, those who are not female, and those who do not otherwise benefit from a colonial framework (Boykoff, 2016, p. 13,19; International Olympic Committee, n.d.-e). Unsurprisingly, his deep-rooted vision parallels in the modern day, seen in the shifts towards lavish budgets, prominent exaltation of Global North hosts, and profound inequality and poverty indexes (most portrayed in the Rio 2016 case study).

While Pierre de Coubertin advocated the universality of the Games in his retirement speech (1925), indicating that “all people must be allowed in, without debate” (*Coubertin 1925 [2000]*, 558, as cited in International Olympic Committee, n.d.-d), Olympic history cannot neglect to acknowledge that the Baron, himself, was a self-proclaimed colonialist and throughout his 31 years in which he led Olympism, propagated an astute refusal to admit women into athletic discourse (International Olympic Committee; n.d.; Ville de Paris, 2024). While the IOC website contends that Coubertin’s misogyny was all but the “cultural norm,” the first mention of women in sports dates back to the 8th century in Homer’s *The Odyssey* (Concordia St. Paul, n.d.). To the IOC’s benefit, the Victorian age (1837-1901) foregrounded a standard of “immense sexism,” strongly discouraging that females participate in “any form of strenuous activity,” particularly in Western European cultures (Concordia St. Paul, n.d.). The “cultural normativity” of the era is reflected in the IOC’s operations through history, the remnants of which reflect in the current Olympic culture. After all, it is the “cultural norm” for Western nations to develop capitalist market economies, to affirm ethnocentric, xenophobic,

² For the purposes of this thesis, I take the word “legitimacy” to mean the inconsistencies between the IOC’s self-publications and the evidence which critiques the institution. These inconsistencies can be identified as having an antonymous relationship with one another, calling into question the veritability of the institution’s autobiographical discourse.

sexist, and racist ideology, and to create the very structures that deny the “outgroup” (Valencia-Garcia, 2019). I contend that the very pretense of Western civilization seeks to deprive and exploit those not in “the norm” of their innate rights. From the beginning of Olympic history until this day, the outliers still include those of various sexual and gender identities, those not residing in the “Global North” / the West and those of a lower socioeconomic class.

The Olympics initial affiliation with a male-exclusive, anti-colonial rhetoric undeniably extends into the modern day in its close alignment with the very profit-based structure and occidental hegemony with which staunchly Western narratives continue to operate. Despite Coubertin’s pervasive proclamation that amateurism should guide the Olympics, Olympic historian David Goldblatt dismantles this notion, indicating that “although there were no cash prizes, ... we know that a winner at Olympia would be parlayed into political power, a monetary reward, or some other kind of gain once you were back home” (Godwin, n.d.). It becomes rather evident, then, that political power and monetary incentive were of some value to those who competed in the ancient Games, despite not necessarily operating at the caliber with which we observe modern Games.

My methods will rely on both primary and secondary sources to piece together my evidence and develop a comprehensive and well-balanced narrative. My examination will be *mostly* qualitative, relying substantially on historical analyses, comparative analyses (critiquing the IOC’s self-published discourse under research derived from various sports economists), and case studies. Investigative journalism and academic publications support my findings, of which McBride et al. (2024)’s *Council on Foreign Relations* framework brings to light the numerous issues associated with the Olympic Games. I adopt a mixed-method approach where necessary, integrating budget and revenue sheets and inequality indexes to gain a more profound understanding of the ways in which the IOC prioritizes elitism and profit-generation over international unity.

In terms of secondary sources, my piece will intermittently weave in books, *Power Games* by Jules Boykoff, *Circus Maximus* by Andrew Zimbalist, and *The Games* by David Goldblatt, three sociopolitical and historical analyses of the Olympics, of which integrate case study work and incited my initial interest in the topic. While scholarly articles will constitute a significant portion of my research – especially within the context of understanding political, economic, and social structures – the application will, in large, delve from editorials and opinion pieces from more contemporary news outlets. My case studies, particularly ones from Rio and the neighborhood of Maré, are academically researched and I include published dissertations on the topic to develop a comprehensive overview which tackles my research question at-large.

The framework of my thesis will commence in the post-television broadcasting era of the latter 20th century and introduce how the transition to monetization and broadcasting revealed the intricacies of the Olympics as an institution whose prerogatives far extend just international athleticism. Transitioning to institutional critique, I will analyze the paradoxes between the IOC’s brand and its tangible practices in discussion of corruption, bribery, and shift towards specific case studies. In the overall analysis of the modern-day paradox (profit-driven motive and disregard for human rights versus a mission of peacebuilding), the recurring themes of socioeconomic disparity, corruption, politicization, and environmental degradation develop my central critique of the IOC.

In sum, my thesis seeks to unveil what is “behind the curtain” of the Olympic institution, bringing to light the rather apparent paradoxes between the IOC’s brand and the tumultuous nature of its actual operations. The display of this paradox will reveal the ways in which the IOC should not be lauded,

but rather, critiqued for its creation and exacerbation of socioeconomic inequality and illegitimate brand recognition as a “diplomatic” institution. Altogether, the IOC’s shift towards profit-generation, heightened use of television broadcasting during the Cold War to demonstrate an ulterior agenda of political soft power, exploitation of vulnerable communities, and haphazard ecological practices, all of which combined bear the burning torch of the IOC’s malpractice.

Literature Review

Context of Olympism: IOC Ideals v. Reality

Olympism, a term coined by International Olympic Committee (IOC) founder and self-proclaimed colonialist French Baron Pierre de Coubertin, was intended to be synonymous with “aristocracy, an elite” (Boykoff, 2016, p. 13; Ville de Paris, 2024). An institution whose modern-day mission is the creation of “a peaceful and better world” is simultaneously an ideological framework which denies the inclusion of women and individuals outside of this socioeconomic “elite,” going even further so as to perpetuate damaging colonial narratives that sport and colonialism were “natural companions, a vigorous instrument of the disciplining” of colonized individuals (Boykoff, 2016; Coubertin, 1912; International Olympic Committee, n.d.-c). To no surprise then do the cracks in the Olympic foundation grow deeper in the modern day. In recent years, the institution has been criticized for its disproportionate impact on “socially excluded groups,” institutional corruption, and as being a “proxy for geopolitical influence” (Boykoff, 2021; Minnaert, 2012; Wade, 2024). While the IOC preaches notions of inclusion and equality, its roots are founded on an exclusivist rhetoric, a theme that persists in the abysmal socioeconomic outcomes of modern Games like that of Sochi 2014 and Rio 2016 (Feng, 2014; Rebouças, 2018). I seek to place a microscope on the IOC’s institutional intricacies in the pursuit of critical analysis, revealing the institution’s evident prerogatives: those of a power-hungry capitalist machine (Wade, 2024).

The relevant literature provides a close analysis of the IOC’s operations, beginning with an analysis of the Olympic Games’ monetization in the second half of the 20th century and the Cold War’s symbolism, which I argue underscores the geopolitical and ideological prerogatives of the Games. The research then segues into the Games’ economic and commercial transition, revealing the role and patterns of loss since the 1984 Los Angeles Games. In the research’s final phases, my top-down approach will contribute more nuance by considering specific case studies, with a primary focus on Rio 2016 and anecdotes of Sochi 2014, Beijing 2008, and London 2012. In a potential pursuit of policy strategy, the literature review will conclude with the broader sociopolitical and ecological implications, addressing themes of neocolonialism,³ greenwashing, and environmental exploitation in the Games’ more recent operations.

The Monetization of the Olympic Games and The Cold War

The latter half of the 20th century introduced a period of commercialization and monetization for the Olympic Games (McBride et al., 2024). The 1956 Melbourne Olympics catalyzed a major shift in the Olympic institution, as the first internationally televised Games (Australian Olympic Committee, n.d.).

³ In this context, **neocolonialism** is taken to be an extension of colonialism, one which in the modern day creates an exploitative and extractive dynamic between the colonizer and the colonized but is masked under the guise of cultural and economic dominance (an indirect form of colonial influence).

While the Games were, in prior, a “manageable burden for the host cities,” one where “hosts didn’t expect to make a profit,” the introduction of television broadcasting and expansion of corporate sponsorship marked a pivotal transition in the IOC’s objectives, from pure athleticism to a source of revenue (McBride et al., 2024). While the television revenue is substantial, what is paradoxical is that the IOC keeps over half of the broadcasting earnings, despite being a self-proclaimed “non-profit organization” (International Olympic Committee, n.d.-a; McBride et al., 2024).

The expansion of broadcasting rights made it apparent that the Olympics’ role on the world stage as a catalyst for peace was instead a geopolitical proxy instrument and mechanism for profit-generation, revealing the questionable undertones that were created in Coubertin’s vision of the Games. As the Cold War exacerbated the need for global dominance, broadcasting rights for the Olympics became a battleground for ideological supremacy between the Eastern and Western blocs, functioning as a tool of soft power (Bourg et al., 2023). The American Broadcasting Company (ABC) secured the television rights to the 1984 Los Angeles Summer Games with a bid of \$225 million, almost three times as much as the National Broadcasting Company’s bid of \$87 million for the 1980 Moscow Games (Lindsey, 1979). An increasingly profitable stream of revenue, the Olympic Games gained international visibility through a controlled media narrative. It became clear that the Olympics, whose prerogatives seemed not to be a diplomatic showcase of international athleticism, but rather, a political and financial instrument, could contribute to outcomes like a “\$215 million operating surplus,”⁴ such as that of Los Angeles in 1984 (McBride et al., 2024). Ironically, 1984 was the sole demonstration of a “city turn[ing] a profit hosting the Olympics” (McBride et al., 2024).

Incentive to Bid and Bribery Scandals

With the exceptions of Los Angeles 1984 and Barcelona 1992, the Olympic investment has since reflected a marginal-at-best macroeconomic return (Brunet, 2005; McBride et al., 2024). While Zimbalist (2020) and McBride et al. (2024) consider arguments for prestige – that political and symbolic capital value of hosting may outweigh the economic costs (in turn incentivizing bids), it is uncertain what, if any, social or economic benefit the Games brings, prompting the questions: *(1) is it possible that the IOC’s political bias influences the admission of bids and hosts?* and *(2) even if it is not the case that the IOC has influence, are certain nations systemically barred from bidding because of resource and capital constraints?*

A culture of corruption exists in the bidding process, with findings that less-developed countries (LDCs) are innately unable to host because they do not have the necessary resources to build Olympic infrastructure and retain positive socioeconomic outcomes for their citizens (Brunet, 2005, p. 10; McBride et al., 2024). Bribery scandals, most prevalently in the 2002 Salt Lake City Games, have continued to erode the legitimacy of the IOC’s supposed dedication to integrity and fairness (Mallon, 2000). In 1998, ten IOC members were implicated for accepting “lavish trips, [full coverage of] children’s tuitions, and covered medical costs” for those who were to serve on the Olympic Committee, all in the name of securing a bid for Salt Lake in 2002 (Brasch, 2024). While these bribery funds could be used for public projects, they are mismanaged in the hands of the elite (Brefeld et al., 2022). This misappropriation of funds and institutional corruption surrounding the Games prompts a wider issue of economic and political culture: why else would the IOC engage in corrupt practices, if not substantially influenced by prestige and capital (McBride et al., 2024)?

⁴ The exact figure conflicts depending on the source, but all fall between the \$215-233 million ballpark

Inequality in Housing and Displacement

The Olympics' mismanagement transcends the boundaries of bribery and corruption. Rio 2016 was the first bid granted to a country in South America, built around a "development narrative" of extending the Olympics to peripheral and semi-peripheral countries (Millington et al., 2016). While initially molded by initial optimism, looming "doubts and fears... [in] media reports" surrounding these Games came to fruition through the mass displacement and statistically significant increase in income inequality both during the Olympic timeframe and in the years after (Darnell, 2012; Matandos, 2022; Rebouças, 2018; Rocha, 2023). In the preparation period of 2009 to 2016,⁵ Rio City Hall displaced over 77,000 individuals "from their houses in favelas or poor communities," under the pretense that extra space was necessary for Olympics-related infrastructural projects (Rocha, 2023).

The case of the 2014 Sochi Olympics further reveals the discrepancies in the Olympic institution's development mission, criticizing it as a catalyst of inequality rather than equality (Feng, 2014). The Sochi Winter Games brought to light that the IOC does **not** outline or enforce human rights conditions for workers (Feng, 2014). 16,000 of those employed in the creation of the lavish Sochi Games were migrant workers who "consistently reported that employers failed to pay full wages and in some cases failed to pay workers at all" (Human Rights Watch, 2013). The same Human Rights Watch (HRW) controversies were prevalent in the case of Beijing 2008, which "forced evictions" and whose bid was denounced by both Amnesty International and HRW following the 1989 Tiananmen Square Massacre (Chappelet, 2022). Beijing's bid was denounced by these nongovernmental organizations on the basis that the democratization of China was infeasible, calling into question the geopolitical prerogatives of Olympic culture altogether (Chappelet, 2022).

Whereby the IOC's champion[ing] of the 'Sport for Development and Peace' (SDP) agenda operates in ways that "ostensibly and progressively challenge traditional development orthodoxy," there nonetheless exists a tension between the SDP vision and the "hegemony of new-liberal development philosophy as it underpins the hosting of global sports mega-events," implying that the institution's "visionary" development goals are hindered by the institution's propensity towards revenue-generation (Darnell, 2012). Ultimately, this rigidity demands cautious consideration of the IOC's objectives, especially as the Olympics' infrastructural and budgetary operations are orchestrated in a way that disproportionately impacts lower-income individuals (Darnell, 2012, p. 869). Displacement, exploitation, and "rising inequality levels and increase[s] in the poverty gap" become statistically significant in the ten years following a host country's Games, suggesting that any positive economic outcomes generally benefit the nation's wealthiest citizens (Hatt, 2023).

Climate Change Colonialism

Climate change disproportionately impacts socially vulnerable populations and lower-income communities (EPA Press Office 2021; Guivarch et al., 2021; World Bank, n.d.). Despite promises to uphold environmentally just practices in the name of sustainability, the international community is criticizing the institution for falling short (Müller et al., 2021). In 2021, the IOC made a commitment to reduce its carbon footprint by 50 percent by the year 2030 to abide by the conventions of the Paris Agreement (International Olympic Committee, 2024b; International Olympic Committee, n.d.-c). However, the question of how "sustainable" the Games can be remains fraught with contradiction

⁵ Rio also hosted the 2014 FIFA World Cup

and nuance, especially after the 2024 Games concluded. Paris's choice to outsource its surfing competition to the former French colony of Tahiti for sustainability purposes underlines the grueling intersectionality between climate conservation and neocolonialism. Now considered a "semi-autonomous French territory," the French State continues to oversee the land's basic governmental competencies, creating an eerie echo resemblant of the colonial dynamics riddled in the area's history (Australian Gov't., n.d.). Critics interpret the 2024 Summer Games as both a form of "post-colonial international extraction" and a "lesson in greenwashing," not a success in climate action (International Olympic Committee, 2024b; Killilea, 2024; Zidan, 2024).

The rise of the 1984 business model, morally contentious climate change operations, and adverse socioeconomic outcomes suggest that the IOC works in direct contradiction of its on-paper mission statement. The literature thus far reflects the ways in which the Olympic institution, either implicitly or explicitly, functions as a body whose operations exploit workers and fuel the very tangible intra-state polarization antithetical to the Committee's mission of "building a peaceful and better world" (International Olympic Committee, n.d.-c). The recent behavior of outsourcing events to former colonial holdings and the shift of continuing to grant bids to more developed countries post-Rio outlines issues of hegemony in the Olympic institution. If the IOC genuinely cared about creating an equitable society, I suggest that the institution would grant more bids to emerging markets and LDCs or allow multiple countries to host, following in the footsteps of the FIFA World Cup (Slater, 2023). Thus, the IOC must be critically assessed in its objectives. Is the Olympics a strife for broadcasting revenue and geopolitical influence or is the institution truly rooted in diplomacy?

Methodology

My methodological approach is driven by an interdisciplinary approach, using my methods and research framework to provide a background (*historical perspective*), placing a direct focus on the IOC's policies and practices (*institutional critique*), and tying the research together via theory and case study to critique the IOC's paradoxical operations (*critical analysis*). Beginning with *historical perspectives*, I will contextually ground my critique by relaying the evolution from Coubertin's aristocratic foundations, impressing these reflections within the 20th century context of monetization and broadcasting as an ideological catalyst during the Cold War. With a focus on the exclusivist base of Olympism, I will effectively be able to address how and in what ways the IOC's current operations are rooted in long-standing patterns of elitism and exploitation. In this way, historical perspective lays the groundwork for modern critique.

I then shift to *institutional critique*, examining the IOC's mission statements in parallel with case studies and actual practices. I will discuss the innate power dynamics in IOC decision-making, revealing systemic fault lines via the long history of favoritism towards Western nations and various corruption and bribery scandals. This critique provides concrete evidence of institutional failure via its investigation of these scandals, going further to assess how the IOC's policies and operations (*i.e.* bidding processes, lack of transparency, and profit-above-human rights practices) exacerbate socioeconomic disparities in lieu of promoting global unity.

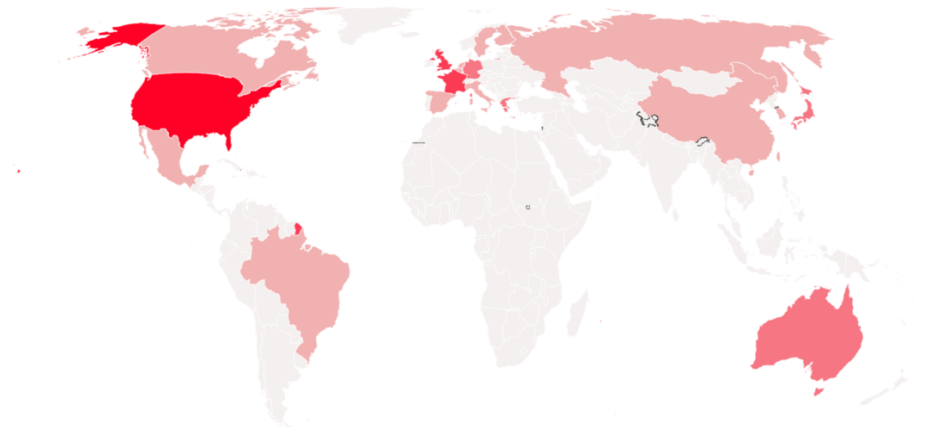
Finally, my *critical analysis* synthesizes the above methodologies into a broader theoretical framework, examining how the rhetoric of “Olympism” masks systemic exploitation under a neoliberal⁶ rhetoric. Connecting the IOC’s historical evolution to modern-day paradox, this critique will use case studies to reveal patterns of displacement, corruption, and inequality within both Global North and Global South⁷ contexts. My case studies then become evidence of how the IOC’s branding under the guise of a diplomatic entity is, in fact, a façade which obscures the gravity latent in the institution.

Guided by the constructivist framework of International Relations theory, my methodology challenges dominant narratives of the IOC as a for-good *or even neutral* actor, defending that the IOC’s claim to foster “global unity” can be reimagined as a constructed ideal which obscures systemic exploitation at the hands of the Global North (Theys, 2018). The constructivist framework will guide my focus on how narrative, power, and identity are constructed within and surrounding the Olympics, analyzing how the IOC takes advantage of branding and rhetoric – especially so on their website – to hide its propagation and perpetuation of inequalities and how geopolitical narrative and bias within the IOC is tied to who bids and shots. The examination of Rio’s development narrative can be compared with Los Angeles 1984’s profit-based framework and work to analyze distinctions in the IOC’s actions and decisions globally, especially among the Global North-Global South lines.

Which Countries Have Hosted the Most Summer Olympics?

Hover over the map to see the country

1 4



* A Flourish map

Source: [Newsweek](#) (2024)

⁶ Whereby the term “neoliberalism” has many scholarly definitions, this thesis imagines the term in the Darnellian (2012) framework. A working definition impresses upon development contexts the role of privatization as a source of economic stabilization. Within the sports mega-events complex, the IOC’s “neo-liberal” development serves to frame sport as a tool for empowerment while masking the broader structural inequalities that remain silenced in Olympic development discourses.

⁷ The terms “Global North” and “Global South” are intended in this context not to reflect a geographical categorization, but rather, an aspect of IR theory which asserts that more economically developed, high-influence countries fall into the “North” category, while developing countries with less international influence fall into the “South” category. This characterization will be the one with which I affiliate in my usage of these terminologies.

This approach reveals IOC exploitation and reveals the tangible effects of Olympism on various communities, fundamentally emphasizing how the IOC's proclamation as a beneficial institution in fact is in alignment with – and encourages – the occidental hegemonic structure founded upon the deprivation of the rights of the other.

Ultimately, I implement an interdisciplinary methodology, combining *historical analysis*, *institutional critique* using IOC publications, *case study and comparative analysis*, *academic literature*, and *quantitative data* to create a well-balanced and comprehensive critical discourse. The historical development of the Olympic Games will lay the groundwork to critique the IOC's shift towards a broader profit-seeking agenda in the mid-20th century. The public abandonment of amateurism in Los Angeles 1984 reinforces internal contradictions and brings to light the rational critique of the IOC as a tool of Western imperialism. Using a comparative lens between the cases of Rio and London, I seek to reinforce this critical analysis by comparing both Global South and Western, Global North cases in their exacerbation of inequalities for a population's most vulnerable. The academic literature, relayed primarily by historians, scholars, and economists, will synthesize the separate themes latent in scholarly IOC critiques, filling the gap in the literature through a cohesive, interdisciplinary framework.

Insofar, much of the literature focuses on economic successes and failure with limited address of systemic inequalities; as such, the connection between economic malady and societal harm is often overlooked. My case study analysis reveals how the financial burden and distribution of wealth from the Games directly contributes to poorer social outcomes in host cities / countries, whereas existing literature tends to focus either on one theme or the other. Likewise, the themes of neocolonialism and environmental exploitation have grown most prevalent in the context of the evolving climate crisis, and the Paris 2024 Olympics critically engages with both themes in an area of research which is underdeveloped by virtue of novelty in the existing literature. While many critiques of the Olympics have been explored in research, literature which cross-examines the working elements to identify paradoxes in the IOC's brand has been astutely underdeveloped and I hope to tie the elements together to gain a broader comprehension of the institution's behavior.

The Olympics as a Tool of Western Imperialism

The Revival of the Modern Games

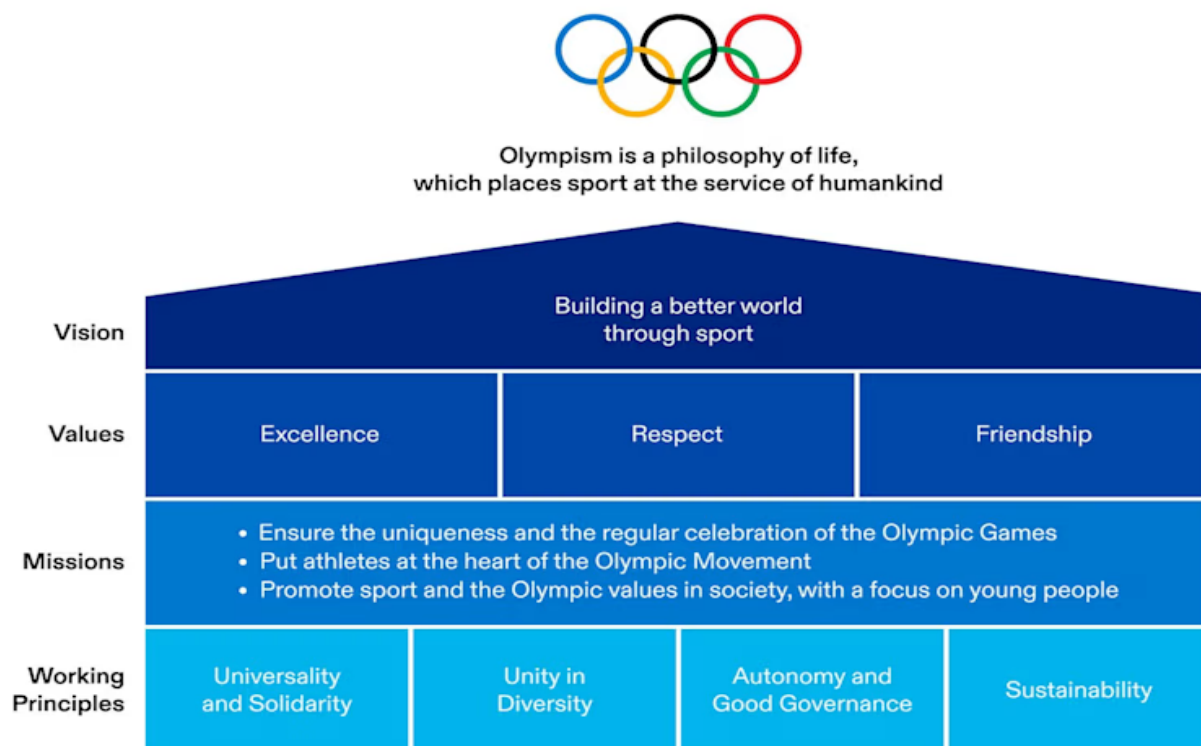
Mandy Godwin: What are the most common misconceptions people have about the difference between the ancient and modern games?

David Goldblatt: The first is that amateurism existed in any kind of meaningful form in the ancient world. Although there were no cash prizes at Olympia, there was a network of professional and semi-professional sport in ancient Greece with prizes and cash payments, none of which barred you from competing in Olympia. That certainly wasn't the case for the 1896 games. Moreover, we know that a winner at Olympia would be parlayed into political power, a monetary reward, or some other kind of gain once you were back home.

The second misconception is that it had nothing to do with politics. It was an intensely religious, spiritual, and political occasion. When you walk into Olympia still, there are the remains of the Philippeion, which is the set of statues of Philip of Macedon and

his wife, and his son Alexander the Great. All of whom won competitions at Olympia as the owners of chariots or horses. Political status was bargained and shown off and negotiated, it always has been in the games. (Godwin, n.d.)

The 1896 revival of the modern Olympia was, as all other facets of the era's Western society, championed on an exclusivist rhetoric. All of the competitors were male, and with the exclusion of the United States, European⁸ (International Olympic Committee, n.d.). What **was** placed at the forefront of Pierre de Coubertin's vision of inclusivity in the Games was the concept of amateurism. The word amateur, deriving from the Latin *amator* (lover), identifies an individual who engages in the pursuit of their sport for love, not for profit (Jennings, 2024). It is with this sentiment that the IOC continues to self-identify with the foundational Coubertinian vision of sport for "all people" (*Coubertin 1925 [2000]*, 558, as cited in International Olympic Committee, n.d.-d). *In this era, however, who are considered "people?"*



Source: [International Olympic Committee](#)

The Olympic definition, which upon first glance appears to reconstruct the framework of discrimination by class, instead reinforced the systemic barriers that prevented lower-income individuals from supporting themselves with their sport (Jennings, 2024). This pattern continued to impress the patterns of elitism "where athletes who had to work a non-sport specific job still had to

⁸ One Australian athlete competed under the British crown as the Australian Olympic Committee was not founded until 1920; I acknowledge potential for a margin of error since athletes were allowed to compete privately and accounts vary based on the source (International Olympic Committee, n.d.-d).

maintain a rigorous training regiment in order to be competitive at their sport” (Jennings, 2024). Coupled with Goldblatt’s concession that financial prize was a motivation, it becomes rather apparent that the framework of the Olympics – which the IOC champions as revolutionary – was at its core exclusionary. The concept of “amateurism” thus exists as nothing more than a myth, a fault in the crust of the Olympic brand.

Whereas the goal of Olympism is to contribute to building a better and peaceful world, the obscured reality reveals the very irony I argue diminishes the institution’s legitimacy (International Olympic Committee, n.d.-c). The IOC’s portrayal of Olympism is developed upon a “liberal and progressive rhetoric” (Chen, 2023). Boykoff (2016) rightfully questions the iteration of this association, identifying that the committee itself was an entity of “lords and aristocrats of the Western capitalist states,” individuals “notorious for their racist, sexist, and Eurocentric conceptions of people and nations” (Chen, 2023). It is the very foundations of Olympism – coexisting with the aforementioned vision of amateurism’s role in the Games – that seek to deprive and extract from a society’s most vulnerable. Yet, the institution lauds the vision of the Olympic movement as morally righteous, a virtue by which to live.

The quasi-diplomacy latent in the themes of amateurism and Olympism accordingly develops alongside the revival of the modern Games, growing more pronounced as factors like broadcasting and globalization become quintessential to the Games’ operations in the mid-20th century. I argue that the revival of the modern Games is developed on an illusive branding, one which compromises the integrity of the institution. The IOC depicts its image unifying, shiny, and pristine – uniting nations through sport and sparking patriotic discourse every two years notwithstanding global turmoil. However, the extractive nature of its behind-the-scenes operations come to light in the turn of the 20th century as the IOC becomes increasingly inseparable from the occidental hegemonic structures which infiltrate the processes of capitalist enterprise.

Framing the IOC in the Context of Western Imperialism

Broadcasting and globalization, traditionally celebrated as ways to unite individuals across oceans, ironically impress the very divisiveness associated with the IOC’s creation. In the context of international relations, the idea of imperialism is defined as follows:

[S]tate policy, practice, or advocacy of extending power and dominion, especially by direct territorial acquisition or by gaining political and economic control of other areas.
(The Editors, 2025)

Accordingly, sporting imperialism functions as an extension of this Western dynamic. I argue it to be a deepening of the Global North’s soft power in which “core” countries use sport – in this case, the Olympics – to impress upon the global stage Western values, norms, and agendas. The evolution of cultural imperialism has radically compounded the noxious relationship between the Global North and Global South, transforming the Games into a corporate spectacle that benefits the IOC, its sponsors, and media conglomerates, most of whom unsurprisingly benefit from the extractive nature of the imperial dynamic.

Monetization and Broadcasting

I develop my argument on the notion that the IOC's transition to commercialization and corporate sponsorship outlines the most flagrant demonstration of Western economic imperialism. Even more profound than the naturally exclusivist amateurist foundations, the IOC's inequal, corruption-inducing, and Western-dominant agenda become evidenced by shifts in budget and commercialization. Whereby the Olympic Games existed once as a modest exaltation of athletics, one where "hosts didn't expect to make a profit," the 1956 Melbourne Olympics catalyzed the first major shift in the Olympic agenda, at least in a light more visible to the general public as the first ever internationally televised Games (Australian Olympic Committee, n.d.; McBride et al., 2024).

My contestation reasonably begs the question: *if broadcasting was intended to elevate the Games into a truly accessible global spectacle, why would this transition instead reinforce the systemic corruption and Western dominance that I argue serves as the backbone of the IOC's interest?* Chen (2023) elevates the relationship between imperialism and sport, discussing communication scholar Herbert Schiller's model of cultural imperialism within the context of sports media. As the foremost theorist of cultural imperialism in the West, Schiller's theory asserts the "cultural domination" of a given entity over an accordingly less powerful entity (Boyd-Barrett, 2018). Whereby the theory of cultural imperialism may extend into the matrix of civilization or nationality, it may also self-manifest into institutional territory. Under this framework, I contend that the development of the IOC's operations accordingly reflects the tendencies of cultural and media imperialism, especially in the mid-20th century development of the institution's reach.

Schiller contends that modern day "cultural output[s]" – sports broadcasting and media consumption – exist inseparably from economics (Schiller, 1991). This is to say that culture does not exist without an economic agenda and to go even further to assert that "cultural output" simply exists as a mechanism of political and economic soft power. Schiller considers this manifestation of "soft power" to be the "'cultural arm' of [modern] imperialism" (Schiller, 1991). I refer to Schiller's discourse to forward my assertion that the IOC's illusive operations, by virtue of media expansion, highlight institutional contradictions and reveal its role in forwarding the goals of modern day imperialism:

... the cultural and economic spheres are indivisible...what is regarded as cultural output also is ideological and profit-serving to the system at large. Finally, in its latest mode of operation... the corporate economy is increasingly dependent on the medial-cultural sector. (Schiller, 1991)

Rather than catapulted through traditional forms (i.e. political violence), we observe that the model of present imperialism is masked under the domain of globalization (Chen, 2023). The IOC, reflecting virtues of a liberal Olympism but serving as the Erotes of an imperialist relationship between the Global North and Global South (and the relationship between media and the West), anchors the very notion asserted by British media and communications scholar Garry Whannel:

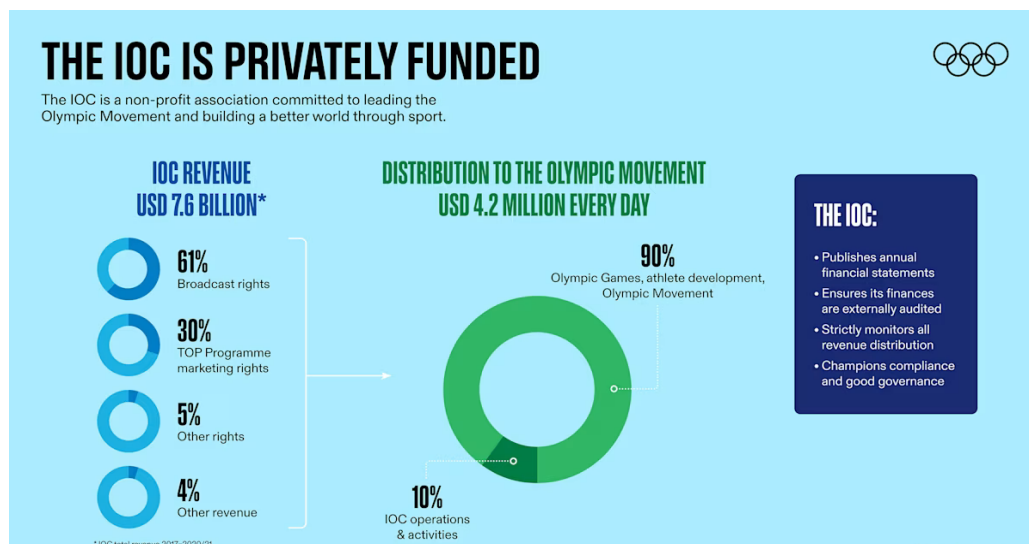
Sport must be considered as a component of media imperialism...part of that culture that has been extended to the Third World through the cultural and economic power of the major media corporations of the developed world, primarily the United States...the whole complex pattern of media imperialism is only one part of what has been termed cultural imperialism - colonization not by armies but by ideas and values. (Whannel, 1985)

Chen (2023) relies on the testimony of these two scholars to advocate that commercialized sport, relegated to “Western capitalist metropolises,” have a political-economic tendency to reflect an imperialist relationship. While it is certain that the dissemination of media across the international arena should be lauded as a testimony to the power of globalization to some capacity, Chen’s evidence elevates the notion that the commercialization of sport concurrently reflects a tendency to divide, rather than unite, within the international sphere. The vision of commercialized sport intends to effectuate the benefits of globalization but its imperialist relationship, “characterized by unequal access to the means of production, distribution, ownership, and consumption” and infrastructurally “controlled and financed by transnational capitalists and their state allies,” in fact impresses the very disruptive exhibition of imperialism via soft power responsible for the IOC’s promotion of a Western-forward hegemonic order (Chen, 2023).

I extend the theoretical framework brought forward by Chen, Schiller, and Whannel to the periphery of the IOC in my argument that the commercialization of the Games reinforces Western economic dominance, functioning as a financially extractive system where economic inequality and unequal power distribution are kneaded into the institution’s dough. I contend that the extraction occurs within the Olympic context in a similarly inherent fashion but through two main domains: economically and politically. The evolution of commercialization, corporate sponsorship, and broadcast expansion serve as a means of economic soft power relegated through what I argue to be media and sporting imperialism (McBride et al., 2024). Politically, we see the demonstrations of political soft power expressed through imperialism most prevalently in the case of the Cold War (Bourg et al., 2023). Both means were and still are exercised through an overwhelming Western influence over the Olympic industry.

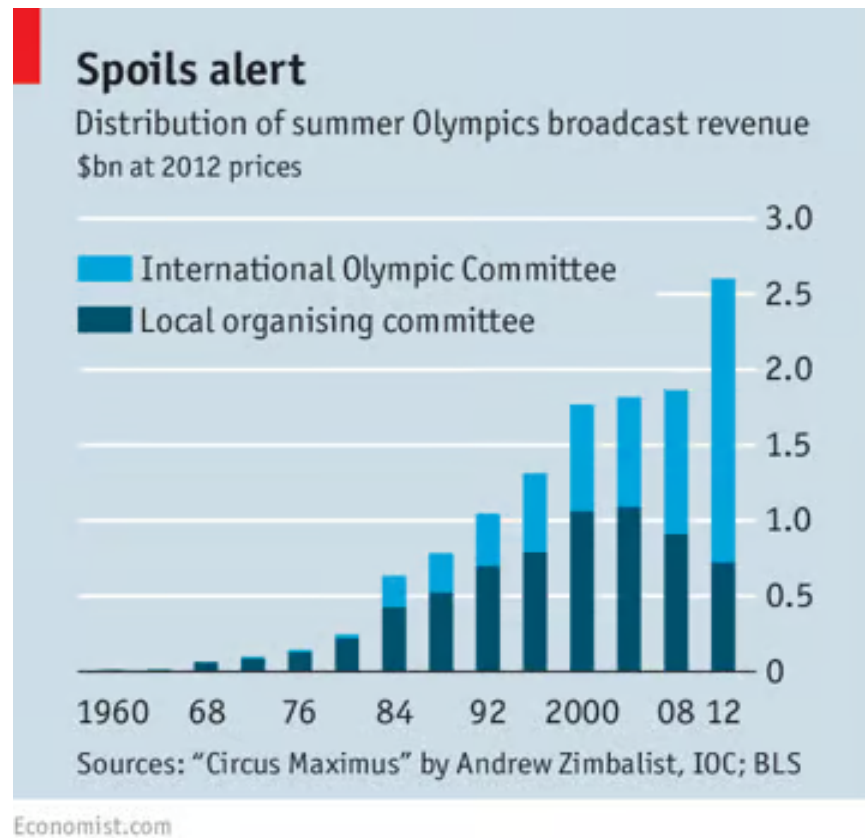
Who is Winning? The Corporate Model

The IOC is categorized as a privately-funded non-profit institution (International Olympic Committee, n.d.-a). While this makes a compelling case for the pro bono model, the institution’s revenue is catalyzed by the sale of media rights: as of 2024, 61% of the IOC’s income comes from the sale of broadcast rights and 30% from sponsorships (Wade, 2024b).



Source: [International Olympic Committee](https://olympics.com/en/olympic-movement)

The current IOC president Thomas Bach is virtuously self-congratulatory, boasting that “90 percent of the revenues from the Games go straight back into sport and athlete development” (International Olympic Committee, n.d.-a). Unsurprisingly, there exists a significant gap in the transparency of how exactly these funds are redistributed, making it difficult to deduce exactly to what extent we can rely on IOC testimony. I attempt to fill the gap in the literature using sports economist Andrew Zimbalist and McBride et al. (2024)’s blatant contestation that the “IOC keeps more than half of all television revenue” (Zimbalist, 2020).



In an attempt to contest the IOC’s internal contradiction, I accessed the institution’s self-published annual marketing reports. Since the IOC operates as a non-profit, it is required to disburse additional revenues (Mukund, 2022).

Thus, we observe an interesting pattern⁹ in revenue redistribution: a Games’ revenue remains within the Olympic ecosystem. Olympic athletes earn meek compensation for their participation and are “limited in terms of their ability to earn money from marketing deals,” while President Bach, “technically a volunteer, earns about \$244,000 a year” (Mukund, 2022). Other higher-ups in the institution are accordingly paid for their contributions (Mukund, 2022). Further research could benefit from the identification of where exactly the “funds redistributed to sport” go post-Games, as current public information remains scarce (International Olympic Committee, n.d.-a).

⁹ Distribution figures from Pyeongchang 2018 mirror the general pattern of all Games

22. Revenue Distribution

USD 000	2018			2017		
	Revenue	TOP programme	Total	Revenue	TOP programme	Total
PyeongChang 2018 Organising Committee	410 630	128 410	539 040	–	74 623	74 623
Tokyo 2020 Organising Committee	–	94 912	94 912	–	94 784	94 784
USOC	124 484	89 301	213 785	–	90 767	90 767
IFs	215 141	–	215 141	–	–	–
NOCs	84 281	80 330	164 611	–	81 326	81 326
Olympic Movement Fund	100 000	–	100 000	–	–	–
Marketing in kind and other costs	–	10 071	10 071	–	8 271	8 271
	934 536	403 024	1 337 560	–	349 771	349 771
Olympic Movement Fund share of revenue in designated funds	(100 000)	–	(100 000)	–	–	–
NOCs' share of revenue in designated funds	(84 281)	–	(84 281)	–	–	–
Distribution of revenue to OCOGs, NOCs, USOC and IFs	750 255	403 024	1 153 279	–	349 771	349 771

In application of the recommendation made during the XIII Olympic Congress in Copenhagen in 2009, distributable revenue upon successful completion of the Olympic Games includes cash and Value in Kind revenue from television broadcasting rights, TOP rights and part of the royalties income. Revenue distributed to OCOGs and the USOC, and Olympic Games-related expenditure, is deducted from the revenue to calculate the equal shares attributable to the IFs, the NOCs and the IOC.

Source: [International Olympic Committee](#), 2018, Annual Report

Although it is well known at this point that the high costs put up by host countries are not rewarded in financial benefit¹⁰ and remains ambiguous where media revenue is ultimately allocated, we can identify issues of corruption latent in the bidding processes themselves, of which anecdotally reinforce the influence of Western-biased structure, elitism, and monetization behind-the-scenes. The 2002 Salt Lake Games cataclysmically eroded the institution's supposed dedication to integrity and fairness, revealing the major controversy behind Utah's successful early 21st century bid (Mallon, 2002). In 1998, it was revealed that the Salt Lake's Organizing Committee (SLOC) spent over one million dollars on "lavish trips, full coverage of children's tuitions, covered medical costs," and other gifts in the name of securing the 2002 bid (Brasch, 2024). The ten implicated SLOC officials were indicted, yet later acquitted, on all counts of conspiracy, mail fraud, and wire fraud in relation to the bribery scheme (Brefeld et al., 2022). On all counts, this revelation rocked the Olympic movement, revealing the network of cash influence and corruption latent in the IOC's framework even years before the start of a Games, effectively dismantling the institution's legitimacy as a unifying, diplomatic entity. On all media counts, Salt Lake 2002 occupies the role of among the most corrupted Games. However, the IOC's bribery scandals publicly date back to the 1990s, implicating the Organizing Committees in Nagano 1998 and Sydney 2000, and even continue post-Salt Lake, whereby IOC members "allegedly accepted bribes to vote for Rio" as the 2016 host and Tokyo as the 2020 host (Brefeld et al., 2022). Ultimately, those who can afford to purchase their way into an Olympics, do so. Despite the indictment of the numerous implicated SLOC members, the IOC has yet to implement cohesive and accountable anti-corruption safeguards into its judicial and legislative frameworks, enabling the fraudulent-riddled bidding process to abound into the contemporary era (Brefeld et al., 2024). With

¹⁰ Host countries have consistently provided an average of about US \$1.8 billion to Summer Games Organizing Committees over the years, with no substantial increase in budget over the years (International Olympic Committee, n.d.-a)

intra-institutional corruption beginning years before a Games starts, I contend that the IOC's illicit operations could not feasibly be put to an end prior to the torch ceremony. The bribery and corruption bidding scandals only begin to touch the tip of the iceberg, with the prerogative of profit-generation amassing the IOC's full attention in America's Golden State: California.

Turning Point: Los Angeles 1984

Beyond the “billion-dollar business,” the Cold War catapulted the Olympics into a “proxy for geopolitical influence,” enabling the desire for monopolization over broadcasting rights to act a catalyst for an ideological battleground between the Eastern and Western blocs (Bourg et al., 2023; Wade, 2024a). Broadcasted, the international spectacle would promote the Olympics' visibility through a controlled media narrative, inherently dictating who “won” the Cold War. It follows, then, that the sole proprietor to the rights of the Games would dominate the prevailing dissemination of information, and in turn, societal discourse on competing ideologies.



Source: [John W. McDonough, Sports Illustrated](#)



The 1984 Los Angeles Summer Games mark a watershed moment in this Olympic history. Beyond being the only profitable Games in the institution's history – with a \$215 million operating surplus – the rights to the Games were sold to ABC for \$225 million, over three times as much as the \$87 million rights for the 1980 Moscow Games (Lindsey, 1979; McBride et al., 2024). I characterize 1984 as an integral year for the Olympic context on the basis of two main factors:

(1) Broadcasting as a Tool of Soft Power

Western media imperialism is cemented by the U.S. broadcasting domination over the Olympic Games. Ownership of these rights enables the major American broadcasting corporations to reinforce the West's financial and ideological prerogatives by controlling the prevailing media narrative. Sport broadcasting functions as a critical “vector of soft power,” functioning as “one of the many tools that allow the State to strengthen its legitimacy and expand its international audience” (Bourg et al., 2023).

(2) The Olympics as a Business Model

The profit-based framework and resounding financial success of Los Angeles indicated to corporate sponsors and hosts that the Olympic Games transcends its status as an international sporting spectacle (McBride et al., 2024). Beyond existing as a showcase of international athleticism, the Olympics serve as a business model – and a highly profitable one, too.

Broadcasting as a Tool of Soft Power

In a testament to the first rationale for Los Angeles' influence, I refer to a quote of longtime IOC member, Richard Pound: "Once we saw the L.A. [television] number, we said, 'This is the way we can finance the Olympic movement, and we need to take control. We had to evolve in the sponsorship business, and we had to figure out what was the Olympics brand? What assets did we have? How do we get ourselves off the companies' donation budgets and into the C-suite?'" (Carpenter, 2024). Tasked with the Olympic marketing strategy, sports executive Peter Ueberroth's revised financial model to revive the Olympic Games relied on the transition to broadcasting and corporate sponsorship, what seemed a necessary shift to resuscitate the then-dying mega-sports spectacle (Carpenter, 2024).

The reinvention of the Games' financial model, I resolve, was a reasonable act of requisite to ensure the institution's future. Following terrorist attacks at the 1972 Munich Games, the concession of Denver's 1976 bid, and the U.S.-led boycott of the 1980 Moscow Games, there was a substantial lack of demand for Olympic hosting rights (Carpenter, 2024). The 1976 Olympic Games left the city “a then-astronomical \$1.5 billion in debt” (Carpenter, 2024). Combined, the Olympic ideals of unity and peace seem to have dissipated in the public eye. The institution was in desperate need of a life-saving measure, so to speak. Resoundingly, Ueberroth's plan is cited as a “runway success” (Carpenter, 2024). Beyond procuring a resounding net surplus, the 1984 Games ignited around the world eagerness to house the Games. Whereby Los Angeles was the sole bidder for the 1984 Olympics,¹¹ eleven cities bid for the 2004 Games (McBride et al., 2024).

¹¹ Tehran also bid but “dropped out during the early days of Iran's Islamic revolution” (Carpenter, 2024)

CANDIDATURES - OLYMPIC SUMMER GAMES



2032 - 2020

- 2032 **Brisbane**
- 2028 **Los Angeles**
- 2024 Budapest, Hamburg,
Los Angeles, Paris, Rome
- 2020 **Istanbul, Madrid, Tokyo**



2016 - 2008

- 2016 **Chicago, Madrid, Rio de Janeiro, Tokyo**
- 2012 **London**, Madrid, Moscow,
New York, Paris
- 2008 **Beijing**, Istanbul, Osaka,
Paris, Toronto



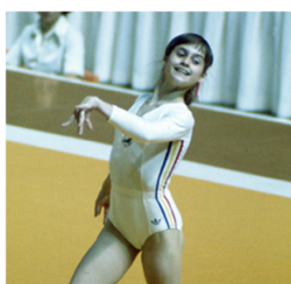
2004 - 2000

- 2004 **Athens**, Buenos Aires,
Cape Town, Istanbul, Lille,
Rio de Janeiro, Rome,
St-Petersburg, San Juan,
Sevilla, Stockholm
- 2000 Beijing, Berlin, Brasilia,
Istanbul, Manchester,
Milan, **Sydney**



1996 - 1988

- 1996 Athens, **Atlanta**,
Belgrade, Manchester,
Melbourne, Toronto
- 1992 Amsterdam, **Barcelona**,
Belgrade, Birmingham,
Brisbane, New Dehli*, Paris
- 1988 Athens, Melbourne*, Nagoya,
Seoul



1984 - 1972

- 1984 **Los Angeles**
- 1980 Los Angeles, **Moscow**
- 1976 Florence, Los Angeles,
Montreal, Moscow
- 1972 Detroit, Madrid, Montreal,
Munich, Paris*, Vienna*



1968 - 1960

- 1968 Buenos Aires, Detroit,
Lyon, **Mexico**
- 1964 Brussels, Detroit, **Tokyo**,
Vienna
- 1960 Brussels, Budapest, Detroit,
Lausanne, Mexico, **Rome**, Tokyo

Source: [The Olympic Studies Centre](https://www.theolympicstudiescentre.com/)

Los Angeles' promotion of the Olympics through broadcasting platforms revealed a byproduct of broadcasting bolstered by Schiller's notion of television acting as the "cultural arm" of modern imperialism. The Soviet boycott of the 1984 Olympics exacerbated a public spectacle as a continuation of the 1980s boycott. Rather than "causing Americans to lose interest," however, it sparked a widespread interest in the Games (Carpenter, 2024). A never-before-seen demand for Olympic viewership was tangible, with people "filling roadsides and highway shoulders" to "catch a glimpse" of the patriotic athletic spectacle in the height of an ideological war (Carpenter, 2024). By many metrics, the use of this soft power reveals a "win" of the West, procuring the power to control the prevailing media narrative.

By all metrics, 1984 could be categorized as the most transformative and successful Games in the institution's history.¹² However, Los Angeles set the precedent that television broadcasting and corporate sponsorship were inextricably linked to the future of the Olympic Games. Accordingly, the very public transition marks a crucial landmark in Olympic development, one which clearly abandons

¹² See Appendix A

the strife of international athleticism in exchange for the fortification of an Olympic brand, and by extension, a business strategy which promotes the Games as a proxy for geopolitical influence.

Whether incidentally or intentionally, the correlation between ABC's \$225 million deal and the sudden Olympics-motivated onset of American patriotism should not be overlooked. In the post-1984 Olympic context, we observe an ostensible shift towards an environment of deregulation and increased conglomeration. To quote Bourg et al. (2023), "... television turns every mega-sporting event into a 'global village' that brings together several hundred million highly receptive people. With its popularity and universality, sport bypasses borders and ideologies. Moreover, sport is one of the rare domains in geopolitics where power is not rejected, but most often admired" (Boniface, 2021). As a critical component of state and institutional power, the mid-1980s transition must not only be categorized as a transition from athleticism to financial instrumentation but also as a testament to the reliance on Western corporations for the institution's future. For hegemonic states, sport effectively serves as a "marker" of state power: even former U.S. President Ronald Reagan capitalized upon the prestige surrounding the 1984 Games to boost his reelection campaign by avenue of patriotism (Congelio, 2013). Broadcasting enables sport to become a "question of asserting..." this "power by activating all the levers of sports geopolitics" (Bourg et al., 2023). To "many states," the Olympic Games is still viewed as a Cold War of its own, "with a cult of nationalism and propaganda for external use" (Bourg et al., 2023).

The Olympics as a Business Model

Despite bids from emerging market and developing economy (EMDE) countries "more than tripling after 1988, the resounding financial success of the 1984 Games afforded the IOC the luxury to grant hosting rights to the "cities with the most ambitious – and expensive – plans" (McBride et al., 2024). However, to effectuate both an "ambitious" and "expensive" Olympic plan, hosts must possess the capital resources to do so. To simply place an initial bid costs the host on average "between \$50 million and \$100 million" (McBride et al., 2024). Beyond the bidding process, hosts must also account for infrastructural costs (facility and Olympic village construction, housing, and transportation), operational costs (policing and security, utilities, food), debt repayment, and labor costs (McBride et al., 2024). With the cards in the IOC's hands, we unsurprisingly observe that the concentration of hosts remains in the "Global North," in countries which have the budgetary and political capacity to fulfill the IOC's broader profit-seeking and ideologically-fueled agenda.¹³ "Less-developed countries" (LDCs) innately cannot host bc they don't have the resources to both build Olympic infrastructure and retain positive socioeconomic outcomes for their citizens, underscoring the systemic barriers developing countries face (Brunet, 2005, p. 10; McBride et al., 2024). The relegation of bids granted to generally Western, almost always "Global North" nations is a crucial component of the realized Olympic model. The political and economic structures of "Global North" countries ideologically align with the IOC's values and also function as airbags for potential financial tumult. Wealthier nations are better able to absorb the costs of hosting, allowing the IOC to cushion the blow of potential consequences. The devastating socioeconomic results of extending the Olympic reach around development narratives become most prevalent in Rio de Janeiro's 2016 Games, the extent to which will be critically analyzed in the next section.

¹³ Note: The Olympics are ultimately constructed in a way partial to the Global North. While the Winter Olympics are not of main discourse, the Winter Games' scheduling occurs only when countries in the geographical "North" experience winter.

The Olympics' Broadcast Revenue Is Now in the Billions

Broadcast revenue from Olympic television rights fees

1960	Palisades Tahoe (formerly Squaw Valley)	Winter	\$50K
	Rome	Summer	\$1.2M
1964	Innsbruck	Winter	\$900K
	Tokyo	Summer	\$1.6M
1968	Grenoble	Winter	\$2.6M
	Mexico City	Summer	\$9.8M
1972	Sapporo	Winter	\$8.5M
	Munich	Summer	\$18M
1976	Innsbruck	Winter	\$12M
	Montreal	Summer	\$35M
1980	Lake Placid	Winter	\$21M
	Moscow	Summer	\$88M
1984	Sarajevo	Winter	\$103M
	Los Angeles	Summer	\$287M
1988	Calgary	Winter	\$325M
	Seoul	Summer	\$403M
1992	Albertville	Winter	\$292M
	Barcelona	Summer	\$636M
1994	Lillehammer	Winter	\$353M
1996	Atlanta	Summer	\$898M
1998	Nagano	Winter	\$514M
2000	Sydney	Summer	\$1.3B
2002	Salt Lake City	Winter	\$738M
2004	Athens	Summer	\$1.5B
2006	Turin	Winter	\$831M
2008	Beijing	Summer	\$1.7B
2010	Vancouver	Winter	\$1.3B
2012	London	Summer	\$2.6B
2014	Sochi	Winter	\$1.3B
2016	Rio de Janeiro	Summer	\$2.9B
2018	Pyeongchang	Winter	\$1.4B
2020	Tokyo	Summer	\$3.1B
2022	Beijing	Winter	\$1.5B

Source: IOC.

COUNCIL on
FOREIGN
RELATIONS

The Olympics Have Never Come In Under Budget

Estimated cost of hosting the Olympics, constant 2022 dollars

Year	City	Season	Cost	Overrun
1988	Calgary	Winter	\$1.2B	65%
1992	Albertville	Winter	\$2.1B	137%
1992	Barcelona	Summer	\$11.6B	266%
1994	Lillehammer	Winter	\$3.4B	277%
1996	Atlanta	Summer	\$4.7B	151%
1998	Nagano	Winter	\$2.2B	56%
2000	Sydney	Summer	\$5.2B	90%
2002	Salt Lake City	Winter	\$2.7B	24%
2004	Athens	Summer	\$3.1B	49%
2006	Turin	Winter	\$4.7B	80%
2008	Beijing	Summer	\$8.3B	2%
2010	Vancouver	Winter	\$3.2B	13%
2012	London	Summer	\$16.8B	76%
2014	Sochi	Winter	\$28.9B	289%
2016	Rio de Janeiro	Summer	\$23.6B	352%
2018	Pyeongchang	Winter	\$3.4B	2%
2020	Tokyo	Summer	\$13.7B	128%
2022	Beijing	Winter	\$8.7B	149%
2024	Paris	Summer	\$8.7B	115%

Note: This data includes operational and construction costs. It does not include wider capital costs, such as investments in urban and transportation infrastructure, which can be substantial.

Source: Budzier and Flyvbjerg, "The Oxford Olympics Study 2024: Are Cost and Cost Overrun at the Games Coming Down?," SSRN.

COUNCIL on
FOREIGN
RELATIONS

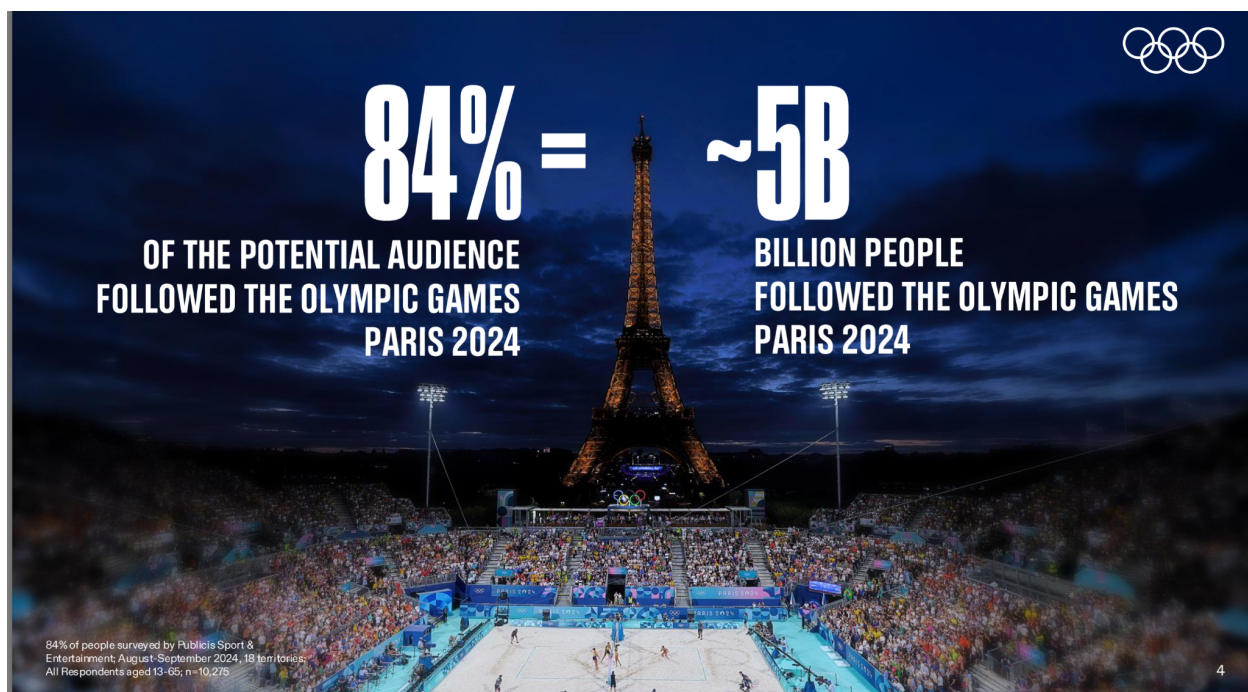
Put Together: What Can We Learn from the IOC's Evolution?

In March of 2025, NBC officially secured an extension of Olympic broadcasting rights from Salt Lake 2034 through 2036, valued at US\$3 billion (NBC Sports Staff, 2025). Broadcasting rights have been consistently secured to NBC for both the Summer and Winter Games since 2000.¹⁴ NBC has won ownership over the Summer Games since 1988, rendering a lump sum of around US\$15 billion in rights fees through 2036 in Summer Games alone (Lee, 2025; NBC Sports Staff, 2022; NBC Sports Staff, 2025; Reich, 1985; Sharbutt, 1988; Stewart, 1993). The NBC-IOC corporate partnership has been integral to the Olympic business model since the transformative 1984 Games. The business model,

¹⁴ From 1988 to 2000, NBC only secured the bid for the Summer Games. The company has secured every Winter and Summer Olympics since (NBC Sports Staff, 2025).

however, ceases to exist without the contextualizing frameworks of Schiller, Whannel, and Chen. Any shadow of benefit brought to a host city does not outweigh the cost; athletes are disproportionately compensated in relation to their IOC member counterparts and the hosting countries' most vulnerable are impacted in immeasurable ways. The Schillerian relationship between cultural output and economics exists inseparably, and undeniably so within the Olympic context.

The billions of dollars that are cyclically fed into the Olympics – and the very existence of the Games themselves – depend on a deeply entrenched structure of inequality, one of a Western imperialist relationship. Even within the IOC's representation, we observe that from 1984 until 2025, each president has been a white male from a Western, Global North nation (International Olympic Committee, 2023). Of the ten presidents¹⁵ in this 121 year period, eight have been European (International Olympic Committee, 2023). The European hegemony with which this structure propagates suggests an “establishment of a position of dominance over other members of the organization,” of which is facilitated by “the discussions and proposals... taken within a collective structure where the other members legitimize th[e president's] decisions” (Settani Giglio et al., 2017). The direct linkage between the Coubertinian vision of Olympism and the IOC's geopolitical representation precisely supports the “political path” and commercialization of the Olympic movement, with which bolsters the argument that the Olympics operates under an imperial agenda, one with tangible operations in substantial opposition to the brand's self-liberalized rhetoric and branding (Settani Giglio et al., 2017).



Source: [International Olympic Committee](#), 2024

Overall, the consequence of commercialization and politicization of the Olympiad reinforces the pretenses of Western civilization. The profit-based structure of the IOC's contemporary operations mirrors the exclusivist rhetoric upon which Coubertin impressed in the revival of the modern Games,

¹⁵ The IOC has more recently elected an African woman to the presidency, but she is a white woman from a predominantly Black nation.

while the IOC's member and host city representation depend upon a Western hegemony. Goldblatt's characterization of the IOC, "lithe," having "made peace in the 1990's with commercialism, sponsors broadcasters, its own branding mechanisms, ... and the abandonment of amateurism as an element of the Olympic charter," is inexplicably evidenced in the institution's development through the late 20th century and can be rationally explained by the institution's foundations (Godwin, n.d.). Ultimately, the IOC's openness to a capitalist-centric model in the last 40 years demonstrates – in a more public light – the institution's veritable prerogatives.



THANK YOU TO OUR WORLDWIDE OLYMPIC PARTNERS



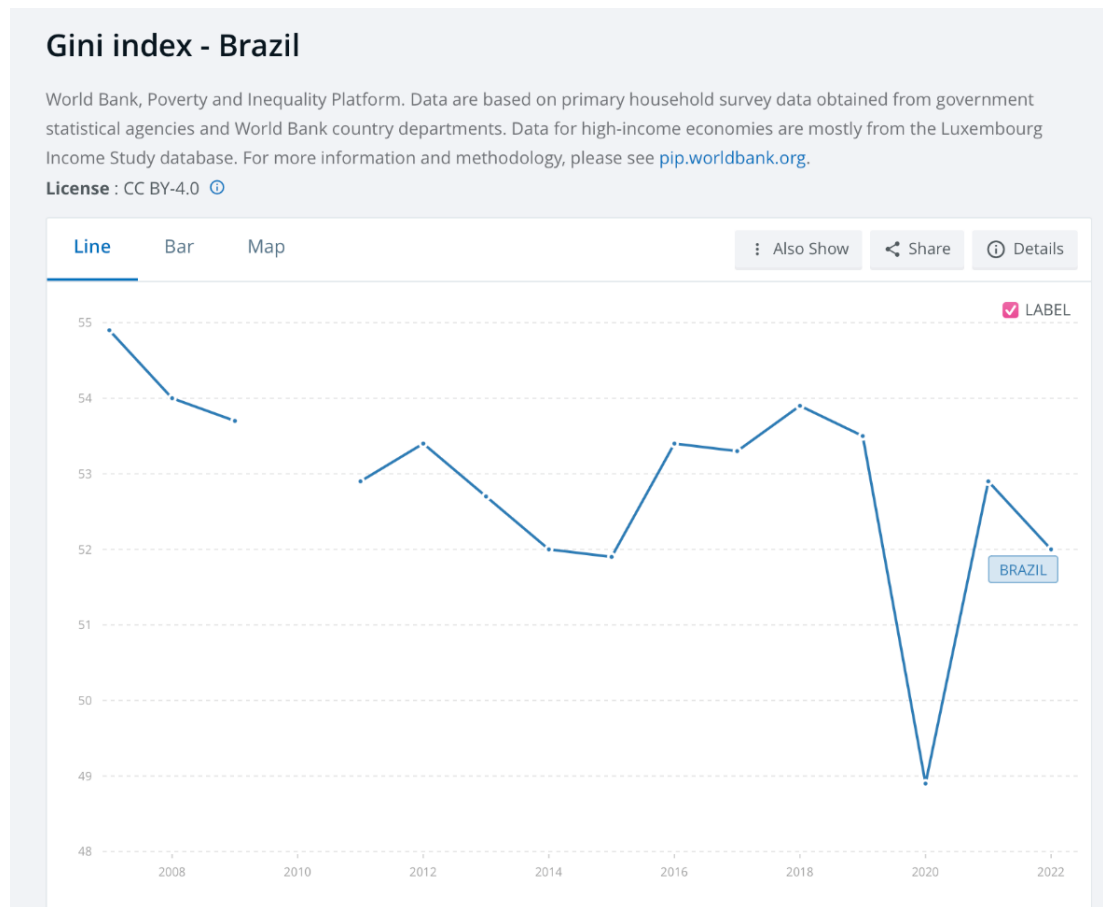
Source: [Polish Olympic Committee](#)

Applications: The Consequences of Sporting Imperialism

The Global North-Global South Discrepancy

The applications of theoretical discourse on sporting imperialism reflect a long-standing pattern of Global North nations benefiting from the Olympics in terms of prestige while the Global South bears the burden of hosting – altogether in lack of representation both athletically and in hosting terms, environmentally, and economically. Consequently, the distribution of hosting rights remains within the North American and European continents, with over 80 percent of all Games being hosted in one of the two continents (International Olympic Committee, n.d.-a). The relegation of the Olympic Games to predominantly Global North and Western hosts is indicative perhaps of a (1) **fear** – of tainting the pristine image of the Olympic brand, (2) **bias** – economic capital and the IOC's corporate partnerships thrive most successfully in democratic and capitalistic structures, ones integral to the ideals of Western civilization, or (3) **both**. Just nine years ago, the first South American country – Brazil – was granted its bid under a "development narrative" of extending the Olympics to peripheral and semi-peripheral nations (Millington et al., 2016). Rio was a case of the Olympics' performative

inclusivity, one whose convoluted agenda was instantaneously revealed by media outlets and motivated my personal investigation of the IOC's genuine prerogatives.



Source: The World Bank

Shining the Light on Rio 2016

I contend that Coubertin's exclusionary foundations, the misleading rhetoric of "Olympism," and the Olympics' structure as a profit-generating enterprise produced the most tumultuous of outcomes as evidenced by Rio de Janeiro's 2016 Summer Games. The overarching themes of socioeconomic disparity, corruption, and politicization are integral to discourses on Rio. The 2016 Games did not taint the Olympic brand; rather, it revealed over a century of corruption, dishonesty, and elitism.

1984's financial success model¹⁶ elicited a promising avenue for Brazil, encouraging Rio de Janeiro's 2009 bid to host the 2016 Olympic Games (Trendafilova et al., 2018). Despite the country's "struggle with environmental challenges" (e.g. water supply, air quality, waste management, and deforestation) and Gini coefficient of 53.7 at the time of bidding (ranking 12th globally in social inequality) (Trendafilova et al., 2018; Worles, 2017), Rio City Hall placed its bid with goals of increased tourism,

¹⁶ Part of the "success model" is based on Barcelona's 1992 Summer Games, of which resulted in unprecedented gains to the city's tourism sector (Rebouças, 2018). Barcelona's Games exist as the other outlier in Olympic history, presenting the sole other case of Olympic benefit to a host country (Rebouças, 2018).

“improvement of the country’s image outside Brazil,” and intention to impress a legacy on “public safety, ... new job opportunities, an integrated public transport system and urban projects, from which the population could benefit long term” (Goldenbaum et al., 2021).

Nine years later, the majority of Rio’s Olympic infrastructure are white elephants, the public transit projects never reached completion, and the mass displacement of favela residents – in particular within the Vila Autodromo and Maré – continues to impact the livelihoods of those forcibly evicted (Goldenbaum et al., 2021). Ironically yet unsurprisingly, the IOC’s 2024 blog analyzes Rio’s legacy as a “catalyst for urban renewal and economic growth,” a Games whose impacts continue to shape the city (International Olympic Committee, 2024a). Tania Braga, the IOC Head of Olympic Games Impact and Legacy firmly asserts that the Games’ benefits – albeit not immediate – have “brought tangible benefits” to Rio, “help[ing] transform the city and improve the lives of its citizens” (International Olympic Committee, 2024a). The evidence supports the contrary. *The short-term legacy:* Rio is an unequivocal failure of urban planning, mass greenwashing effort, and necessitated a widespread policy of “keep[ing] the city’s poor out of sight of visitors,” all to improve Rio’s image under the Olympic brand (Harris, 2016). *The long-term legacy:* Brazil’s recession forced Rio to enlist a “a \$900 million bailout from the federal government,” the Organizing Committee was “unable to pay all of its public employees,” and the infrastructural development (supported by gentrification and mass overspending) has left a legacy of white elephants and a country “shrouded by corruption, debt and broken promises” (Drehs et al., 2017; McBride et al., 2024).



Source: [Vox](#), Favela removal in Rio’s construction, implemented to create space for Olympic infrastructure.



Source: [ESPN](#), The Olympic Aquatic Stadium, one year after the Rio 2016 Games

The “Subaltern”: Favela Removal and Gentrification in Rio de Janeiro

Rebouças (2018, p. 53) links the development of Rio’s mega-events to private interests (i.e. corporation), of which motivated the government’s decisions to forcibly evict the “subaltern” social class’ urban configuration in a way that would, theoretically, benefit the image and economy of Rio de Janeiro. As such, Eduardo Paes, the mayor of Rio in 2008, was elected through the support of major corporations, which outlines his administration’s operations, those “characterized by concessions of public services to private companies through... partnerships in culture, education, public health, transports and also in infrastructure, which were made possible by the 2009 Municipal Program of Public-Private Partnerships (PROPAR-RIO)” (Rebouças, 2018). These public-private partnership programs were consequently responsible for “building in strategic areas for mega-events” like the Olympics, in the exact location where “local communities had to be removed” (Rebouças, 2018). The Paes administration forcibly evicted 77,000 individuals from their houses in Rio’s favela communities from the period of 2009 to 2016, revealing not an Olympic legacy of improving citizens’ lives but one of erasing the existence of society’s “subaltern” in a way that benefits private stakeholders and promotes both the IOC and Rio’s public images (Rocha, 2023).

Ultimately, the displacement of favela residents was facilitated under a colonization policy of “aggressive government programs, ... involv[ing] military occupation, infrastructure provision, beautification, and selected removal” (Freeman, 2014). While these policies of “urban reform” via colonization are latent in Brazil’s favela communities dating back to the early 20th century and were expedited through neoliberal reform in the 1980-90s period, the evolution of favela eradication policies under the Paes administration nearly tripled, forcing relocation of the tens of thousands of residents to areas over 70 kilometers from their previous homes (Cunha, 2020). The government and military intervention was executed by Paes’ backers – a real estate market-sponsored “hierarchical space division that further contributed to capital accumulation” (Cunha, 2020).



Source: [The Guardian](#), 2016

The discourses from Maré, one of Brazil's many favela communities, highlight the IOC's inequality-boasting and contradictory development agenda. Maré's "Wall of Shame," carefully constructed to illuminate the Olympic façade, was a US\$6.1 million dollar project built around a network of favela communities to obscure the standards of living as tourists commuted the Red Line train from Rio de Janeiro's airport (Martins, 2017). A physical barrier placed to disassociate low standards of living from both Rio City Hall and the IOC's image hid decades of military dictatorship and subjugation of Black Brazilians and other marginalized groups in Brazil's urban scheme (Martins, 2017). Behind the wall behold the stories of favela da Maré's residents, of whom could not differentiate the noise of the cars on the highways from "armored cars used by the military police, that the authorities themselves use to invade the streets of the favela and kill more poor, more Black and more people from the favela" (Martins, 2017). Between the summers of 2015 and 2016, almost 1,000 of Brazil's favela residents, of whom were predominantly Black men, were "killed during 'pacification' efforts to clean up the city's image between 2015 and 2016" (Worles, 2017).

The complexities of Rio's failures exist twofold, presenting a rationale for national critique but also one of institutional critique within the Olympic context. The Rio Games causally promoted statistically significant shifts in income inequality and poverty gap indexes and the inarguable subjugation of marginalized communities through means of political violence (manifested through physical and psychological segregation between Rio's most vulnerable communities and the proprietors of the mega-events revenue streams) (Rebouças, 2018). Despite being an institution which verbatim articulates a "respect for internationally recognized human rights," cries from Rio were met by the IOC with ignorance (International Olympic Committee, n.d.-c). In 2024, the IOC iterates the tangible success of the Rio Games, carefully ignoring the tens of thousands cleared from their homes and aligning quietly with Brazil's long history of military imperialism and colonialism (Cunha, 2020).



Source: [The Guardian](#), 2015

Ultimately, anecdotes from Rio reflect profit-generating and private enterprise-influenced goals, ones which go to infinite lengths in their orchestration of aggressive and violent removal policies which significantly implicate Rio's lower-income citizens. While the IOC boasts the positively transformative nature of Rio's Games, the sole proprietor of these benefits are distributed to the nation's wealthy (Hatt, 2023; International Olympic Committee, 2024a). Other evidence of transformation is observed in Rio's Gini coefficient shifts (an increase in 0.026, "statistically significant for a 5% level"), revealing that the Olympics proclaimed gains derive from a concerning performance of gentrification, mass displacement, and perverse socioeconomic impacts on Rio's lower income communities (Matandos, 2022).

Why Rio? Preserving the Olympic Brand and the SDP Agenda

Rio's bid was granted upon a development narrative, one which sought to promote the Olympic brand's liberal-identifying platform using strategic branding under the IOC's Sport for Development and Peace (SDP) agenda. Darnell (2012) seeks to investigate the development discourses surrounding Rio's Games, identifying the ways in which the IOC's SDP agenda – and the ascription of media and corporate communications surrounding the 2016 enterprise – follows a neoliberal model of privatization and capitalist-sponsored development over long-term benefits to facilitate genuine sustainable development. Effectively, the IOC positions itself at a neoliberal crossroads, its "propensity for sport-focused development initiatives" effectively "fall[ing] short" in its redress[ion] of structural inequalities" (Darnell, 2012). The IOC acts in an inarguably performative manner surrounding discourses on sports development, using the extension of the Games to Rio as a means to strategically showcase inclusion and expansion past the hegemonic Western order.

The IOC's mission to promote a "better and more peaceful world" appears quasi-diplomatic in its propagation of the capitalist model notwithstanding the socioeconomic and environmental barriers latent in Rio's organization (International Olympic Committee, n.d.-c). From this "sport of

peacekeeping” perspective, the IOC is inextricably linked to the Olympic movement’s “political orientation towards development and its approach to, and understanding of, social and material inequality” (Darnell, 2012). The very structure of the Olympic business model serves under a neoliberal capitalist structure, ensuring that inequality remains high as the affluent remain affluent and the global society’s most vulnerable experience the consequences of the IOC’s performative diplomacy. The broader agenda of the IOC’s SDP falls short in its promises as a broker in international development, aligning instead with the Western, “hegemonic notion... of sport as a tool for development,” effectively positioning the institution in a situation which “privilege[s] an individualized ethos that supports notions of upward mobility but stops short of challenging inequality and the hegemony of neoliberal development” (Darnell, 2012). Effectively, the IOC does not only challenge inequality but increases it. Despite the SDP branding, the IOC failed to acknowledge the consequences of its Games, choosing corporate profit and “inclusive” branding in lieu of the over 77,000 forcibly removed from their homes. I contend that the discourses surrounding Rio bolster these notions of upward mobility but also prove that the Olympics’ fundamental priority is to maintain its legitimacy and reach, especially as scholars continue to critique the institution for its financial untenability and manifestation of sporting imperialism.

The discourse surrounding Rio was fueled by media coverage and private-public partnership, leading to the initial waves of optimism surrounding South America’s first Games but quickly revealing that the benefits of the development discourse surrounding the Rio Games “rested on improved international prestige more than the direct improvement of the well-being of its citizens” (Darnell, 2012). These claims are well-evidenced by the economic analyses of Darnell (2012), Rebouças (2018), Matandos (2022), Hatt (2023), Rocha (2023), all of whom deliver findings of increased income inequality (using the Gini coefficient) as a result of the Rio Games, and in some capacity, derive conclusions that the positive social and economic benefits resulting from the Games, if any, have a tendency to benefit the nation’s elite, valuing the privatization model over the well-being of a citizenry. I reasonably infer that the profit-generating and infrastructure-based goals, catered towards the IOC’s financial success and positive branding, supersede a citizenry’s basic needs. Orchestrated in a way that disproportionately impacts the livelihoods of lower-income and underrepresented individuals, the IOC asserts its hegemonic structure in a way that values financial capital over human capital, expediting inequality at the expense of performativity.

Reflections from Rio

Rio does not exist as an isolated case of failure but as a widespread pattern of Olympic hosts left to pick up the pieces of the IOC’s corrupted structure. A critique of the IOC’s SDP pedagogy profoundly demonstrates the illusive nature of the institution, especially so within the context of other Games not aligned on the Western front. The 2014 Sochi Games and the 2008 Beijing Games similarly outline the concerns raised by Darnell (2012), especially so in the institutional avoidance of human rights grievances. The 16,000 individuals employed in the creation of the Sochi Games were migrant laborers, “consistently report[ing] that employers failed to pay full wages and in some cases failed to pay workers at all (Human Rights Watch, 2013). Beijing’s 2008 Games brought both questions of human rights conditions and the geopolitical prerogatives of the Olympics, reflecting for a third time a pattern of “forced evictions” and political influence of hosting rights (Chappelet, 2022). Both Beijing and Sochi’s bids were denounced both by HRW and Amnesty under the pretense that they could never develop as democratized nations, reflecting that a motive of sporting and media imperialism play a greater role in the Olympic business than what may reflect on the surface (Chappelet, 2022).

The Rio Olympics paradigmatically portray the core contradiction of the IOC. Whereby the Games are marketed as a force for unity, growth, and development, hosts are plagued, if not responsible for, debt, displacement, and inequality. A tool for global unity and proponent of human rights would not operate under the framework of an extractive, capitalist financial model. Regrettably, the consequences of Rio's Olympics are just a glimpse into the curtain of the IOC's beaming branding and rhetoric, of which the shiny label conceals a systemic network of inequality and geopolitical bias. Rio 2016 exists not as an exception but as a symptom of institutional malady, providing a veritably evidenced conclusion that the Olympic legacy is built on the destruction of the world's most vulnerable communities to privilege the luxury of the most powerful.

Hidden in Plain Sight: Patterns in the Global North

While Rio de Janeiro makes a compelling case for critiquing the Olympic structure, Brazil may very easily be cast as an outlier in Olympic history. International Relations scholars classify Brazil as a “semi-peripheral” nation in the emerging market and developing economy (EMDE) category (Millington et al., 2016). Patterns associated with Brazil's development – i.e. issues raised by mass displacement, the role of the Paes administration from a corruption standpoint, and pollution – can be dismissed as correlated, rather than causal, for a myriad of factors external from the IOC. While the effects of Rio garner far more media attention than Global North cases, I contend that the observed discrepancy is not solely a product of Rio's developing economic status, but rather, a consequence of wealthier nations being better equipped to absorb the costs of Olympic-grown socioeconomic malady and corruption. Rio's outcomes – alongside others – are a unique product of the Olympics' exploitative hosting model. Where in the case of a developing economy, the demand of large-scale infrastructural projects without substantial financial support ensured Rio's demise, these patterns are evidenced in parallel even in highly-developed countries. I draw from a Western, Global North example – London 2012 – to underscore that the patterns of Olympic damage consistently impact a nation's most vulnerable, even if not in an EMDE country.

The London 2012 Olympics will go down in history as one of the most successful games ever. From the opening ceremony to the closing ceremony, the entire event was a showcase of world-class talent and cutting-edge technology... A resounding success on all fronts. (LDN Guest Post, 2023)

The objectives of the London 2012 Games reflect an eerie pattern seldom discussed in mainstream media discourse. Similarly to Rio, London's Olympic bid emphasized “using the Olympics as an urban regeneration catalyst of one of London's poorest areas and one of the Games' legacies” (Jakar et al., 2024). With similar effects as Rio's Games, the urban “regeneration efforts” reaped success, but as outlined by Hatt (2023)'s analysis, the main benefactor was not the local community “due to the predictable migration and gentrification of the area” (Jakar et al., 2024). The anecdotes from East London's gentrification projects demonstrate a similarly modern case of the Olympics disproportionately impacting lower-income communities, but within a country whose international presence exists both as a Global North and Western powerhouse.

Historically – and not an unseen phenomenon amidst other global events and corporate initiatives –, the Games are “inextricably tied to the global housing crisis” (Hill, 2023). “Complicit in gentrification,” the Organizing Committees incorporate the development of poorer neighborhoods into urban regeneration projects, a pattern boasted in Olympic infrastructural development

throughout East London's poorer neighborhoods (Hill, 2023). The London Games, widely viewed as a success, is extension of decades of "aggressive urban development projects by private companies," using the historically poorest part of the city as a bypass for Olympics-related gentrification and consequently displacing the city's most vulnerable communities for the perks of Olympic extravagance (Clark, 2013). Like Rio and Beijing 2008, the city applied a neoliberal model to support the area's gentrification, effectively attracting "new middle-class residents" and "displacing poor residents" (Rocha et al., 2022). Public funds financed private development, displacing working-class communities. Although London 2012 is cited as a legacy Games, beneath the veneer lies exploitation of East London's poor (Hill, 2023). Ultimately, I contend that the rhetoric surrounding the London Games is a byproduct of wealthier nations' ability to better absorb financial shocks such as that of the Games. Leaving cities like Rio in shambles and London's most economically vulnerable in a similar condition, the two cases of destruction are uniquely correlated to Olympic outcomes. We can learn from the tragedy of East London that even in a Global North, Western context, the IOC's interests are not to unify but to divide. Where public funds finance private development, society's most vulnerable reaps the misfortune of the most powerful's indifference.



Source: [Philip Wolmuth](#), *Before and After the London Games*

These patterns are not exclusive to the two contexts, but rather, two of many examples of Olympic extraction concealed beneath a veneer of diplomacy through sport. The issues of gentrification are accordingly reported in Tokyo 2020, Barcelona 1992, and Vancouver 2010, and with the same tendency: "highly vulnerable groups" of whom are the constant victims "affected by authorities' decisions to change the structure of the city" (Rocha et al., 2022). A United Nations-funded Center for Housing Rights and Evictions revealed a glimpse into the inequality brought about by the Olympics: of the six Summer Olympics held between 1988 Seoul and 2008 Beijing, over 2 million people were forcibly evicted or "otherwise displaced" to make room for Olympic infrastructure (Worles, 2017). Whereby a counterpoint may offer that this pattern is a byproduct of all mega-event development (in other words, not exclusive to the IOC), econometric models reveal an "absence of studies" for other mega-event institutions, identifying that the "Olympic Games have special characteristics that have made them likely to promote resident displacement and, consequently, have attracted the attention of researchers (Rocha et al., 2022).

Case Conclusions

Together, the models prove that the Olympic system is fundamentally extractive, deriving significantly from a population's most vulnerable. We notice patterns in society's lowest-income groups, notwithstanding the country's GDP, location, or political affiliation. While the discourse surrounding Rio garnered far more media attention, the patterns of forced eviction, gentrification, and displacement of marginalized residents are present through each Olympics, creating an issue of which communities the Olympics attempt to appeal to and which they do not care about altogether. I contend that the reflections of socioeconomic disparity from high-income hosts are less blatantly portrayed in mainstream discourse because these nations are fundamentally better able to absorb the shocks of such a lucrative mega-event development process. The IOC is responsible for the ignorance of these outcomes, lack of adequate enforcement surrounding human rights discourse, and the strategic placement of Olympic infrastructure in areas that are unable not only to survive the damage but who also cannot reap the benefits of the novel infrastructure.

Overall, the IOC's latent contradictions – boasting sentiments of togetherness while perpetuating the very divisions along social and economic lines – are not flaws within the structure but instead the very structure with which Coubertin modeled over a century prior. In the modern era, however, we see the IOC's liberal branding overshadow the imperialist and capitalist framework that sponsors each Olympic Games. Whether in the Global North or the Global South, in the West or the East, the Olympics operate with a neoliberal prejudice whose primary benefactors are media conglomerates and institutional figureheads. The leftover “legacy” is a network of corruption, broken promises, pronounced inequality, and a sad amusement park of white elephants.

Conclusion

Overall, the antonymous relationship between the IOC's on-paper mission versus the institution's tangible operations are strongly supported by the institution's abandonment of athleticism in the 1980s and empirically evidenced in the aforementioned cases of Rio, Sochi, Beijing, London. The Olympic brand is found to be illusive, functioning to reinforce the economic model of Western civilization which privileges the already-affluent and extracts from a society's most vulnerable. Whereby the Olympics are frequently identified as a function of diplomacy and self-present as a unifying force in the international arena, the Western imperialist model and geopolitical incentives outline a far more complex narrative of the Olympic model. The IOC ultimately serves as a pseudo-good institution, one which aligns with and encourages the occidental hegemonic structure which is founded upon the deprivation of the rights of those without the resources to cushion the blow. The development of monetization, corporate sponsorship, corruption, and forced evictions serve as testaments to the prescription of the IOC as an inequality-boosting institution. While the Olympiad publicly proclaims do-good virtues, empirical evidence reveals over a century of institutional malady.

The IOC's Western imperial structure is further supported by the overwhelming relegation of the Olympic Games to Global North hosts, finding that the majority of Games occur in Europe and North America (predominantly, the United States). The African continent has yet to host an Olympic Games, while the sole South American Games (Rio 2016) revealed institutional cracks which have been subject to widespread media scrutiny. I compiled a graph using IOC historical records, which

indicate a strong partiality towards European and North American hosts: nearly 80 percent of Olympics have been hosted by one of the two continents.¹⁷

Region	Summer and Winter Games Hosted (<i>excluding awardees for cancelled Games</i>)	Percentage
Europe	33	55.93%
North America	14	23.73%
Asia	8	13.56%
Oceania	3	5.08%
South America	1	1.69%
Africa	0	0%

Source: [International Olympic Committee](#)

We ultimately observe that the rights to the Olympics are secured exclusively by Global North hosts since the Rio Games, in part suggesting that the IOC fears similar backlash from its extension to the semi-periphery. Based upon this hypothesis, I suggest this transition is a strategic brand move towards nations whose ideological and economic frameworks operate in alignment with the institution's prerogatives (Millington et al., 2016). With the exclusion of Los Angeles 1984 and Barcelona 1992, however, the Games' economic infeasibility may suggest an international aversion of hosting altogether, especially with consideration of the high bidding costs and "little evidence" supporting the economic benefits of the Games (McBride et al., 2024).

Reflections from the mid-20th to 21st centuries – and especially within the context of Los Angeles 1984 – suggest that the mission of Olympism, whose goal of "creating a way of life" by "contribut[ing] to building a better and peaceful world" through unity, "social responsibility, and respect for "internationally recognised human rights" are a promising, yet unequivocally false, piece of commercial branding (International Olympic Committee, n.d.-c). Rather, the paradoxes reveal systemic exploitation in the Olympic model, contribute to adverse socioeconomic outcomes like that of Rio de Janeiro, and encourage a lack of transparency latent in the IOC's brand. Beneath the veneer of diplomacy, the International Olympic Committee's abandonment of amateurism in the name of profit-generation, blatant disregard for human rights, and imperialist motives diminish the institution's legitimacy.

Anecdotes from Coubertin's revival of the Games through the contemporary era demonstrate that the Olympics do not operate in a sustainable and inclusive manner. The compounding socioeconomic and environmental consequences of over a century of institutional mismanagement suggest that the IOC may be headed towards a similar fate faced prior to the 1984 Games. With more eyes on the Olympic Games than ever, does the IOC have a future?

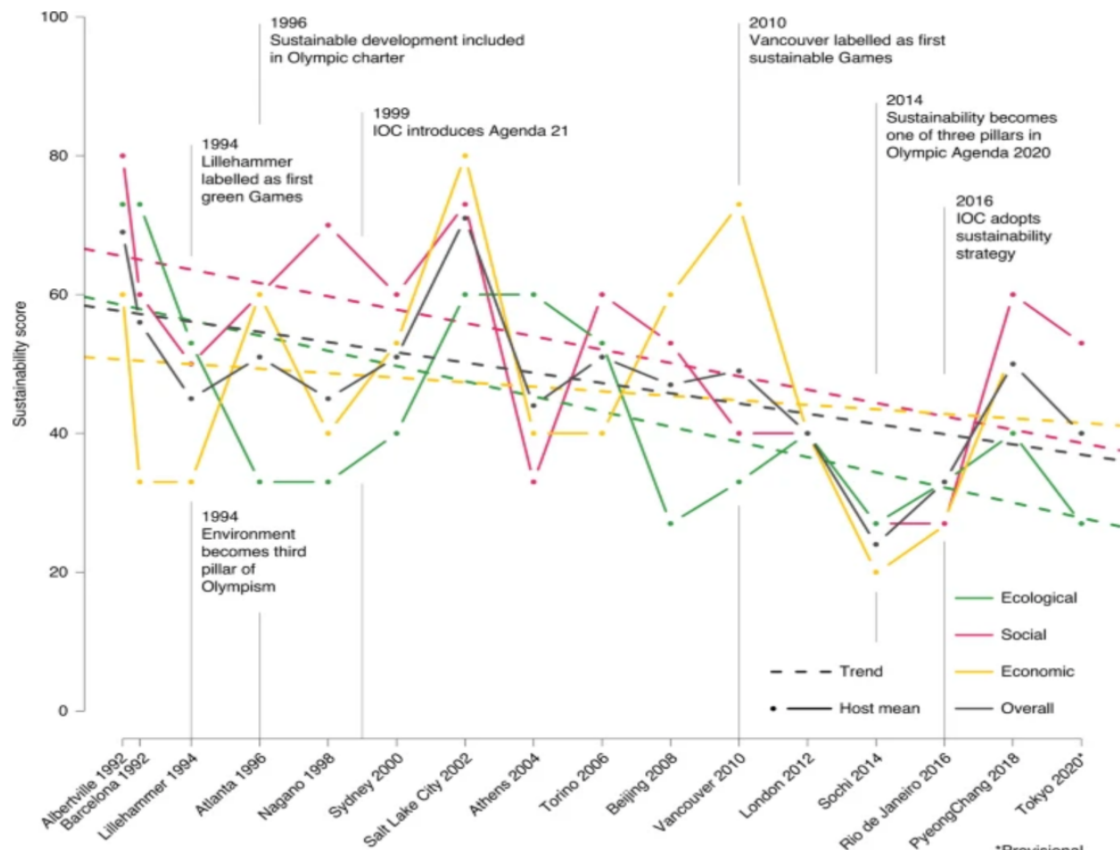
Looking Forward: Pieces of Paris 2024

To identify the tenability of the Olympic future, the novel Paris 2024 Games critically calls to action incidents of neocolonialism, greenwashing, and gentrification which combined place both old and new

¹⁷ Table represents all Games from 1896-2034. For a more detailed breakdown, see Appendix B.

issues to the forefront of the institution's problem areas. Despite the IOC's pioneering of a green future, the Games' overall sustainability has been in decline, with both of the "least sustainable Olympics" in history occurring in the 21st century (Müller et al., 2021).

Fig. 3: Trend lines and important milestones of sustainability in the Olympic Games, 1992–2020.



Source: Müller et al., 2021

The Olympic village was meticulously placed in Paris's banlieues (suburbs) of Saint-Denis, Saint Ouen, and L'Île-Saint Denis, areas in which over a third of the population resides below the poverty line (Lutyens, 2024). The Olympics' gentrification trends from 1988 onwards were no stranger to the Paris Games, encouraging urban regeneration projects that have forced out "many existing, established residents, such as immigrants," of whom were forced in squalid conditions between "temporary homes" or squatting "in abandoned warehouses or offices" (Lutyens, 2024). The controversy surrounding Paris' Olympic village has been met with condemnations by over 80 human rights non-profits, alleging that the forced eviction process is a means of "social cleansing" by French authorities (Lutyens, 2024).

The sustainability initiative of the Paris Games fueled both environmental and neocolonial Olympic concerns as France outsourced its surfing competition to the semi-autonomous territory of Tahiti (Killilea, 2024). The subjugation of Tahitians has been inherent in the island's colonial history and the sporting tourism sector. The context of the Paris 2024 Games brings to the spotlight the question of resource extraction and environmental degradation under the guise of international unity (Killilea,

2024). Despite a global petition signed by over 250,000 individuals, the invasive construction of the surfing venue – which inevitably threatens the Tahitian ecosystem – was employed, while the deployment of troops to silence rioters has left over 10 individuals dead, “some at the hands of the French police” (Zidan, 2024).

Ultimately, discourses on Paris ridicule the 2024 Summer Games as a means of “post-colonial international extraction” and a “lesson in greenwashing,” not the success in climate action with which the IOC so proudly proclaims (International Olympic Committee, 2024b; Killilea, 2024; Zidan, 2024). The IOC’s arguments of being an exemplar in sustainability and avid promoter of internationally recognized human rights are unfounded, with even the most recent Games reflecting the tumultuous patterns of over a century of elitist and imperialist history.

In order to continue legitimately, the Olympics must find a way to become economically, socially, and environmentally sustainable. The Olympics’ false branding may only be concealed so long, requiring that mainstream discourse must engage more critically with the organizers of this mega-event, using the power of media and storytelling to encourage transparency from the IOC and fueling discourse on social grievances rather than remaining complicit in the tumultuous socioeconomic outcomes that fuel Olympic success.

I suggest that a veritable commitment to unity and respect for human rights could be better demonstrated by (1) reuse of existing infrastructure and (2) expanding hosting rights in a similar manner to the FIFA World Cup, allowing numerous countries – or even multiple cities within one nation – to host in efforts of promoting visibility, representation, and inclusivity through sport (Slater, 2023). A truly diplomatic mega-sporting event would authentically promote unity in the world arena while domestically providing resource support for the infrastructural development that is not inherently extractive. Assuming the IOC is not truly committed to its mission but wants to regain public legitimacy, a transition to shared hosting rights would both promote the institution’s commitment to unity and solidarity and allow the institution to begin reclaiming its name. Perhaps expanding to the African peninsula and reusing infrastructure rather than backsliding towards a Global North hosting pattern and truly advocating an environmentally-conscious event rather than greenwashing under the guise of liberalism would enable a long and sustainable Olympic future. As it exists, the Olympics’ financial model can only benefit the corporations and individuals which fund the brand’s visibility and success. To authentically facilitate a commitment to international unity, solidarity, and respect for human rights, the IOC must effectively find a way to diminish gaps in inequality and expand its representation beyond a Eurocentric hegemony (International Olympic Committee, n.d.-c).

Ultimately, regressive anecdotes from the institution’s evolution call into question the practicality of what continues to be a growing Games, both in participation and viewership. As it stands, Olympic prestige and branding cannot possibly sustain its current model, especially as Olympic scrutiny continues to increase, the economic tenability of the Olympics exponentially declines, and growing environmental concerns fuel discourse of the Games. Where the roots of such an aristocratic, exploitative system are so profoundly weaved into each facet of the IOC’s operations, I contend that the Olympics’ current model is beyond antiquated. In theory, the IOC must abandon its foundations, disaffiliate from its branding, and take ownership for the tumultuous outcomes dating back to the revival of the modern Games. The noxious relationship between the Olympic ecosystem and those who it damages is on an inevitable route towards self-destruction. *Could the Olympic model ever be redeemed, or is equity infeasible for an institution so deeply entrenched in inequality?*

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Appendix A

An Acknowledgement of Los Angeles as an Outlier

By all metrics, Los Angeles laid the blueprint for the Olympic future. Strangely, Ueberroth's blueprint for financial success proved to be an outlier, Los Angeles existing both as the first and last profitable Olympic Games, even 40 years later. Rather, the contemporary Olympics is frequently critiqued by economists for its financial untenability and "wasteful spending" (McBride et al., 2024; Wallace et al., 2024). The massive financial costs and relatively little benefit brought about to hosts serve as one of many contentious undertones in the true virtues of the Olympic institution, questioning the authenticity of Olympism's virtues and revealing the undertones of systemic exploitation at the hands of the IOC's reliance on Western civilization and its systems.

Appendix B

Table 1: Raw Data of Olympic Hosts (Summer and Winter)

Olympic Games	Region	Total by Region	Percentage
1964 Tokyo, Japan	Asia	8	13.56%
1988 Seoul, South Korea	Asia		
2008 Beijing, China	Asia		
2020 Tokyo, Japan (postponed to 2021 due to the coronavirus pandemic)	Asia		
1972 Sapporo, Japan	Asia		
1998 Nagano, Japan	Asia		
2018 Pyeongchang, South Korea	Asia		
2022 Beijing, China	Asia		
1896 Athens, Greece	Europe	33	55.93%
1900 Paris, France	Europe		
1908 London, United Kingdom	Europe		
1912 Stockholm, Sweden	Europe		
1920 Antwerp, Belgium	Europe		
1924 Paris, France	Europe		
1928 Amsterdam, Netherlands	Europe		
1936 Berlin, Germany	Europe		
1948 London, United Kingdom	Europe		
1952 Helsinki, Finland	Europe		
1960 Rome, Italy	Europe		
1972 Munich, West Germany	Europe		
1980 Moscow, Soviet Union	Europe		
1992 Barcelona, Spain	Europe		
2004 Athens, Greece	Europe		
2012 London, United Kingdom	Europe		
2024 Paris, France	Europe		
1924 Chamonix, France	Europe		
1928 St. Moritz, Switzerland	Europe		

1936 Garmisch-Partenkirchen, Germany	Europe		
1948 St. Moritz, Switzerland	Europe		
1952 Oslo, Norway	Europe		
1956 Cortina d'Ampezzo, Italy	Europe		
1964 Innsbruck, Austria	Europe		
1968 Grenoble, France	Europe		
1976 Innsbruck, Austria	Europe		
1984 Sarajevo, Yugoslavia	Europe		
1992 Albertville, France	Europe		
1994 Lillehammer, Norway	Europe		
2006 Turin, Italy	Europe		
2014 Sochi, Russia	Europe		
2026 Milan – Cortina d'Ampezzo, Italy	Europe		
2030 French Alps, France	Europe		
1904 St. Louis, United States	North America	14	23.73%
1932 Los Angeles, United States	North America		
1968 Mexico City, Mexico	North America		
1976 Montreal, Canada	North America		
1984 Los Angeles, United States	North America		
1996 Atlanta, United States	North America		
2028 Los Angeles, United States	North America		
1932 Lake Placid, United States	North America		
1960 Squaw Valley, United States	North America		
1980 Lake Placid, United States	North America		
1988 Calgary, Canada	North America		
2002 Salt Lake City, United States	North America		
2010 Vancouver, Canada	North America		
2034 Salt Lake City – Utah, United States	North America		
1956 Melbourne, Australia	Oceania	3	5.08%
2000 Sydney, Australia	Oceania		
2032 Brisbane, Australia	Oceania		



2016 Rio de Janeiro, Brazil	South America	1	1.69%
n/a	Africa	0	0.00%

Source: [International Olympic Committee](#)

Lobbying and the Environment: Is Litigation the Unexpected Key to Environmental Policy?

Sam Nelson, University of Colorado Boulder

Abstract: *Change cannot occur overnight. As polarizing and divisive as the field of politics can be, it can take months, years, even decades for social attitudes to be ingrained in policy. To accelerate this process in the American political system, individuals called lobbyists take charge, constantly reminding their policymakers of their needs and demands. One particular issue frequented by lobbyists is the environment and its protections. Issues like climate change and environmental injustice can be a source of great concern and can be detrimental to the well-being and livelihood of those affected. As such, lobbying for the environment at the local, state, and federal levels of government is a common weapon for passionate lobbyists worried for their future. The following paper will examine litigation's role in lobbying for the environment. I analyze the literature and general discourse that has developed over time regarding general interest group lobbying, including identifying and examining the typical methods of lobbying outside of litigation. I then lay out the methods used to assess the use of litigation as a strategy. Following this, I present findings about trends in the last 50 years in the 27 environmental cases that principally involve environmental groups that have made it to the Supreme Court. Next I provide case studies of two environmental cases to evaluate the political implications of using litigation. Finally, I analyze the findings and evaluate if the findings match the original predictions, as well as provide speculations as to why certain trends exist and give insights into future research possibilities. I conclude the paper with a discussion of environmental litigation and lobbying, connecting observations and findings to current political circumstances.*

Change cannot occur overnight. As polarizing and divisive as the field of politics can be, it can take months, years, even decades for social attitudes to be ingrained in policy. To accelerate this process in the American political system, individuals called lobbyists take charge, constantly reminding their policymakers of their needs and demands. One particular issue frequented by lobbyists is the environment and its protections. Issues like climate change and environmental injustice can be a source of great concern and can be detrimental to the well-being and livelihood of those affected. As such, lobbying for the environment at the local, state, and federal levels of government is a common weapon for passionate lobbyists worried for their future. However, as of 2025, the second Trump administration has begun, and with the president's statements regarding the environment, such as "drill, baby drill", it is clear that at least at the federal level, the well-being of the environment is not a priority for a large number of lawmakers in office. And yet, environmental issues continue, as climate change occurs regardless of the state borders and federalism. For those who feel disheartened with



the current political circumstances, it can feel like the time to act is now or never—but neither Congress nor the executive seems to care very much.

As influential as lobbying can be, it can also be challenging when there is so much opposition against the environment within the legislative branch. Even if the majority of the public cares about living in a safe, clean environment in mediums like lobbying the most passionate voices can be diluted from wealthier, anti-environmental groups and officials who end up having the final say. Surely there is some place for concerned citizens to come together and have a space where they feel their opinions are heard? There may very well be an option that provides this, though it may not directly give individual citizens the opportunity to contact policymakers, it is nonetheless a place where groups of citizens can come together as citizen groups and make a stand. This space is litigation, a grossly ignored lobbying tactic whose impact on policy may very well be comparable to other, more “conventional” means of enacting change in a constantly evolving system.

The following paper will examine litigation’s role in lobbying for the environment. I analyze the literature and general discourse that has developed over time regarding general interest group lobbying, including identifying and examining the typical methods of lobbying outside of litigation. I then lay out the methods used to assess the use of litigation as a strategy. Following this, I present findings about trends in the last 50 years in the 27 environmental cases that principally involve environmental groups that have made it to the Supreme Court. Next I provide case studies of two environmental cases to evaluate the political implications of using litigation. Finally, I analyze the findings and evaluate if the findings match the original predictions, as well as provide speculations as to why certain trends exist and give insights into future research possibilities. I conclude the paper with a discussion of environmental litigation and lobbying, connecting observations and findings to current political circumstances. Appendix A will provide a list of all 27 cases that were evaluated and Appendix B includes tables for each case to show how variables and trends were extracted from each case. With that being said, let’s begin the analysis and discussion of environmental litigation and its importance in fighting for the environment.

How Interest Groups Lobby

Democracy is designed to ensure that citizens have ongoing influence in the decisions and actions of the government. The connection between citizens and government has undergone a dramatic shift in the past few decades, with the rise of interest groups having a major role in the relationship between citizens and public policy. Interest groups are defined as “any association of individuals or organizations, usually formally organized, that, on the basis of one or more shared concerns, attempt to influence public policy in its favor” (Thomas, 2024). These groups vary considerably in size and influence, though their numbers and expenditures have increased by a significant amount in recent years, with expenditures being eighteen times higher today than they were in 1960 (Federal Election Commission, 2024). Although interest groups and lobbying are integral components associated with the American political system today, the idea of groups organizing around specific political interests was inevitable to the Framers. James Madison defined these groups as “factions” in Federalist 10, though he did not envision this as a major issue as the structure and size of the federal government meant that not one faction would be able to attain full control (Madison, 1787). While there may not be a single interest group that dominates American politics in the way Madison foresaw, there is still a myriad of powerful interest groups that exercise considerable influence that can obstruct the actions

of others. Often, interest groups with more resources and organization overshadow others, creating policies that appeal more to insider's interests than the broader population.

The primary medium of influence interest groups have over policymaking is through "lobbying" which has been more broadly defined by interest group scholars to include starting a letter-writing campaign, commenting on proposed regulation, or talking face-to-face with a member of Congress or a bureaucrat. This can require a lot of work though, thus interest groups are often composed of highly passionate individuals that are knowledgeable about contemporary political issues (Berry & Wilcox, 2018). Unlike other forms of political participation, such as voting which occurs at a specific time of the year, interest groups are in constant communication with federal government officials that have an influential role in the policymaking process. Certain interest groups may have an important role in carrying out public policy as they are able to provide time and resources that executive agencies aren't always able to. This is the case for several environmental groups, including the Sierra Club, National Parks Conservation Association, and American Conservation Experience which provide regular maintenance for National Park trails and facilities (Sierra Club, 2018).

The amount of interest groups involved in the American political system has increased exponentially over the past few decades, with there being approximately 5,000 such groups in 1960 and approximately 30,000 interest groups now (*Interest Groups* | *OpenSecrets*, n.d.). Interest groups come in all shapes and sizes, thus no group is the same when it comes to their composition and objectives, which means the strategies interest groups employ can depend heavily on the amount of resources and connections they are able to utilize and what level of policy they target (local, state, or federal government). The most powerful interest groups, and thus the ones that have the most influence over public policy, are the ones that directly communicate with Congress and the executive on a frequent basis. Through their link to these branches of the federal government, interest groups utilize different strategies to achieve their policy goals.

How Does Lobbying Work?

Interest groups are able to influence legislation that goes through both chambers of Congress through sponsoring specific candidates and parties that align with their policy goals. Elections serve as a critical opportunity for interest groups to sponsor candidates and parties, often in exchange for agreeing to back or introduce a specific bill in either house of Congress. This strategy has become more and more prevalent, as today there is a high correlation between PACs contributing to a member and how that member votes on key legislation (Lake, 2015). By influencing the composition of Congress, interest groups are able to use their resources to influence public policy through encouraging lawmakers to prioritize the group's policy goals once they are in office.

By providing access to the branch of government in which public policy is born, supporting elections of congressional candidates can be a viable strategy used by certain interest groups, though it has its limitations as well. For one, Congress is large and thus for any interest group to attain some level of influence over affairs in either chamber they must mount a widespread effort across several states in order to have any noticeable impact on public policy (Berry & Wilcox, 2018). Additionally, there has been an increasingly higher gap in interest group spending making it significantly more difficult for smaller interest groups to donate comparable amounts to the same extent as better financed interest groups (Lake, 2015). This poses a significant disadvantage for environmental groups, as looking at expenditures spent on the 2022 congressional midterms, environmental interest groups spent \$60

million in total expenditures which was dwarfed by the \$170 million spent by oil and gas associations alone (*Top Interest Groups Giving to Members of Congress, 2022 Cycle*, 2022). While sponsoring candidates can be a tool used by environmental groups, it can be a considerable challenge to outfinance better funded and more widespread organizations.

Whereas lobbying through campaigns typically only targets the legislative branch, insider lobbying targets both the legislative and the executive branches of government. One lobbying tactic that provides environmental groups with this opportunity are issue networks, which Berry & Wilcox define as “the set of persons, objects, or events that exchange information in a recurring fashion in a particular policy area”. Issue networks can include arrangements between interest groups, but it can also consider what Berry & Wilcox describes as “sub government” entities that have a significant influence on a government or organization that include government officials in the executive as well as others that hold similar levels of authority, such as those chairing relevant committees of Congress (Berry & Wilcox, 2018). This means lobbyists are in direct contact with officials that oversee the area of policy in which they target, giving them considerable influence over how policy may be designed and implemented. While issue networks can be a powerful asset for environmental groups, they also require specific conditions to work towards an interest group’s goals. In this case the main obstacles environmental groups face are the resources necessary to be in regular close contact with decision makers and the fluidity of bureaucracy’s composition, as often groups have limited control over the faculty they have important connections to, especially as partisan forces can dramatically change the structure of the executive with every major election. This was the case for Bruce Babbitt, former head of the League of Conservation Voters, whose appointment to Secretary of the Interior was celebrated by environmentalists. Unfortunately, they would soon lose this connection as Babbitt was replaced by Gale Norton as Secretary of Interior, who endorsed a legal foundation involved with challenging environmental regulations during the Bush administration (Pasquariello, 2004). Thus while issue networks can provide environmental groups a direct connection to the public policy sector, it is prone to change with the political climate.

The efforts of environmental groups can be more advantageous if multiple environmental groups work together, forming a coalition. Coalitions are another key aspect of insider lobbying, they are often viewed by political scientists as a medium for interest groups to overcome limits (usually financial) and achieve a shared goal. Usually, groups that focus on different political issues come together for only brief circumstances to provide a direct lobbying effort when the issue at hand is particularly salient (Hula, 1999). Most of the time coalitions are ad-hoc arrangements - they exist for a specific purpose of working on a single issue and dissolve when that issue reaches a resolution or when the coalition partners no longer feel the effort is worthwhile (Berry & Wilcox, 2018). Ad-hoc arrangements allow for interest groups to pursue multiple strategies simultaneously, such as bolstering congressional campaigns and organizing mass protests across the country at the same time which is often much more difficult for one group to accomplish alone. The Coalition for a Sustainable Arctic is a notable example in which Greenpeace, Sierra Club, Friends of the Earth, the NRDC, and more came together to help reduce oil drilling in the Arctic after galvanizing public support and influencing major policy solutions and have made significant progress towards this goal (Arctic Peoples, 2024). That being said, coalitions often work the best when these arrangements only last for a small amount of time, and when the interest group’s motives and background align as well. This was not the case for the Southern Baptist Convention, which attempted to form a coalition with environmental groups to prevent cloning as environmentalists were hesitant to collaborate with pro-life forces, hence why the coalition ultimately proved unsuccessful (Hula, 1999). However, the case of the Coalition For a Sustainable Arctic nonetheless shows that when groups with similar environmental interests come

together, they are more easily able to overcome policy challenges by utilizing their combined resources to more easily reach their shared goal of maintaining a safe, healthy environment.

Perhaps another strategy that has also been more associated with environmental interest groups could be the use of grassroots lobbying, where the interest group works to mobilize their members to influence specific legislation. With the advent of the Internet, it is easier than ever before for citizens to get in direct contact with politicians through phone, mail, and especially social media. Often associated with environmental grassroots efforts is activism, which can be used to disseminate information to the public and educate citizens on pressing environmental issues (Kutner, 2000). This strategy has typically been viewed as well-suited for environmental groups as according to research from Pew, a majority of Americans have expressed concern towards living in an unsafe, unhealthy environment (NW et al., 2024). When it comes to grassroots lobbying, the ordinary citizen becomes the most essential asset.

That being said, as with the other strategies mentioned, grassroots lobbying can only work towards a group's goals when it occurs under specific conditions. As with sponsoring candidates, consolidating political support for environmental groups is a difficult task as it requires sufficient voter mobilization across the country for environmental interests to feasibly influence policy outcomes (Yu, 2024). This is made all the more difficult due to the strategy's reliance on public opinion, in which the level of interest and actions taken by interest groups can vary tremendously based on the political climate in which they exist. For instance, environmental groups have had a more challenging time mobilizing members in predominantly Republican areas or regions of the nation due to increased polarization of partisan ideology (Smith et al., 2024). Funk argues that even if grassroots efforts are fairly inexpensive, there is still a cost that comes with gaining media presence and reaching out to members that not only requires funds but manpower as well, making it difficult to motivate citizens if the task of engaging with an environmental group requires too much effort (Funk, 2019). Ultimately, grassroots efforts are the most appealing when they require fairly small commitments from its members, which is challenging for environmental groups as often only individuals highly passionate about the environment are the ones who are willing to significantly change their behaviors. (Brick et al., 2021) Thus grassroots tends to work better for interest groups that focus on a political issue that appeals to the broader public yet demands less of a serious commitment, typically being more advantageous for interest groups that focus on civil or public issues more often than environmental ones.

Lobbying for the Environment: A New Perspective

Scholars have noted the vast arsenal of weapons interest groups can use for influencing public policy. By targeting Congress and the executive, environmental group lobbying has typically been done through building relationships of mutual support with policy decision makers along with grassroots efforts and endorsements towards pro environmental political parties and candidates. When these groups utilize insider lobbying in the form of creating coalitions or participating in issue networks with officials across the bureaucracy, these strategies are reinforced as environmental groups are able to exercise even greater control over public policy. That being said, environmental groups face significant challenges when utilizing these lobbying methods, often due to their limited scope and resources in comparison to better-funded interest groups that directly oppose environmental interests. This is why candidate sponsorships and issue networks aren't necessarily ineffective for environmental groups but rather they tend to benefit anti environmental interests more. Even more inexpensive lobbying methods such as grassroots organizations tend to more often attract highly passionate and politically

active individuals than the average voter. The success of these strategies are also highly variable across the country, as it can be much harder for environmental groups to gain political support in areas that are more conservative. Coalitions have shown to be an effective means of influencing environmental policy, yet they are usually only successful when brought about in specific conditions at a certain point in time and when they involve environmental groups with a similar goal in mind. Again, all of these methods can be both effective and ineffective, thus there isn't necessarily a "best" or "most effective" method that can be utilized by environmental groups. That being said, could there be another method scholars have failed to address that puts environmental groups on equal footing as their opposition?

Indeed, there is a way through litigation-- the dark horse for environmental lobbying. Of course, just as with the other methods there are benefits and drawbacks that come with litigation, yet it can nonetheless be successful and have major consequences for environmental policy comparable to other conventional lobbying methods. Berry & Wilcox state the biggest hurdle to litigation is its price as it requires an expensive toll for an individual case to be brought in front of the Supreme Court (Berry & Wilcox, 2018). True, while litigation may involve a hefty price to pay, when it comes to assessing how current environmental policy has come to be, litigation has undeniably had a major impact disproportionate to the attention and discourse scholars have given it. Successful environmental litigation efforts are key to ensuring future public policy is sufficient to maintain a safe and healthy environment in the face of the ever-growing environmental impacts caused by manmade factors.

Influence of Strategic Litigation by Environmental Interest Groups

Efforts by environmental groups to influence policy via the Supreme Court stands as an indisputably crucial method of political action that is often overlooked by politicians and scholars. This is not to say it is the only method or the most effective means of lobbying, but this specific medium has long been ignored despite serving such a critical role in environmental policy.

To assess the role of litigation, Supreme Court cases in the last fifty-four years will be evaluated [beginning with *Aberdeen & Rockfish R. CO v. SCRAP* (1971)]. This study will begin here because this is chronologically the first Supreme Court case on *Westlaw* that falls under "environmental law" (citing the National Environmental Protection Act) and involves an environmental group (in this case Students Challenging Regulatory Agency Procedures). Notably, the cases that will be looked into will *not* be every case pertaining to environmental law in recent decades. Because the focus of these measurements centers on environmental interest groups, the cases assessed are limited to those in which these groups serve as the petitioner or respondent. In the end, this number totals to 27 Supreme Court cases that will be analyzed in the upcoming sections. (See Appendix A for a full list of all cases analyzed in this study.) To find information on these cases regarding their dates, court rulings, precedence, and history, the legal database *Westlaw* will be utilized.

The overarching relationship that the upcoming sections will assess is the political implications of environmental litigation across all branches of government (including judicial, administrative, and legislative). To analyze this relationship, environmental litigation will be measured and assessed in two parts. First, environmental litigation will be reviewed at the aggregate level, examining trends of the 27 cases based on geography, political environment, and lobbying strategy (such as cooperation with other groups—a strategy typical of lobbying methods). (See Appendix B for a complete listing of data collected and analyzed across the 27 cases used in this study.) The second part will be composed of two case studies to more directly evaluate litigation's effects on environmental policy. The two cases

were selected by determining the two most “influential” environmental cases that directly involved an environmental group. Influence will be measured by the number of cases in the lower courts in which the original case was cited, which can be found using *Westlaw*. The two environmental cases that have been cited in the highest number of cases in the state jurisdiction will be used to analyze direct and indirect impacts on policy.

The first relationship to be assessed will be the prominence of environmental litigation and whether this is more frequently used during times in which the government opposes the environmental interest, such as when a conservative administration is in power. The political ideologies of a president during a given period of time can be indicative of where the general public stands and where they are most concerned—thus a conservative president that prioritizes the economy over the environment shows how the public may also consider economic issues a more dire threat than environmental ones.

The second relationship that will be measured will be whether resource capacity of environmental groups correlates with frequency of involvement in environmental cases. In other words, this will explore if there is any correlation between the financial strength of environmental groups and their use of litigation. This will not include the group’s exact fees for litigation, albeit the frequency of cases in which a particular environmental group takes part gives a general idea of how invested they were in litigating. Resource capacity will be measured by the average lobbying expenditures of each environmental group between 2000-2009 for every group that has filed a brief (and therefore “involved”) in two or more cases during this decade.

The third relationship will also evaluate how conventional lobbying strategies relate to litigation, measuring how often environmental groups cooperate with one another in Supreme Court cases and how this has changed over time. The “cooperation” of environmental groups through legal action in the Supreme Court is measured by the number of *amici* briefs filed during that presidential administration. Amici briefs, unlike amicus, involve multiple parties and thus it is often the case when looking at the briefs in *Westlaw* to see that multiple environmental groups have signed on to the same brief.

After these measurements, geographic trends will be explored in litigation, with the fourth relationship measuring in which states and appellate courts are most frequent for environmental group-led cases. The states will be organized based on the dominant partisan ideology at the time the case was initially filed. Using data available on the Internet from previous election cycles, the partisanship is reflected as a nominal variable in the figure, representing a histogram organized from strongly liberal, moderate-liberal, battleground, moderate-conservative, and strongly conservative. These values are determined for each state by examining the election results in that state in the years prior to and subsequent to the case’s ruling. For example, if the Supreme Court ruled on an environmental case that came from a court in California in the year 1989, then the results from the 1988 and 1992 presidential elections from the state will be used to assess the dominant partisan ideology in that state during that period of time. This variable is determined both by the partisanship of the winning candidate in either election and the margin in which they won the state’s election, with the former being found using *David Liep’s Atlas of US Presidential Election*, a database for information on past elections. From this data, an approximate ideological leaning can be assigned to that state in that specific year. For the appellate courts, the circuit in which the case went through before reaching the Supreme Court will be included.

In-depth analysis of two cases of environmental litigation argued before the Supreme Court will follow the presentation of the aggregate data. Both case studies will be organized in a similar fashion. The

first part will discuss the political issues contested in each case study as well as a brief history of how the case began. After this, the verdict for each case will be described, as well as stating the Court's opinion and the short-term consequences in the years following the case. The political implications, including commentary from those in favor and those against the case's ruling will be provided. While selective case studies cannot answer the broad question of the overall impact of environmental litigation, these two case studies are designed to test the *potential* for policy impact and to thus better understand why an environmental group might choose this avenue for achieving policy influence – as opposed to another, more traditional avenue for lobbying.

To assess the potential for impact in these two cases, several types of influence will be considered. These include apparent influence on the legislative process, subsequent implementation of new or amended environmental law, and precedence guiding lower court decisions in the aftermath of the Supreme Court decisions. The underlying goal in these case studies is to better understand the extent to which these cases changed the American political system across the three branches of federal government. This specific information about commentary will be derived from academic sources such as *JStor* and other government documents such as the Congressional library. These case studies will show the potential for impact from two of the most influential environmental cases to more thoroughly evaluate how litigation functions as a lobbying method in the context of the environment.

In the coming sections, I will analyze the aforementioned relationships through Figures 1-6, exploring how they relate to litigation with environmental cases in the Supreme Court in the last fifty years. Next will be case studies for *Friends of the Earth v. Laidlaw Environmental Services (2003)* and *Chevron v. NRDC (1983)*, assessing the political implications across the different areas of governance as a result of Friends of the Earth and the NRDC bringing their respective cases to the Supreme Court. The discussion that follows these sections will bring in each section's findings together and also discuss observations and potential ventures for future research, as well as demonstrating how these findings relate to the efficacy of environmental litigation as a lobbying strategy that is largely ignored.

Trends and Frequencies of Environmental Law in the Past 50 Years

The following section will present trends and findings found in analyzing the 27 environmental cases with interest groups in the last five decades to show how litigation has evolved as a lobbying strategy before diving into the political implications of two influential cases. Partisanship will be addressed first, measuring if the political party of the president during a given administration has any correlation with the frequency of environmental cases heard by the Supreme during this period. After this, the frequency of certain environmental groups across the 27 cases will be compared with another figure assessing each of these group's investment in lobbying. The figure that follows will address cooperation among environmental interest groups by measuring the amount of amici cases and how this number has changed over the last five decades. The next figure assesses the dominant political ideology in each state where a case is initially filed before making it to the Supreme Court. Finally, the frequency of cases that pass through each appellate court before reaching the Supreme Court will be measured.

Figure 1 shows the amount of environmental cases that primarily involve environmental interest groups over the course of each presidential administration in the last 50 years. Indeed, it appears there is a correlation between the amount of interest group-backed litigation efforts and the political party of the presidency during that time. During the Reagan and Bush administration, the number of cases

was higher than most other presidential administrations. Perhaps a conservative government is what prompts environmental interest groups to act and bring environmental cases before the Supreme Court.

Figure 1

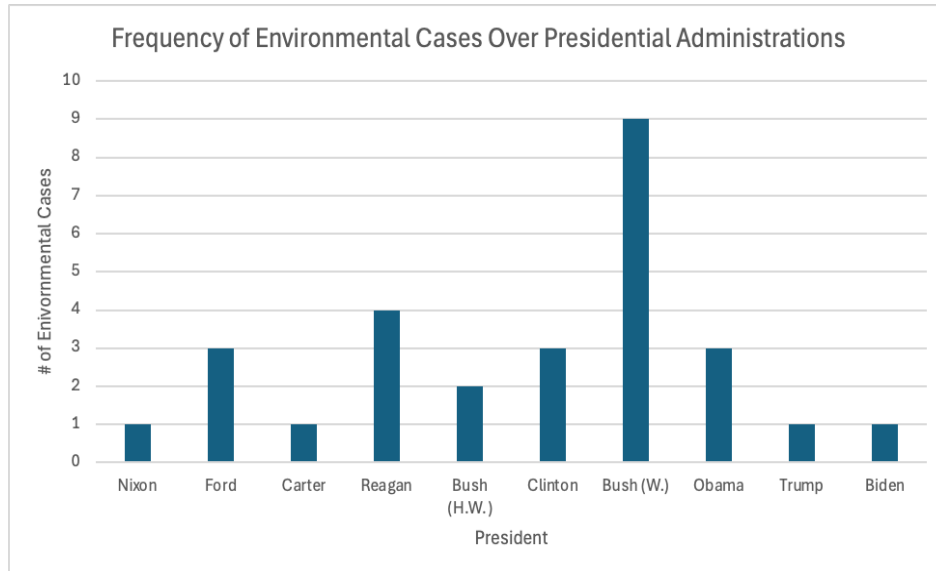
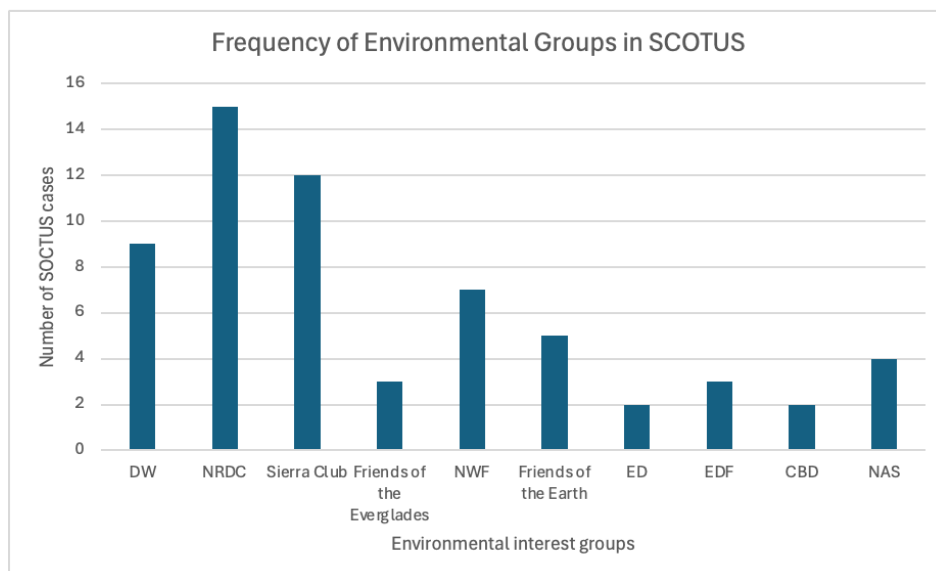


Figure 2 shows the amount of environmental cases that the Supreme Court has ruled on that have involved each “major” environmental group. “Involvement” means whether this environmental group joined an amicus or amici brief or was the petitioner or respondent. This bar graph does not include *all* groups that have been involved in a Supreme Court case but rather the ones that are either involved at least twice and are not local or state-run organizations.

Figure 2



Note: DW - Defenders of Wildlife, NRDC - Natural Resources Defense Council, NWF - National Wildlife Fund, ED - Environmental Defense, EDF - Environmental Defense Fund, CBD - Center of Biological Diversity, NAS - National Audubon Society

Figure 3 measures the amount of expenditures these groups have spent on lobbying efforts, including not just litigation but other lobbying methods such as campaign funding averaged over the 2000's. This graph only covers the 2000s because this is the decade in which environmental litigation is most active. The graph shows that there is little overlap with the groups between spending on lobbying and involvement in Supreme Court cases. The Environmental Defense Fund, which spent an average of \$1 million in the 2000s, was not involved in a single Supreme Court case during that decade and has only been involved with 3 cases in total over the past 50 years. Meanwhile the Sierra Club, which was involved in 5 cases during the 2000's only spent ~\$280,000 each year on lobbying. It should also be noted that the environmental groups such as Friends of the Everglades, Environmental Defense, and Center of Biological Diversity do not have data available regarding their lobbying spending between 2000-2010.

Figure 3

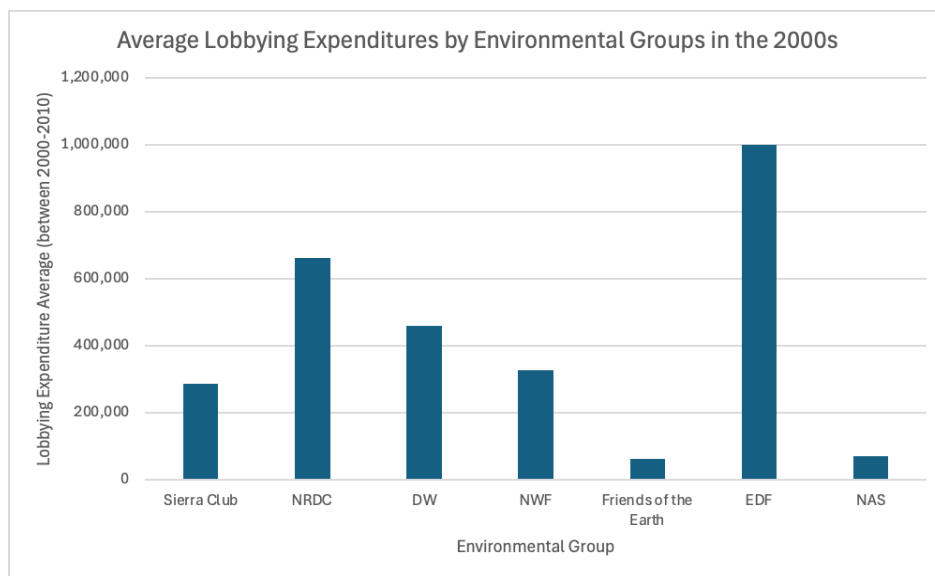


Figure 4 measures the proportion of total number of briefs filed by environmental groups in the last five decades including how many are amicus (filed by a single group) or amici (same brief filed by multiple groups). Clearly, the amount of briefs appears to correlate with the amount of cases although the graph also indicates that amici briefs make up a larger proportion of briefs filed, starting in the Bush administration. Even though there is a smaller amount of briefs during the Obama administration, there is still a fairly high proportion of briefs filed by amici compared to previous administrations. This indicates that more environmental groups—both at the local and national level—are working together in environmental cases in the Supreme Court.

Figure 5 indicates the partisanship of the states where the environmental cases were initially filed before the case was decided by the Supreme Court. There appears to be a greater tendency for environmental cases, or at least the ones backed by environmental groups, to begin in liberal states (or at least liberal at the time in which the case was filed) as well as in battleground and very conservative states.

Figure 4

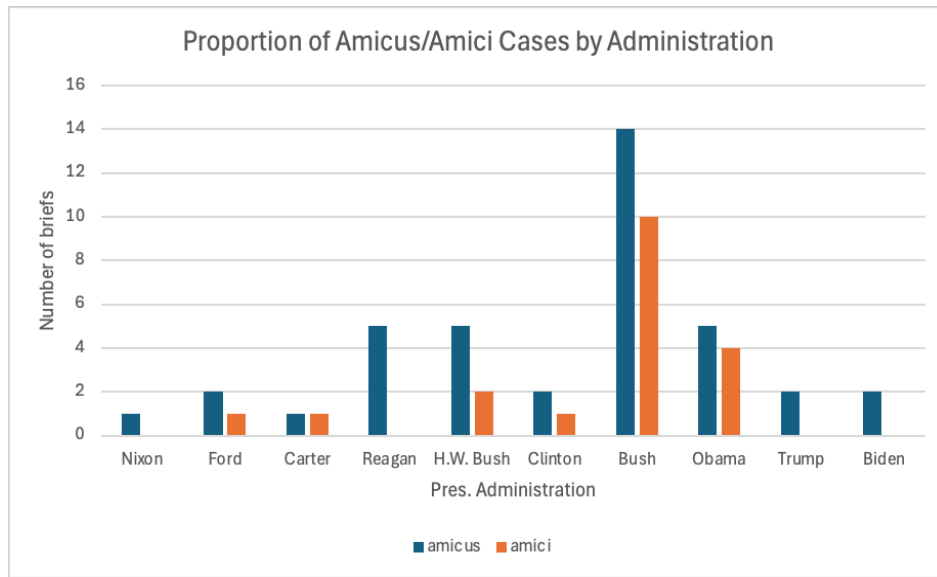


Figure 5

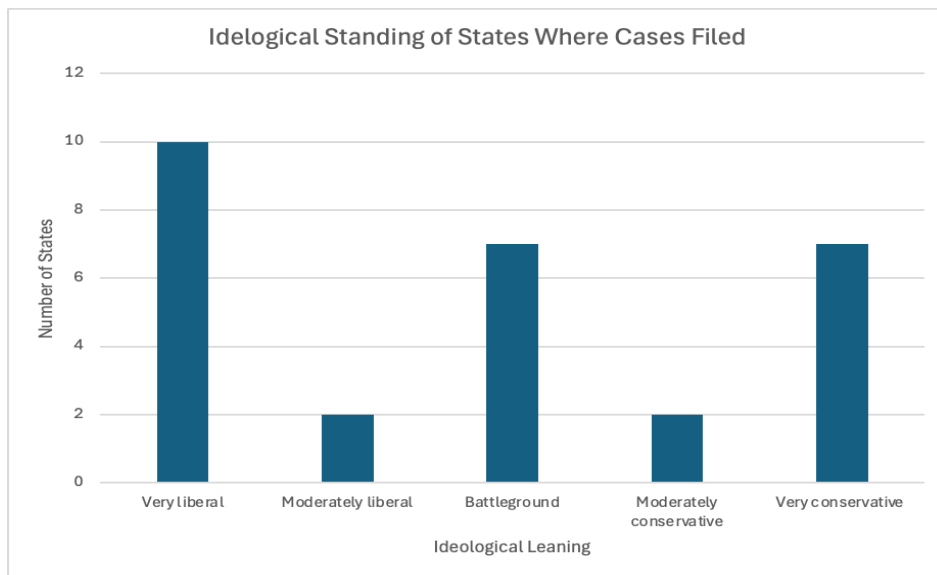
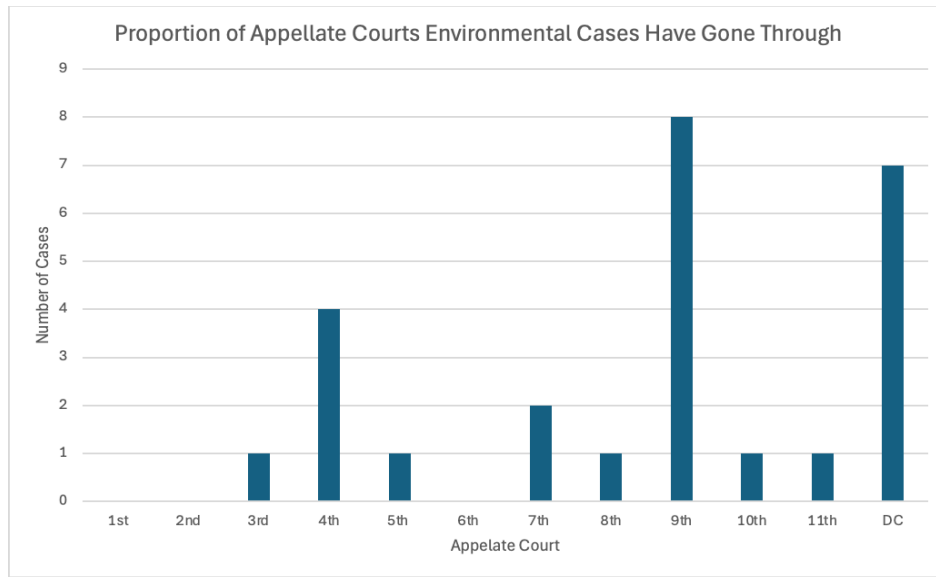


Figure 6 reinforces the idea that environmental cases from liberal backgrounds make up a significant amount of the cases that are heard by the Supreme Court. In particular, the 9th appellate court makes up the strongest proportion of environmental cases that are brought before the Supreme Court. The 9th circuit court has historically had a liberal leaning, and thus tends to rule *for* the environmental interest and reverse lower court decisions that come from a conservative-leaning judiciary. This may also be due to the fact that the 9th court encompasses the largest segment of the American population. That being said, more ideologically fluid courts over the years, such as the DC and 4th courts (which tend to be more conservative) are also responsible for bringing many of these cases before the court.

Figure 6



Political Impacts of *Friends of the Earth v. Laidlaw*

Put into effect in 1972, the Clean Water Act was established as a means to protect the American populace from pollution from wastewater and industrial sources. Although technically enacted in 1948 as the Water Pollution Control Act, the CWA revamped and expanded the statutes, creating a wider array of protections to help maintain public safety and health. This was done via establishing standards for drinking water quality and limiting the amount of pollutants from sources such as wastewater treatment plants and industrial facilities (United States Environmental Protection Agency, 2023). One of its mechanisms of achieving this objective is the use of the National Pollutant Discharge Elimination System (NPDES), making it unlawful to discharge any pollutant into surface waters from a point source unless a permit could be obtained. Discharge can come from places such as ditches or leaks in pipes, in which they can affect municipal water uses such as drinking, fishing, or swimming (NPDES/City of Edgewater Florida, n.d). Since it has been implemented by the EPA, the Clean Water Act has had a major role in preventing water pollution and protecting susceptible communities.

A frequently contested issue of debate in the Courts, especially for environmental cases at the Supreme Court level, is whether environmental groups have “standing” in the first place to initiate legal action. This was established in *Sierra Club v. Morton* (1972), in which this case was historic in acknowledging environmental groups could have standing to file legal action if they could demonstrate they were victims of a direct injury. However, in this case, the Sierra Club were not directly injured and were only filing suit based on the environmental interest, according to Justice Potter Stewart. Nonetheless, this decision was still somewhat divisive, as the verdict was 4-3 (*Sierra Club v. Morton*, 405 U.S. 727 (1972), 2020). Even though *Sierra Club v. Morton* challenged environmental groups, legislation such as the Clean Water Act would go on to establish how one group could obtain standing. This has been laid out in the citizen provisions statute, which “allows citizens to file a civil action against any Federal agency that is alleged to be in violation of an effluent standard or limitation or an order issued by EPA or a State with respect to such standards and limitations.” (United States Environmental Protection Agency, 2023). In practice, this allows citizens to file suits if they are able to prove they are a recipient

of direct harm as a result of a party violating the standards established in the Clean Water Act. Theoretically, this provision allows any citizen (or group of citizens) who has been impacted by water pollution from a clear, identifiable source to initiate legal action.

The Clean Water Act and its citizen statute provision entered the judicial discourse at the end of the 1990's when the case of *Friends of the Earth v. Laidlaw* was brought to the Supreme Court. In the case, Laidlaw Environmental Services, Inc. obtained a permit that authorized discharge under the NPDES, although this would inevitably lead to discharge of mercury into the North Tyber River that went well past the limits set by the permit. The Friends of the Earth initiated suit on grounds that Laidlaw violated the NPDES permit and thus victims deserved injunctive relief for Laidlaw's damages. Laidlaw argued that Friends of the Earth lacked standing to initiate a suit in the first place. The district court ruled in favor of Friends of the Earth, although it stated Laidlaw did not need to provide injunctive relief because they had significantly improved their compliance to NPDES limits after the lawsuit began (*Friends of Earth, Inc. V. Laidlaw Environmental Services (TOC), Inc.*, 528 U.S. 167 (2000), n.d.)). The FOE appealed to the 4th circuit, claiming that Laidlaw indeed had to pay injunctive relief (which estimated to be about \$405,800) in which the appellate court dismissed the case, stating that it had become moot—meaning the facts of the matter was now irrelevant (Staff, 2015). Nonetheless, Friends of the Earth brought the case before the Supreme Court in 1999.

In a 7-2 opinion, the Supreme Court ruled against the appellate court and that the civil penalty ought not to be dismissed as moot, meaning Laidlaw still had to provide injunctive relief. In the Court's opinion, penned by Justice Ruth Bader Ginsberg, Ginsberg stated that penalties did not solely establish “immediate compliance...[but] also deter future violations” (*Friends of Earth, Inc. V. Laidlaw Environmental Services (TOC), Inc.*, 528 U.S. 167 (2000), n.d.)). Thus, the Friends of the Earth did in fact possess standing to file suit on the behalf of its members. In the end, the environmental interest ultimately won the case.

In the years following the court's decision, there would be reactions from scholars and experts reflecting the divisiveness of the court's ruling. One of these opinions was delivered by Justice Scalia, who dissented from the court, specifically on their statement about standing. While Ginsberg noted in the Court's opinion that the environmental groups did in fact have standing to file suit, Scalia was not entirely convinced this was the case. Scalia stated in his opinion that because there was not clear evidence of personal injury from Laidlaw's actions, then the environmental groups behind the suit lacked standing in the first place. Moreover, he disagreed with the claim that grounds for potential harm or injury were grounds for legitimate standing. He also thought some of the broader scale implications of the ruling would ultimately put too much regulatory power in the private sector and away from the government and their institutions who have the original responsibility in enforcing the law (*Friends of the Earth...*). A similar sentiment was shared in Vol. 42, Issue 2 of the *Natural Resources Journal* by James Noble, who agreed that the interpretation of standing given by the Supreme Court's decision was an overly broad application of standing that ultimately favored private interest (Noble, 2003). While Noble sympathized more with the environmental interest and the need for citizens to have adequate resources to file suit, he thought the Supreme Court's decision could have achieved this purpose with a more specific ruling, as the reasoning they used could have some dangerous consequences outside the environmental sphere. While the Court's decision established the redressability doctrine well, it failed to fully establish the causation doctrine mentioned in their own opinion and did not provide enough evidence to show that Laidlaw's actions and damages were directly responsible for the harms inflicted on the citizens that filed suit. As a result, this could lead to

citizens or other actors in the private sector more control in enforcing law and policy outside their jurisdiction and in doing so giving these groups a disproportionate amount of power (Noble, 2003).

Meanwhile, other notable opinions reflect how many sources held that the outcome of *Friends of the Earth v. Laidlaw* was positive and could be a major benefactor to future environmental litigation. After the court's ruling, law professor Robert Meltz wrote about his interpretation of the court's ruling on future litigation efforts. Unlike Noble or Scalia, Meltz commended the Supreme Court, stating how this gives environmental groups increased resources and capabilities they had lacked in their litigation efforts throughout the 1990's. Acknowledging the broader application of "standing", Meltz views this principle as overall beneficial, as it now provides citizens with enhanced access to the Courts that will likely last given the decision's popularity among Supreme Court justices (Meltz, 2019). That being said, Meltz doesn't address Noble or Scalia's concerns about the threat of the increased power private parties may now hold. Hudson Henry goes on to address this discrepancy in his response to the ruling—acknowledging while the implications in this area of litigation is fairly uncertain, the case is nonetheless beneficial in establishing a "more predictable and progressive citizen standing doctrine" (*CRS Report for Congress*, n.d.). Moreover, Henry would state in his opinion how this would lead to more consistent court rulings across the different levels of courts and how the implications of this case would raise standards and encourage compliance of corporations (*CRS Report for Congress*, n.d.). Perhaps the opinions of Henry and Meltz reflect how the influx of environmental cases heard by the Supreme Court in the years following the ruling was in some part responsible for the broader standing doctrine established by *Friends of the Earth v. Laidlaw*.

Perhaps one of the largest impacts of *Friends of the Earth v. Laidlaw* has its implications when it comes to establishing legal standing for citizen suits. Theoretically, this made it significantly easier for citizens to sue polluting companies under the Clean Water Act. The ruling of the case established that citizens did not need to provide evidence of immediate, physical harm from damages but also now had legitimate standing to file suit for "risk" or "concern" of *potential* damages (*Friends of the Earth...*). One would think that the ruling of the case would impact future litigation by making filing suit a more accessible option for citizens, and by extension environmental groups, but is this how things actually played out in the years following the case? Did the Supreme Court's ruling encourage more environmental groups to pursue legal action on the grounds of now being able to demonstrate potential harm as opposed to immediate harm? And is this case responsible in some way for the magnitude of environmental cases that were argued in front of the Supreme Court during the 2000's?

There is not much information available noting the reactions across Congress in the years following the ruling. However, in the years following the ruling of *Friends of the Earth v. Laidlaw*, there came about a few pieces of legislation influenced by the precedent set by the Supreme Court (Jr, 2025). One of these was the Clean Water Enforcement and Compliance Act of 2002 or H.R. 5079, proposed by Rep. Frank Pallone, Jr. The bill primarily concerned expanding existing statutes of the Clean Water Act including stricter term limits for permits allocated under the NPDES and an increased scope for EPA's emergency powers and ability to inspect non complying facilities. One of the components to this piece of legislation was its proposal to authorize citizen suits for past violations if there is evidence of repeated violations (Jr, 2025). This echoes the sentiment of the Court's opinion in *Friends of the Earth v. Laidlaw* and should the bill have been passed, this would allow the precedent set by that case to be enacted into law as part of the Clean Water Act. Unfortunately though, this bill would never make it past the committee and thus never become a law. Perhaps if the bill was introduced at another time it would have gained more traction during more favorable political circumstances it may have been able to pass one of the chambers. Yet this never occurred, likely due to the legislative gridlock when it



came to environmental issues and the fact that the Republican party was in control of every chamber and the presidency during this time.

How has *Friends of the Earth* impacted the lower courts over the years? It appears even decades after the ruling was made, *Friends of the Earth* has had a major impact on lower court decisions. In the state jurisdiction, it has been directly cited in 197 cases and in Federal courts it has been cited in 8,216, according to *Westlaw*. Moreover, as Table 1 shows, a majority of the cases in which the case has been cited still hold legitimate ruling. That being said, about a third of these cases that have cited *Friends of the Earth* have either been given negative treatment (ruling has been criticized but not remained/reversed) or has been explicitly overturned.

Table 1

Ruling still valid	Some negative history	Overtaken/remanded
124	46	27

Even after two decades, *Friends of the Earth v. Laidlaw* remains one of the most critical Supreme Court cases for environmental law in recent history. No doubt the ruling marked a major victory for the environmental interest; making it easier for environmental groups to prove standing without having to prove injury from a direct, immediate harm that was the expectation in previous law. While over time, there hasn't been specifically any major policy implications regarding the case, the ruling has nonetheless had a major effect in the lower courts and the broader public discourse surrounding environmental litigation. Indeed, perhaps many environmental groups felt inspired to take legal action and this case was partially responsible for the magnitude of courses led by environmental groups throughout the Bush administration. Though its impact was primarily contained within the judicial sphere, *Friends of the Earth v. Laidlaw* reflects how environmental groups can have a significant impact in the American political system and influencing the way other groups litigate as well.

Political Impacts of *Chevron v. NRDC*

Like the Clean Water Act, the Clean Air Act was a foundational piece of environmental legislation that came out of the 1970's. The act authorizes the EPA to establish National Ambient Air Quality Standards (NAAQS) for public safety and allows the EPA to regulate hazardous air emissions from both stationary and mobile sources based on these limits. On the state level, it allows states to also implement air quality plans that either match or exceed the EPA's requirements. Also like the Clean Water Act, the Clean Air Act had a citizen suit provision in which citizens are allowed to take legal action to ensure that individuals, companies, government entities, or the EPA are compliant with the act (United States Environmental Protection Agency, 2023).

The Clean Air Act provision would face major contention in the renowned Supreme Court that remains arguably one of the most significant environmental cases to date, *Chevron, U.S.A v. Natural Resources Defense Council*. In addition to the other statutes mentioned prior in the CAA, the act also required states to implement a permit program for major stationary sources of air pollution that had not yet met the requirements laid out by the NAAQS. The EPA established a "bubble" provision that

allowed plants under the same industrial grouping to change their facilities as long as whatever modifications did not affect the total amount of emissions. The NRDC was unhappy about this provision and filed suit against the EPA stating that the bubble provision went against the other provisions in the Act. The DC Court of Appeals sided with the NRDC, setting aside the regulation for undermining a program otherwise dedicated to improving air quality.

Going against the NRDC's claims and the appellate court ruling, the Supreme Court ruled unanimously against the environmental interest poised by the NRDC. The Court held that the bubble provision reasonably fell under the term "stationary source" as used in the CAA, thus allowing polluting facilities to make modifications without needing a permit. The primary holding set by the case, penned by Justice John Paul Stevens, stated that the courts ought to defer to a federal agency's reasonable interpretation of a statute whose implications are ambiguous. This doctrine became well-known as the *Chevron deference*, and in doing so, gave significantly more influence and authority to bureaucracies and other executive agencies by providing them the ability to interpret their own ambiguous laws they enforce, so long as this interpretation did not veer too far off from what the original language seems to indicate. Needless to say, the case of *Chevron* had far reaching implications both within and outside the environmental sphere (Bardeen & Gray, 2024). The ruling of *Chevron* had visible and immediate implications in the short-term, especially in Congress. Not only would the *Chevron doctrine* have specific impacts on a broad array of legislation, the doctrine fundamentally changed the process of policymaking and drafting legislation. What this meant in practice was that Congress could now draft acts with broader, more flexible language without having to worry about judicial interference. With this in mind, when writing legislation, members of Congress no longer had to worry as much about including jargon or having a deep understanding of technical expertise outside of their field, as they could simply sign these statutes into laws and defer this judgment to the executive agencies responsible for its implementation. This also meant the courts could no longer interpret ambiguous statutory laws and had to defer any potential administrative gaps to executive agencies so long as their interpretation was viewed as "reasonable" (Doinger, 2024).

While the *Chevron doctrine* would go on to influence many pieces of administrative law, there were a few pieces of critical legislation pertaining to the Clean Air Act and Clean Water Act that reflect its general themes, illustrating the doctrine's scope. One important revision that followed from this case came about through the EPA adoption of the Clean Water Rule of 2015. Though eventually rolled back, the Clean Water Rule of 2015 extended protections to navigable waters in the US including more streams and wetlands, in which the EPA offered a broader definition of "waters of the United States" (*Thanks, Chevron?*, 2015). The revised interpretation of the Clean Water Act under the *Chevron* doctrine gave more control to executive agencies shows how the *Chevron* doctrine has provided more control to executive agencies like the EPA and their interpretation of their own policy.

Though not directly impacted by the ruling of *Chevron*, the amendments of the Clean Air Act itself that came about in 1990 were nonetheless greatly strengthened by the *Chevron* doctrine. The amendments used the broader, more flexible language characteristic of statutes of the *Chevron* doctrine to its advantage and was a massive overhaul for environmental policy regarding air emissions. This can be seen in the amendments' more complex provisions, such as establishing a cap-and-trade system to address higher acid rain with comparatively vague language of previous legislation (United States Environmental Protection Agency, 2023). Needless to say, all this is just a shred of what the *Chevron* doctrine has done for environmental policy—*Chevron* has gone on to have such a foundational impact on not just the way environmental law has gone on to be implemented, but the broader field of administrative law as a whole.

Many notable legal scholars have described the importance of the Chevron doctrine within administrative law over the years since its ruling. Three years after the ruling of *Chevron*, legal scholar Richard Pierce wrote an essay describing the importance of the ruling in the context of administrative law. Pierce commended the court's ruling, reflecting on how it helped specify the proper scope of judicial review and giving regulatory agencies the proper authority as the best equipped institutions to resolve ambiguous policy issues and confusion. While the ruling had its limitations, Pierce envisioned the ruling would help bring about incremental, but nonetheless productive action towards ensuring that administrative law is protected by the judge's personal political philosophies at the local and state jurisdictions (Pierce, 1988). Three decades later, another scholar, Cass Sunstein, despite initially disagreeing with the "strong" interpretation of the Chevron ruling (which was what the doctrine was called at the time), came to appreciate its relevance decades later, calling it "the most important case in all of administrative law" (Sunstein, 2018). Sunstein's opinion was written in 2018, a time when the doctrine's interpretation became more contentious within the court. Given its significance, Sunstein cautions against the potential implications and how it will likely lead to inconsistency and confusion among the lower courts if it were to be overturned. Sunstein also predicted how even if Chevron were to be overturned, a similar framework would inevitably come into place with very similar precepts in the midst of the chaos that would be brought about in the lower courts given how often the doctrine has been drawn upon in the lower jurisdictions (Sunstein, 2018). Both of these scholars show the benefits and significance of the *Chevron* doctrine, reflecting its predominance throughout administrative law.

That being said, other scholars feared some of the implications brought about by *Chevron*, both in the short-term and long-term. Gary Lawson, while acknowledging the doctrine's importance also claims that despite how often the doctrine has been used, there are many contentious issues with its interpretation that have yet to be fully resolved. One of these discrepancies, Lawson argues, is that courts fail to consider that the *Chevron* doctrine and the *Chevron* ruling are very different entities. Moreover, the doctrine itself undermines the constitutional structure of the American government by giving too much discretion to the executive branch, who are impartial actors in interpreting the law, which goes against the function of the Courts in the constitution (Lawson & Kam, 2022). Mark Chenoweth holds a similar sentiment, criticizing how the ruling blurs the separation of powers between the executive and the judiciary and gives the executive a disproportionate amount of statutory influence and in interpreting administrative law, even though this is what the courts are supposed to do. Chenoweth describes the harmful implications of allowing for unchecked regulatory power in Congress and due to the discretion of giving this authority to the bureaucracy, a vast and complex body that is hard to hold individuals accountable, the doctrine is in of itself unconstitutional for giving the executive unprecedented power (*The Federalist Society*, 2023). Clearly, legal scholars have passionate and divisive opinions when it comes to the application and constitutionality of the Chevron doctrine, yet it has nonetheless persisted as a critical influence towards the interpretation of administrative law.

Despite the fact that it was a loss for the environmental interest, the ruling of *Chevron* has been cited in 943 state cases total, nearly five times the amount of cases as *Friends of the Earth v. Laidlaw* has been cited in the same jurisdiction. Many of these cases go beyond environmental policy in addressing the public sector as a whole. However, unlike *Friends of the Earth*, the historic *Chevron* case was recently overturned by the Supreme Court in 2024. Not much information is currently available on how the ruling has or will affect cases in administrative law going forward but given the frequency in which the case has been cited in the recent decades, it has no doubt had a significant impact in setting precedent in the lower courts over the last few decades.

Table 2

Ruling still valid	Some negative history	Overtaken/remanded
535	249	115

After holding up in the courts across all jurisdictions and being an integral component to the functioning of administrative law for 40 years, *Chevron v. NRDC* was overturned in 2024 by *Loopers Bright Enterprises v. Raimondo*. In the case, two fishing companies filed suit against a law requiring vessels to pay for a government-certified observer when they went fishing. In each case, the district court cited *Chevron*, rejecting the company's claims against the rule that a government-certified observer was to be present in certain circumstances. However, the Supreme Court ruled in favor of the fishing companies and stated that *Chevron* has been overruled, with Chief Justice Roberts stating that the court's fundamental duty to interpret the law was incompatible with solely relying on agency rulemaking (Rodman & Albright, 2024). The opinion would go into more detail, criticizing *Chevron*'s lack of consistency, both from previous Supreme Court decisions and throughout the lower courts. Moreover, Roberts stated how the doctrine "erratically" changed the law and how it reduced judicial authority that was delegated to the courts before in keeping other branches of government in check (*Loopers Bright Enterprises v. Raimondo*, n.d.). Given the recency of the court decision, the long-term effects have yet to be fully realized. It may take many years for the overturning of the *Chevron* doctrine to have any major impact on the way laws are interpreted in the lower courts. That being said, one could likely predict the direction where future court decisions and legislation could lead. Now with more direct power to interpret "statutory authority", the courts will likely rule on "ambiguous" laws and policy more frequently and will rely less heavily on the guidance of executive agencies and legislators who brought the law into effect in the first place.

Needless to say, *Chevron v. Natural Resources Defense Council* went far beyond the environmental policies contested in the case, fundamentally changing public policy and its statutes and its interpretation over the years. Not only did it extend beyond the environment into public policy as a whole, it changed the very language used to write legislation, in doing so arguably surpassing the environmental victory of *Friends of the Earth v. Laidlaw*. It is difficult to imagine that the NRDC could have ever envisioned that their suit would create such a large impact back in 1983. While initially a loss for the NRDC in settling a dispute for an ambiguous provision of the Clean Air Act, the *Chevron* doctrine that was birthed from the case may have very well benefited the environment more in the long run through the statutory authority given to environmental agencies. Even in loss, environmental litigation, or even litigation in general, can have far-reaching ramifications in a way not every mode of lobbying can. In spite of this, the *Chevron* doctrine that has ruled administrative law has been overturned by the recent Supreme Court decision in *Loopers Bright Enterprises v. Raimondo*. Even though the future of the doctrine is uncertain, the recency and significance of this case reflect that while litigation can be a powerful lobbying tactic, it is also quite unpredictable and fluid, changing with the ebbs and flows of American political culture.

When do Environmental Groups Choose to Act?

What does all this say about litigation? This analysis set out to evaluate the importance of litigation as a method used by environmental interest groups in influencing environmental policy. As the findings and the case studies show, litigation is a crucial method of lobbying that, while unique and less direct than other more frequently discussed lobbying methods, has nonetheless gone on to have a significant influence over the past fifty years. How do the findings reflect litigation's important role and how has its evolution changed environmental policy? The upcoming sections will analyze litigation's key position, as well as offering speculation towards specific findings and discrepancies and identifying areas of future research.

Starting with the aggregate data, Figure 1, depicting the presidential administration and frequency of environmental cases, asserts that there is indeed a correlation, as conservative administrations tend to attract more environmental interest groups. This can be seen in the influx of environmental cases during the Bush and Reagan presidencies, with both administrations focusing on de-regulation and often opposing the environmental interest. This opposition likely encouraged environmental interest groups to become more active, leading to a higher number of environmental cases reaching the Supreme Court. Of course, the case selection process on behalf of the Supreme Court is not fully understood given the discretion justices have in choosing which cases from appellate courts to hear, however the greater frequency of verdicts is likely indicative of a greater volume of environmental cases at the appellate court level.

When it comes to the findings themselves, it appears the Bush administration had by far the highest number of Supreme Court cases, with there being 9 in total across the 8-year administration. This is more than twice any other presidency, even more so than Reagan's, in which the Supreme Court heard 4. Going back to the first case study, it appears the verdict of *Friends of the Earth v. Laidlaw* in 2000 may have had a prominent effect on the increase in litigation as a result of a broader definition that more easily gave environmental groups standing to file suit. That being said, the American political culture is complex, and it is likely that a multitude of other factors contributed to this shift between the Clinton and Bush administration. Although curiously, Democratic presidents such as Clinton and Obama appear to also have a fairly moderate amount of Supreme Court cases during their administrations, with 3 total. However this may be a factor because they each served 8 years and were in office for a longer period of time compared to one-term presidents such as Carter and Nixon, who resigned during his second. Nonetheless, the frequency of environmental cases may very well be influenced by partisan forces.

Another observation from Figure 1 is that the Trump and Biden administrations, which are the most recent, only have one Supreme Court case each. There are a few possible explanations, one being that they were both one-term presidents (as of 2024) and their shorter administrations left less time for environmental interest groups to file suit. Perhaps another reason could be because the increasingly conservative Supreme Court (unless they want to overturn it) over the last 20 years may be more oppositional towards the environmental interest and are less likely to consider these cases for hearing. Nonetheless, the relationship between partisanship of administration and activity of environmental interest groups will be clearer in the next couple decades with future administrations, especially amid growing concerns of climate change.

While this analysis of litigation by administration depicts partisan influence and its effects on environmental litigation, there are other possible factors to consider to reach a more consolidated

understanding of this relationship in the last 50 years. One factor that wasn't included in the original figure was the partisanship of the chambers in Congress, which can also be indicative of national political ideology, especially if both houses and the presidency were conservative, spurring environmental interest groups to use the Courts more frequently if the odds look slimmer than using other lobbying methods that rely on Congress. Perhaps the frequency of environmental interest group-backed litigation cases at the appellate court level would also be helpful to better represent the "activity" of environmental groups and whether there is a discrepancy between the total number of these cases and the amount the Supreme Court chooses to hear.

Figure 1 demonstrates how the conditions of the American political system influence environmental litigation as a lobbying strategy. As the figure suggests, litigation is more often employed in times when the government opposes environmental interests. This relationship illustrates how litigation is unique to other lobbying methods, in that it can serve as an essential tool when conventional strategies that rely on Congress and the executive may be more challenging. This is not to say that litigation is necessarily more "effective" during these circumstances, however the figure nonetheless shows that environmental interest groups have a greater dependency on filing suit when the political climate is against their objectives.

One hypothesized relationship that did not indicate a strong correlation during the data collection was the financial capacity of an environmental interest group and their frequency of involvement in Supreme Court cases. These relationships are analyzed in Figures 2 & 3, which measure the frequency of environmental groups across the 27 environmental cases and the average lobbying expenditures of each of these groups in the 2000's. The figures show there is a fairly little overlap between the environmental groups in the two graphs. Even though the Natural Resources Defense Council spent a fairly high amount on lobbying in the 2000's (~\$650,000, according to *OpenSecrets*), and frequently appears in Supreme Court cases (15), there are nonetheless quite a few discrepancies between groups when it comes to Supreme Court involvement and lobbying expenditures. The most significant outlier in this set is perhaps the Environmental Defense Fund, which only appears in 3 cases yet spent over \$1,000,000 in expenditures in the 2000's. Another outlier is the Sierra Club, which despite being fairly involved in Supreme Court cases (12 cases) spent approximately \$300,000 in the 2000's, the 5th lowest in the figure. Based on these results, we can conclude that spending on general lobbying efforts does not appear to have a strong correlation with involvement in Supreme Court cases.

The exact cost of an environmental group to litigate is highly variable, based on factors such as if the environmental group is filing an amicus or amici brief or if the group is directly involved as the petitioner or respondent. The fact is that litigation can be a *very* expensive process in certain cases. Even then, just because an environmental group has significant financial utility (such as the annual \$1 million the EDF spent each year in the 2000s), does not mean they are interested in the legal process. Perhaps this is due to factors that go beyond finances but time and whether the environmental group has easy access to get in touch with legal personnel. Maybe these factors account for the discrepancy between the findings reported in Figures 2 & 3, but even though the results of these figures differ from the original hypothesis, they nonetheless demonstrate that each environmental group is unique in their strategies and reliance on lobbying. For instance, the Sierra Club, with its limited resources during the 2000s, nonetheless concentrated on litigation efforts whereas the EDF not only spent significantly more, but weren't involved in a single brief for a single case during this decade. While financial resources are clearly a beneficial tool, they are a fairly weak predictor for whether an environmental group pursues litigation.

To gain a more consolidated understanding of these relationships, perhaps more decades could be evaluated to include the totality of these groups spending across the last few decades of environmental law instead of just the 2000's. This dataset used the website *OpenSecrets*, which provided a lot of information in the 2000's albeit it was difficult to find much information surrounding funding in the years prior, as many groups had incomplete or inconsistent data. Maybe another metric could be used as well instead of total lobbying expenditures to assess the financial strength of environmental groups. This could include information available on each environmental groups' websites or other public databases such as *ProPublica* or *Candid*. Other characteristics of environmental groups can be evaluated other than financial ability as well, including the number of lawyers or lobbyists working for an environmental group at a given point in time as indicators of its "strength". These methods could potentially give more insights into areas in which the figures used for this dataset were lacking.

While cooperation and resources are nonetheless shown by the figures to be crucial to a powerful legal effort, Figures 2 & 3 show how an environmental group does not need to have a particularly large amount of financial resources to partake in environmental lobbying by litigation. That being said it is important to mention that given the fact that national groups such as the Sierra Club, NRDC, and the other groups are the only ones to appear more than twice in Supreme Court cases, this does not discount the legal efforts of the dozens of state and local environmental groups that have engaged in various Supreme Court cases. Whether a "big" group is poised as a respondent or petitioner does not have much to do with the outcome, as many significant environmental victories over the years, such as the cases led by local environmental groups in *S.D. Warren Co. v. Maine Bd. of Environmental Protection* (2006) and *Decker v. Northwest Environmental Defense Center* (2013). While financial ability can give some general insight into which environmental groups are most involved in Supreme Court cases, litigation does not require a significant degree of financial strength for groups to be involved and achieve their objectives.

Even though the results were not supported by the original prediction, they nonetheless reflect how litigation is unique as a lobbying strategy. Indeed, financial strength is important, though an environmental group choosing to file suit offers a more even playing field than using other conventional lobbying methods such as campaign financing when often it is the highest bidder who gets their way. This is not to say that litigation is the superior lobbying strategy in these scenarios but to show that environmental group lobbying can be a crucial device for environmental groups facing a formidable foe that may pose a significant challenge through other means of lobbying. Then again, this is nonetheless a risky decision, but this shows it can be worthwhile for an environmental group to engage in litigation, even if this is simply through joining other groups in writing an amicus brief. Litigation is unique in providing environmental groups with limited resources a fairer opportunity than other lobbying mediums in influencing environmental policy.

To what extent does the frequency of litigation activity by environmental interest groups (including the filing of amicus briefs by single groups and amici by multiple groups) reflect ideological differences across administrations? Figure 4 measures the proportion of amicus and amici cases by administration. Needless to say, the period coinciding with the Bush administration showed to clearly have the highest degree of amici briefs, indicative of the higher number of environmental cases the Supreme Court heard during the Bush administration. There is also a high proportion of amici briefs during the Obama administration as well, despite the Supreme Court hearing a significantly lower amount of environmental cases total during this period. Yet, not a single amicus brief was filed during the Trump & Biden administrations in either environmental case filed during these administrations. Could this be because there is a generally lower amount of environmental cases or because there was less

cooperation between environmental groups when it came to litigation? The former is likely true, as the Carter and Nixon administrations also only had one environmental case reach the Supreme Court and only 1-2 briefs were filed for them. Thus, given the scarcity of environmental cases in recent years, the lack of amici briefs filed during the Trump and Biden administration years makes it unclear as to whether cooperation is still a prominent factor when it comes to litigation. This is not to say cooperation is now unimportant, just to show that environmental groups perceive cooperation as a less necessary strategy for litigation and rely less on it than before.

While the period spanning the Bush and Obama administrations reflect a higher proportion of amici cases and thus a higher degree of cooperation between environmental interest groups when it comes to involvement in environmental cases, this pattern has lessened significantly in recent administrations. Then again, this could simply be because there are fewer environmental cases in the last two administrations than during Obama or Bush years. However, given the discretion of the Courts and its means of selection, The results shown in Figure 4 do not definitely assert that cooperation continues to be frequently employed as a lobbying strategy for litigation in recent years. Interesting to note, is that the Reagan administration, despite having a fairly large amount of environmental cases, did not actually have a single amici brief filed for any case. During this decade, the NRDC was the primary environmental group for litigation efforts and often filed suit without the involvement of other environmental groups. In the years following, however, amici briefs would continue to make up a greater proportion of the total amount of briefs filed up until the Trump administration, indicating that more environmental groups were involved in other's cases in helping write these briefs, providing their expertise and legal resources to ensure a favorable ruling for the environmental interest. Though as Figure 4 suggests, this is not necessarily a recent phenomenon either, as amici briefs were employed in the small number of Ford and Carter administrations as well. Even though environmental groups have generally relied more on cooperation over time as environmental law has progressed, the recent administrations have shown that this capacity of cooperation has lessened as not a single amici brief has been filed since the Obama administration.

Of course, while the American political culture is rapidly evolving, the structure of the Courts is fairly insulated from politics in the short-term. Therefore, only time will tell with new administrations if environmental groups will still rely on one another to a great extent when it comes to litigation. Perhaps other metrics can be utilized to describe the reliance of environmental groups when it comes to litigation efforts. This is a difficult process, however, due to the fact there are many ways in which an environmental group can sway a brief without directly being involved with it in signing as an amici brief. However, this information is fairly limited and difficult to find, given the discretion between interest group relations and negotiations. Instead, potentially looking at whether different environmental interest groups rely on the same legal counsel and public statements about what interest groups have to say about cooperating with other groups in legal efforts can indicate the degree to which they still rely on one another in pursuing their objectives through the Courts. Another way could be broadening the scope of cases selected and including cases in which a group is not directly involved as a petitioner or respondent, but where they nonetheless are involved in some capacity such as filing an amicus or amici brief. There are many additional methods to evaluate this relationship, which can be essential in debunking the absence of amici briefs in recent years.

The results shown in Figure 4 demonstrate that cooperation between environmental groups in the form of filing amicus briefs together is nonetheless important and has been more frequently utilized in “busy” years for environmental law such as during the Obama and Bush administrations. At the same time, it has been less often utilized in recent administrations, perhaps indicating how cooperation

may not be viewed by environmental groups as necessary as before in providing a consolidated legal effort. As with Figures 2 & 3, showing how extensive financial resources are not necessary for environmental groups to consistently participate in legal action, the increased resources brought together by environmental interest groups may also not be viewed as necessary in environmental litigation. This reinforces one of the overall trends regarding litigation derived from Figures 2 & 3 – that litigation as a lobbying strategy provides a more even playing field for interest groups compared to other lobbying measures. Again, this is not to say that litigation is the best or most effective lobbying strategy, even in these situations, but it is nonetheless apparent that environmental groups do not view the need to have an abundant supply of financial and legal resources as a required condition to supporting environmental legal cases. This does not always guarantee that the outcome of these cases is favorable towards the environmental interest, however Figure 4 demonstrates how litigation is nonetheless a crucial lobbying strategy on par with other lobbying strategies that target the different areas of the federal government.

Does the ideological leaning of a state affect whether or not an environmental case is filed in federal court? This hypothesis was tested with results shown in Figure 5, depicting the ideological standing of states where cases were filed. Of course, the ideological standing of an individual state is unlikely to remain the exact same over time, thus the value of “ideological leaning” is fairly broad based on which presidential candidate was popular in that state between either general election before and after the case was filed and by deducing further based on by how big this margin was in that state. Looking at the bar graph, very liberal states appear to have the highest volume of environmental cases, matching our original prediction. Additionally, battleground and very conservative states have a high number, but still a smaller amount of cases overall. Interestingly, very few cases came from states rated “moderately” liberal & conservative.

Indeed, it appears litigation is often employed in states that are either politically charged or politically divided, with a greater proportion coming from partisan states on the left of the ideological spectrum compared to the right. Still, there is nonetheless a significant portion of cases that come from the moderate and conservative states. There are more cases in very liberal states– perhaps because the dominant political ideology favors the environmental interest, strengthening the environmental movement in these states. Groups in liberal states are more likely to have greater resources and membership, given the fact that environmentalism has become a much more partisan ideology. But how come environmental litigation is also fairly common in battleground and conservative states where the general public may not be as passionate about the environment as voters in blue states? After all, litigation is still an expensive endeavor and national environmental groups like the Sierra Club can only give so much attention and financial investment with filing suits in this jurisdiction. Maybe litigation is common in battleground and conservative states because nationwide environmental policies may not be as faithfully implemented in these areas than in liberal states.

The bureaucracy is clearly vast and even though the EPA has faced adversity from the top and bottom, their organization spans a considerable amount of the nation. However, not all components of the organization may be willing to implement environmental policies in the way intended by the higher levels of bureaucracy or Congress. As a result, due to bureaucratic discretion and perhaps other confounding political factors in these states as well, environmental policy is not as effectively implemented by the federal government, spurring environmental groups to file suit to close the gap in these areas of the nation. Another factor that could contribute to greater action in these states is that this arrangement also encourages groups that are against the environmental interest to act, forcing

environmental groups to react too. These insights are merely speculative—but could help explain the frequency of environmental cases being filed in politically charged and divisive states.

Another factor to consider in assessing this relationship is the figure's limitations. Even though Figure 5 includes the 27 environmental cases heard by the Supreme Court (as listed in Appendix A), this does not account for the total number of environmental cases that are also heard at the trial and appellate levels. Indeed, perhaps this figure may not be reflective of environmental litigation in general, as the figure assumes that the cases the Supreme Court selected are representative of the lobbying strategy as a whole when there very well could be a bias for the Supreme Court to select some types of environmental cases and not others, a bias that could have evolved over the past few decades. However, this bias is difficult to assess empirically, given the discretion the Supreme Court has in picking and choosing cases. A more comprehensive model could address this, possibly looking at all or at least a large sample of environmental cases and determine the partisan ideology in the states where they were initially filed. This could involve looking at appellate environmental cases, which is a significantly larger pool than what is heard by the Supreme Court. Still, the results from Figure 5 are indicative of geographic trends in environmental cases at the highest level of Court, which is the primary medium for environmental litigation that is being used for this study. This is not to say that if an environmental case is filed by a group in a liberal state that it is more likely to win the case, though this does suggest that environmental groups view filing suits in very liberal, conservative, and even battleground states as a worthwhile endeavor.

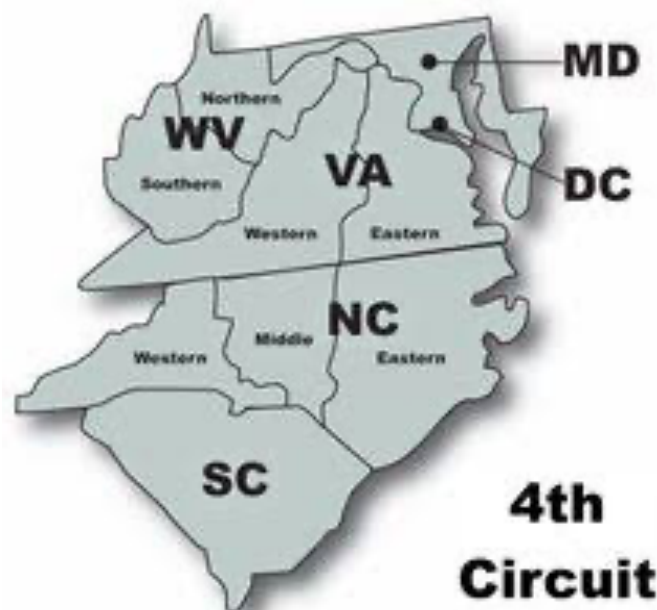
What this says about environmental litigation as a lobbying strategy is that political ideology can be an important factor in where an environmental group chooses to file a case. Not only is filing a case in environmentally friendly states seen as an advantageous tactic, but so is initiating a suit in states with a mixed or conservative ideology. This suggests that unlike other lobbying strategies that rely on partisanship, environmental litigation can be employed in areas that are less likely to favor the environmental interest. As with the other figures, this reflects how environmental litigation can be applied in a unique manner compared to other lobbying means. Litigations' prominence in ideologically divided states suggests that unlike other lobbying methods that utilize the legislative, which can be difficult to counteract when they oppose environmental regulation, litigation can be an important tool for interest groups and their objectives. This is, again, not to say litigation is necessarily more effective or that utilizing it will guarantee a favorable outcome, however litigation can be a useful tactic in conditions where the state legislature's actions can be difficult to control. Also, because this is in the state jurisdiction, a "loss" in the courts is not necessarily final, as the appellate courts provide another opportunity for litigation.

The proportion of the different appellate courts suggests a similar partisan bias at this jurisdiction as well, with Figure 6 depicting the frequency of appellate courts that the 27 cases have passed through before reaching the Supreme Court, showing a greater number of environmental cases coming from certain circuit courts more often than others. In particular, a significant proportion of environmental cases that have been heard from the Supreme Court go through the 9th circuit (8 cases). Although it appears the DC and 4th circuit courts are also common as well. While the circuit courts account for a larger tract of the nation and are not as identifiably partisan as the district courts may be, they are nonetheless prone to ideological influences. This is the case for the 9th circuit, which is not only accounting for the largest segment of the population, but has also been generally the most liberal, given its reputation (Zoppo, 2023). Below is a graph that depicts the size of the 9th circuit.

As with cases at the district level, an environmental group may be engaging in several suits at once and can only devote so many personnel and resources to a single one, although there are fewer environmental cases at the appellate court level (albeit still very many) that have a greater chance of making it to the Supreme Court than cases in lower jurisdictions. Given the size and historically liberal reputation of the 9th circuit, it is not unsurprising that a higher number of environmental groups would be involved with cases at this level. Similar reasoning may explain this behavior at the district level – that environmental groups litigate more often in places where it may seem like a worthwhile endeavor. Conservative courts, in this scenario, may give less opportunity for environmental groups to be involved merely by remanding the case back to a lower court, perhaps why there is a smaller number of environmental groups involved in these courts, as there are fewer cases in these courts to begin with. For the other appellate courts, there appears to be an even stronger bias at this level than at the district level, as the 5th appellate court includes Texas, Louisiana, and Mississippi and has traditionally been one of the most conservative and has only ruled on one environmental case that was heard before the Supreme Court (*Train vs. NRDC*). This is an interesting discrepancy between the district jurisdiction, wherein a significant number of environmental cases begin in battleground or highly conservative states. This may also be because while environmental groups have a more direct influence at the district level, their presence in wider jurisdictions may be diluted by other interest groups that utilize litigation as well. In the case of the 5th circuit, while environmental groups may still be active, their resources and influence are smaller compared to other oil & business litigators that have more influence in these areas. Still, why might environmental groups more frequently file suit in Republican states yet not be as present in conservative appellate courts like the 5th? Perhaps the cost of litigation and the arrangement of appellate courts are major factors as to why this trend takes place.

Another significant finding is that there is also a large number of cases that come from the 4th and DC circuit courts, with 7 Supreme Court cases having gone through the circuit court at the District of Columbia. The DC circuit is unique in that the court is a major battleground for administrative law, which involves the environment and policies like the Clean Air Act and the Clean Water Act. Often, in the 70's & 80's during environmental law, cases would initially be filed at this level without going through a district court. Thus, there is likely not a partisan influence for this specific circuit but the significant number of cases is due to the administrative structure of the appellate court system. Notably, there are very few cases that have passed through this jurisdiction in recent years, perhaps further research into how the role of the DC circuit has changed in recent years can explain this. Interestingly, a fairly high number of cases (4) have gone through the 4th circuit court, which is not strongly liberal or conservative. Although North Carolina, in particular, is a frequent site of environmental cases, with three cases coming from it—which is the highest number for any conservative state. One speculation is that North Carolina has a fairly large amount of industrial activity and also borders the ocean, perhaps leading to a greater degree of administrative issues here. Perhaps further research on additional social and political factors with the state and this specific region over the years can explain why environmental litigation is fairly active in this area.

Figure 8



Source: (*United States Court of Appeals for the Fourth Circuit*, 2021)
 *Map of 4th circuit court of appeals

As with Figure 5, Figure 6 still has its limitations—especially when it comes to evaluating environmental group lobbying strategy. Unlike the Supreme Court which has a level of discretion in the cases it selects—the appellate courts do not have much of a choice in their means of selection and can either remand, uphold, or overturn a court decision from a lower court. This means that environmental interest groups cannot actively *choose* which specific court as it can at the district level. While appellate courts are important for litigation efforts, partisan bias and means of selection are less apparent factors when it comes to litigation strategy at this level.

Also similar to Figure 5, the cases used in this figure are only from the Supreme Court—to assess litigation and its use among environmental groups as a strategy at the national level, a representative sample of appellate cases can be chosen to assess if there are any prominent partisan biases across a greater number of cases. Nonetheless, Figure 6 makes it apparent that appellate courts are a critical component for environmental litigation. Even though the figure doesn't indicate how partisan biases affect environmental group within specific courts, it shows that the 9th circuit are a popular target for environmental groups and thus this suggests a broader application of the findings of Figure 5, in that geographic location and the dominant ideology in different areas across the US have some influence on lobbying strategy and environmental groups choosing when to litigate. Figure 6 makes it clear that environmental groups tend to use litigation more often in areas more in line with their ideology, illustrating the complex nature of environmental law across the various jurisdictions of government.

At the district level, Figure 5 demonstrates how environmental groups tend to favor filing suit in strongly liberal environments, as well as often in strongly conservative and divided ones too. Given the fact that the 9th circuit is also the largest circuit, we cannot discredit that the size of the region is nonetheless a causal factor in the greater number of cases in this jurisdiction. Because the DC circuit and the 4th circuit's prominence are not necessarily due to partisan factors, the true extent to which partisan bias plays in environmental groups choosing their legal battles is unclear at the appellate jurisdiction. Even though the 9th circuit appears to be a prominent source of environmental cases, this may also simply be because more environmental cases are filed here in the first place.

This is not to say that litigation is an unproductive lobbying strategy, however Figures 5 & 6 just show how unpredictable it can be. Even though environmental groups can choose where to file suit and which ongoing cases to endorse, it cannot control what the outcome is and where these cases end up. Of course, there are clearly certain trends and patterns that environmental groups tend to use to *try* to win – as is usually their ultimate goal— but this doesn't guarantee that what happens next works out. Compared to other lobbying methods, litigation can be less direct, instead of frequent communication between lawmakers and executive officials that characterize other strategies, the judiciary has more discretion and impartiality in making their decisions. Perhaps this is why litigation has long been ignored and not taken as seriously as other lobbying methods. However this is not to say that litigation is not worthwhile—as litigation's very unpredictability is what makes it unique and powerful, as the case of *Chevron v. NRDC* shows.

As for *Chevron* and *Friends of the Earth*, there are less quantitative findings but nonetheless many noteworthy implications to highlight from both cases and how they show litigation as an apt lobbying strategy. Though it is important to note that these two cases are very different in terms of their policies, background, and issues raised. Moreover, *Friends of the Earth* and *Chevron* are by no means representative of environmental litigation as a whole—even within the Supreme Court. After all, most environmental cases are not cited in more than 10 cases of the state level whereas *Chevron* is cited in over 950. Needless to say, these two cases have gone to be largely influential in the realm of environmental and administrative law, showing the potential of litigation and how far-reaching of an impact it can have, even if it is unpredictable.

One key takeaway from either case is that one does not “win” a Supreme Court case to have an impact on environmental policy. After all, *Friends of the Earth v. Laidlaw*, while still having a large judicial impact being cited in almost 200 state cases, remains unclear whether it had much of an impact, if it had one at all, within the legislative and executive branches. Neither did the case directly shape any legislation nor did it spur any major action from any agency in the bureaucracy, as far as what is available from

the years following the case's ruling. This is not to say it did not have *any* impact in either of these two areas—it is just to say that its impact is unclear, albeit the fact that its influence is not well-documented in these branches likely means it had a fairly small impact, if at all. Still, it was majorly influential within the judiciary, broadening the standards for standing and encouraging more environmental groups to file suit. In addition to the environmentally volatile Bush administration, it is very likely that this specific case is responsible for the higher frequency of environmental cases in this decade, as depicted in Figure 1. The case has gone on to have a significant impact in the lower courts as well, being cited in 192 cases at the state level, according to *Westlaw*, and the case has yet to be overturned at the Supreme Court.

Meanwhile, *Chevron v. NRDC*, which was a loss for the Natural Resources Defense Council, went on to have an even larger influence that extended beyond environmental law or the judiciary. Indeed, despite constituting a loss, *Chevron* had a profound effect on the legislative and executive, fundamentally changing the very diction used in lawmaking. This is through the *Chevron deference*, in which legislators began using more ambiguous language in drafting bills, allowing executive agencies to fill in the gaps during implementation through their technical expertise. This applied to the courts too, ultimately deferring judgment on a multitude of cases to the bureaucracy, recognizing the limits of the judicial branch and legislature. Even in the judiciary, compared to *Friends of the Earth*, *Chevron* has been cited in nearly five times the amount of cases at the state level (950). Its precedence has far surpassed that of *Friends of the Earth*, applying to not only environmental policy, but in public policy as a whole. In litigation - a “loss” in the courts is not outright a total political loss, in fact arguably the *Chevron deference* has done more to benefit the environment given its wider scope in the courts than the victory in *Friends of the Earth*. *Chevron* demonstrates clearly why environmental litigation is so powerful; it is unlikely the personnel or litigators involved in the case initially would have any prediction to what the case would evolve into—after all it was initially about a statute about the specific wording of a section in the Clean Water Act. Even though cases like *Chevron* are rare, in fact not a single environmental case has had a similar impact since, it shows how while unpredictable, litigation can have an indisputably profound impact that surpasses just the judiciary.

The caveat here, however, is that *Looper Bright Enterprises* has overturned *Chevron*, and in doing so— the *Chevron deference*. Given the recency of this court decision, it will likely take a fairly long time for its implications to be fully realized though it could very well have an impact at a similar scale of *Chevron*, fundamentally changing the nature of lawmaking albeit likely in favor of the legislative and judiciary, allowing them to exercise more judgment that was previously deferred to the courts. However, the ruling of *Looper Bright Enterprises* does not discredit the impact of the *Chevron deference* on administrative law in its many decades it has held up in the courts. *Looper Bright Enterprises* shows that even though litigation can be fluid, as significant cases can be overturned decades later—it can take several decades to roll back such a critical court case. As Cass Sunstein put it, given the reliance of *Chevron*, overturning it would not negate its influence but would encourage a similar framework to take its place given how often it's been cited in the states.

The case studies and Figures 1-6 demonstrate that as unpredictable and fluid litigation can be—it has clearly had a major impact on environmental policy, reflecting how drastically understated it is as a lobbying method. Given the preeminence of environmental issues like climate change in which policy is a critical weapon, litigation ought to be more often utilized by environmental interest groups. Unlike other forms of lobbying addressed earlier, litigation does not require an excessive level of financial resources or cooperation between groups. Even though these are still important resources, the Courts offer a more even playing field for environmental interest groups when other mediums are less

favorable, especially when a conservative administration is in place that opposes the environmental interest. The current political circumstances makes litigation all the more important given the fact that the second Trump administration has brought in a conservative majority in both houses, posing a challenge for environmental interest groups that rely on lobbying methods that involve Congress and the executive. Litigation is not the sole method, but is a crucial utility for environmental groups to make a stand against the forces of government that oppose the preservation of the environment. There is only so much time left—the time for environmental groups is to act now and litigation may very well be the dark horse that leads to the necessary protections for the environment that ought to have been adopted long ago.

Conclusion

Environmental lobbying has solidified itself as one of the most salient means of citizen action, and yet in much of its discourse one of its most important components has long been overlooked. This paper started with discussing this literature around lobbying in general, before delving into environmental lobbying and after, specifically litigation. I asserted litigation's importance and outlined the methods and relationships that would be evaluated in the coming sections. I then looked at the aggregate data and geographic and political trends regarding the 27 environmental cases over the last five decades. Following this, I covered *Friends of the Earth v. Laidlaw* and *Chevron v. NRDC* respectively to show how individual cases can fundamentally change the structure of the American political system. Next I brought together the observations from the figures as well as the conclusions from the case studies to demonstrate how far-reaching an impact litigation can have, which is the overarching idea the paper aimed to prove. Although during this analysis, it is clear that litigation, in practice, is rather complex and nuanced. Even if it can be influential in the same way other forms of environmental lobbying are influential, it can also be unpredictable and inconsistent, as the overturning of *Chevron* shows. Regardless, it is clear that there is a quite large discrepancy between the role litigation has played in environmental lobbying and the discourse and attention and recognition it received compared to other methods.

Even though politics can predominate the national discourse, its complexities and nuances are not always fully understood by the average American. Indeed, there may only be so much that could be understood from the outside; perhaps the process of instituting litigation is easier said than done. Even so, looking back in the last fifty years, there are nonetheless some key events in environmental law that reflect the importance of litigation. Litigation's significance does not just encapsulate the environment—it may very well be crucial for lobbying in other areas of public policy as well. And yet, often when scholars and academic sources describe the different lobbying tactics, the Courts will only get a paragraph or a few sentences and not the same level of analysis as other methods like iron triangles or candidate endorsements. As with these other methods, litigation can be fluid and indirect, but can nonetheless be capable of fundamentally changing the nature of lawmaking as the case of *Chevron v. NRDC* shows. Lobbying is not only restricted within the Capitol. Political change and innovation can be brought about in the courtroom as well.

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Appendix A: List of Supreme Court Cases

The following presents a list of every Supreme Court case included in the study. These are the 27 environmental cases used to examine the aggregate trends and observations in litigation patterns and strategies over the last five decades, starting with *Aberdeen & Rockfish R. CO v. SCRAP* (1971). All the below information was obtained from *Westlaw*, organized by policy area upon searching “environmental law” in the search engine and then the cases were further narrowed down by only finding the ones in which an environmental interest group is the petitioner or respondent.

- 1) *Aberdeen & Rockfish R. CO v. SCRAP* (1972)
- 2) *Norton v Southern Utah Wilderness Alliance* (2004)
- 3) *County of Maui, Hawaii v. Hawaii Wildlife Fund* (2020)
- 4) *S.D. Warren Co. v Maine Bd. of Environmental Protection* (2006)
- 5) *Decker v. Northwest Environmental Defense Center* (2013)
- 6) *Los Angeles County Flood Control Dist. v. NRDC* (2013)
- 7) *South Florida Water Management Dist. v. Miccosukee Tribe of Indians* (2004)
- 8) *Chemical Manufacturers Association. v. NRDC* (1985)
- 9) *Gwaltney of Smithfield, Ltd. v. Chesapeake Bay Foundation, Inc.* (1987)
- 10) *Train v. NRDC* (1975)
- 11) *Department of Transp. V. Public Citizen* (2004)
- 12) *Environmental Defense v. Duke Energy Corporation* (2007)
- 13) *City of Chicago v. Environmental Defense Fund* (1994)
- 14) *United States Fish and Wildlife Service v. Sierra Club, Inc.* (2021)
- 15) *National Association of Homebuilders v. Defenders of Wildlife* (2007)
- 16) *Winter v. NRDC* (2008)
- 17) *Baltimore Gas and Elec. CO. v. NRDC* (1983)
- 18) *Metropolitan Edison Co. v. People Against Nuclear Energy* (1983)
- 19) *Andrus v. Sierra Club* (1979)
- 20) *Metropolitan Edison Co. v. People Against Nuclear Energy* (1983)
- 21) *Kleppe v. Sierra Club* (1976)
- 22) *Lujan v. Defenders of Wildlife* (1992)
- 23) *Marsh v. Oregon Natural Resources Council* (1989)

24) *Friends of the Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc.* (2000)

25) *Lujan v. National Wildlife Federation* (1990)

26) *Chevron v. NRDC* (1983)

27) *Steel Co. v. Citizens for a Better Environment* (1998)

Appendix B: Analysis of Supreme Court Cases

Appendix B provides the set of data collected across the 27 cases analyzed in this study, including the dates, presidential administrations, court history, geographical information, and verdicts. The data in these tables was utilized as the cornerstone for Figures 1-6 and analyzing the hypotheses presented in the paper.

1) Norton v Southern Utah Wilderness Alliance (2004)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
2000 (dec)	2004 (jun)	Public lands, environmental statements
<i>Initial House</i>	<i>Initial Senate</i>	<i>Initial Pres.</i>
Republican	Republican	Clinton (D)
<i>Final House</i>	<i>Final Senate</i>	<i>Final Pres.</i>
Republican	Republican	Bush ®
<i>State filed</i>	<i>Ruling</i>	<i>Policy(s) at question:</i>
Utah (Republican)	Enviro. Lost	APA -Administrative procedure Act NEPA
<i>Briefs filed (petitioner)</i>	<i>Briefs filed (respondent)</i>	<i>Add. observations/ questions</i>
NA	NA	
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-Utah Wilderness Alliance -NRDC, Northwest	● 10th (moderate-conservative)	<i>Westlaw for ALL</i>

Environmental Defense Center 6 others (amici) -Defenders of Wildlife and Public Citizen (amici)		
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2) County of Maui, Hawaii v. Hawaii Wildlife Fund (2020)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
2014	2020	Water rights and permits, point source.
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Republican	Democrat	Obama (D)
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Democrat	Republican	Trump ®
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
Hawaii (Democrat)	Enviro. Won	CWA
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/ questions</i>
NA	NA	
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-Hawaii Wildlife Fund, Sierra Fund,	<ul style="list-style-type: none"> 9th (Liberal) 	

3) S.D. Warren Co. v Maine Bd. of Environmental Protection (2006)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
2004	2006	Water rights, dam construction, discharge.
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Republican	Republican	Bush ®
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Republican	Republican	Bush ®
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
Maine (D)	Enviro. Won	CWA
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/questions</i>
	NA	Unanimous for.
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-Maine Bd. of Environmental Protection -amici of 5 indian groups -Miccosukee Tribe of Indians of Florida -Friends of the Everglades	<ul style="list-style-type: none"> • NA (was in state higher court) 	

6) Decker v. Northwest Environmental Defense Center (2013)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
March 2007	2013	Water rights, point sources, failure to obtain permits
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Republican	Republican	Bush ®
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>

Republican	Democrat	Obama (D)
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
Oregon (D)	Enviro.won.	Clean Water Act, deference to EPA regulations.
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/questions</i>
26	10	
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-Western Division of the American Fisheries Society -Northwest Environmental Advocates -Sierra Club (amici with other local groups)	<ul style="list-style-type: none"> 9th cir. (liberal) 	

4) *Los Angeles County Flood Control Dist. v. NRDC (2013)*

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
2011	2013	Water rights, point sources.
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Republican	Democrat	Obama (D)
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Republican	Democrat	Obama (D)
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
California (D)	Enviro. lost	Clean Water Act,
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/questions</i>
12	10	
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-NRDC	<ul style="list-style-type: none"> 9th cir. (liberal) 	

-National Wildlife Federation (amici) -Friends of the Los Angeles River (amici with other local) -Friends of the Everglades		
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5) South Florida Water Management Dist. v. Miccosukee Tribe of Indians (2004) *1285

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
1999	2004	Water rights, point sources.
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Republican	Republican	Clinton (D)
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Republican	Republican	Bush ®
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
California (D)	Enviro. Lost (vacated judgment)	Clean Water Act,
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/questions</i>
NA	NA	NA
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-NRDC, Sierra Club, National Wildlife Federation, and 3 more(amici) -Tribe of Indians of Florida -Florida Wildlife Federation, more local groups (amici) -Friends of the Everglades	<ul style="list-style-type: none"> 11th cir. (conservative) 	

6) Chemical Mfrs. Ass'n. V, NRDC (1985)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
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1983	1985	Water, pollution limitations, permits.
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Democrat	Republican	Reagan ®
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Democratic	Republican	Regan ®
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
NA (started at circuit)	Enviro. Lost	Clean Water Act,
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/questions</i>
NA	NA	NA
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-NRDC	<ul style="list-style-type: none"> • 3rd cir. (conservative) 	

7) Friends of the Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc. (2000)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
1997	2000	Water, pollution limitations, permits, citizen injunctive relief/standing
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Republican	Republican	Clinton (D)
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Republican	Republican	Bush ®
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
South Carolina ®	Enviro. won	<u>Clean Water Act,</u>
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/questions</i>
NA	NA	NA



Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-Friends of the Earth -Americans for the environment -NRDC, Citizens for a better environment (amici—SEVERAL groups)	<ul style="list-style-type: none"> ● 4th cir (conservative) 	

8) Gwaltney of Smithfield, Ltd. v. Chesapeake Bay Foundation, Inc. (1987)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
1985	1987	Water, pollution discharge, injunctive relief, citizen standing
<i>Initial House</i>	<i>Initial Senate</i>	<i>Initial Pres.</i>
Democrat	Republican	Reagan ®
<i>Final House</i>	<i>Final Senate</i>	<i>Final Pres.</i>
Democrat	Democrat	Reagan ®
<i>State filed</i>	<i>Ruling</i>	<i>Policy(s) at question:</i>
Virginia ®	Enviro. Lost	Clean Water Act, citizen suit provision
<i>Briefs filed (petitioner)</i>	<i>Briefs filed (respondent)</i>	<i>Add. observations/questions</i>
NA	NA	NA
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-NRDC	<ul style="list-style-type: none"> ● 4th cir. (conservative) 	

9) Department of Transp. V. Public Citizen (2004)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
2003	2004	Automobile, permits violations

<i>Initial House</i>	<i>Initial Senate</i>	<i><u>Initial Pres.</u></i>
Republican	Republican	Bush ®
<i>Final House</i>	<i>Final Senate</i>	<i><u>Final Pres.</u></i>
Republican	Republican	Bush ®
<i>State filed</i>	<i><u>Ruling</u></i>	<i>Policy(s) at question:</i>
NA (appellate)	Enviro. Lost	National Environmental Policy Act (NEPA), Clean Air Act
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/questions</i>
NA	NA	Interesting that a lot of it doesn't give ruling on issues that are "wholly past"
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-Defenders of Wildlife, Environmental Defense, and Sierra Club (amici)	<ul style="list-style-type: none"> 9th (liberal) 	

10) Train v. NRDC (1975)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
1974	1975	Implementation of FAAQ
<i>Initial House</i>	<i>Initial Senate</i>	<i><u>Initial Pres.</u></i>
Democratic	Democratic	Ford ®
<i>Final House</i>	<i>Final Senate</i>	<i><u>Final Pres.</u></i>
Democratic	Democratic	Ford ®
<i>State filed</i>	<i><u>Ruling</u></i>	<i>Policy(s) at question:</i>
NA (appellate)	Enviro. Won	Clean Air Act, postpone provision

<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/ questions</i>
NA	NA	
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-NRDC	5th (conservative	

11) Environmental Defense v. Duke Energy Corporation (2007)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
2003	2007	Coal, statutes, EPA.
<i>Initial House</i>	<i>Initial Senate</i>	<i>Initial Pres.</i>
Republican	Republican	Bush ®
<i>Final House</i>	<i>Final Senate</i>	<i>Final Pres.</i>
Republican	Republican	Bush ®
<i>State filed</i>	<i>Ruling</i>	<i>Policy(s) at question:</i>
North Carolina ®	Enviro. Won	Clean Air Act, statutory provisions.
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/ questions</i>
NA	NA	Unanimous decision
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-Environmental defense - National Parks Conservation Association & Our Children's Earth Foundation	<ul style="list-style-type: none"> 4th cir. (conservative) 	

12) City of Chicago v. Environmental Defense Fund (1994)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
1991	1994	Hazardous waste generation and mishandling
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Democratic	Democratic	Bush ®
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Democratic	Democrat	Clinton (D)
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
Illinois (D)	Enviro. Won	Resource Conservation and Recovery Act (RCRA)
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/ questions</i>
NA	NA	Unanimous decision
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-EDF	<ul style="list-style-type: none"> 7th Cir. (conservative) 	

13) United States Fish and Wildlife Service v. Sierra Club, Inc. (2021)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
2018	2021	Wildlife, record-keeping, endangered species
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Republican	Republican	® Trump
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Democrat	Democrat	Biden (D)
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>



California (D)	Enviro. Lost	Endangered Species Act of 1973
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/questions</i>
NA	NA	Unanimous decision
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-Center for Biological Diversity & Defenders of Wildlife -Sierra Club.	<ul style="list-style-type: none"> 9th cir. (liberal) 	

14) National Association of Homebuilders v. Defenders of Wildlife (2007)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
2005	2007	EPA, statues, permits.
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Republican	Republican	Bush ®
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Republican	Republican	Bush ®
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
NA (Appel)	Enviro. Lost	Endangered Species Act of 1973 Clean Water Act
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/questions</i>
NA	NA	
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-American Bird Conservancy, Environmental Defense, National Audubon Society, NRDC, Sierra Club,	<ul style="list-style-type: none"> 9th cir. (liberal) 	



Wilderness Society, World Wildlife Fund (amici) -Defenders of Wildlife		
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15) Winter v . NRDC (2008)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
2007	2008	Preliminary injunction
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Republican	Republican	Bush ®
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Republican	Republican	Bush ®
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
California (D)	Enviro. Lost	Endangered Species Act of 1973 NEPA Administrative Procedure Act Coastal Zone Management Act
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/questions</i>
NA	NA	
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-Ecological Society of America -Defenders of Wildlife, Center For Biological Diversity, Sierra Club, The Wilderness Society, Animal Legal Defense Fund, and Greenpeace (amici) -	<ul style="list-style-type: none"> 9th cir. (liberal) 	

16) Baltimore Gas and Elec. CO. v. NRDC (1983)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
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1976	1983	Licensing for nuclear plants
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Democrat	Democrat	Ford ®
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Democrat	Republican	Reagan ®
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
Washington DC (D)	Enviro. Won	NEPA Nuclear Regulatory Commission
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/ questions</i>
NA	NA	No other groups?
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-NRDC	• DC (conservative)	

17) Metropolitan Edison Co. v. People Against Nuclear Energy (1983)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
1976	1983	Licensing/construction for nuclear plants
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Democrat	Democrat	Ford ®
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Democrat	Republican	Reagan ®
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
Pennsylvania	Enviro. Lost	Nuclear Regulatory Commission NEPA
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/ questions</i>

NA	NA	Unanimous decision, Only one so far with no major groups
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-People Against Nuclear Energy	<ul style="list-style-type: none"> • DC 	

18) Andrus v. Sierra Club (1979)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
1978	1979	Federal agency implementation of NEPA, environmental impact statements, public lands
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Democrat	Democrat	Carter (D)
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Democrat	Democrat	Carter (D)
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
Washington DC (D)	Enviro. Lost	NEPA
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/questions</i>
NA	NA	Also unanimous
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-Sierra Club -National Wildlife Federation and Defenders of Wildlife (amici)	<ul style="list-style-type: none"> • DC (conservative) 	

19) Metropolitan Edison Co. v. People Against Nuclear Energy (1983)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
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1982	1983	Licensing/construction for nuclear plants
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Democrat	Republican	Reagan ®
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Democrat	Republican	Reagan ®
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
Pennsylvania ®	Enviro. Lost	Nuclear Regulatory Commission NEPA
<i>Briefs filed</i> (petitioner)	<i>Briefs filed</i> (respondent)	<i>Add. observations/ questions</i>
NA	NA	Unanimous decision, Only one so far with no major groups
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-People Against Nuclear Energy	<ul style="list-style-type: none"> • DC (liberal) 	

20) Kleppe v. Sierra Club (1976)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
1974	1976	Injunctive relief, public lands, coal
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Democrat	Democrat	Ford ®
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Democrat	Democrat	Ford ®
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
DC	Enviro. Lost	NEPA



<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/ questions</i>
NA	NA	Not unanimous, but still majority of court.
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-Sierra Club -EDF. NRDC, National Audubon Society, Friends of the Earth, Defenders of Wildlife, Colorado Open Space Council, 3 other locals (amici) -	<ul style="list-style-type: none"> • DC 	

- 21) Lujan v. Defenders of Wildlife (1992)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
1989	1992	Legal standing, implementation of federally funded projects
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Democrat	Democrat	Bush ®
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Democrat	Democrat	Bush ®
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
Minnesota (D)	Enviro. Lost	Endangered Species Act
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/ questions</i>
NA	NA	Not a lot of info. On this one
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-Defenders of Wildlife -Friend of Animals and Their Environment	<ul style="list-style-type: none"> • 8th (conservative) 	

- 22) Marsh v. Oregon Natural Resources Council (1989)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
1986	1989	Environmental statements, dam construction,
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Democrat	Republican	Reagan ®
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Democrat	Democrat	Bush ®
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
Oregon (ID)	Enviro. Won	NEPA
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/questions</i>
NA	NA	
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-National Wildlife Federation, NRDC, and Wilderness Society (amici) -EDF, Friends of the Earth, National Audubon Society, National Wildlife Federation, Natural Resource Defense Council, Wilderness Society, 3 more (national) -Oregon Natural Resources Council (local/state)	<ul style="list-style-type: none"> 9th (liberal) 	

- 23) Coeur Alaska, Inc. v. Southwest Alaska Conservation Council (2009)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
2007	2009	Lake protection, water rights, mining permits
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>

Democrat	Democrat	Bush ®
<i>Final House</i>	<i>Final Senate</i>	<i><u>Final Pres.</u></i>
Democrat	Democrat	Obama (d)
<i>State filed</i>	<i><u>Ruling</u></i>	<i>Policy(s) at question:</i>
Alaska ®	Enviro. Lost	CWA
<i>Briefs filed</i> (petitioner)	<i>Briefs filed</i> (respondent)	<i>Add. observations/ questions</i>
NA	NA	
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-Alaska Conservation Council, Sierra Club -American Rivers, National Wildlife Federation, NRDC, Earthworkers, and Waterkeeper Alliance (amici)	<ul style="list-style-type: none"> ● 9th (liberal) 	

- 24) Steel Co. v. Citizens for a Better Environment (1998)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
1995	1998	Steel manufacturing, legal standing, failure to report.
<i>Initial House</i>	<i>Initial Senate</i>	<i><u>Initial Pres.</u></i>
Republican	Republican	Clinton (D)
<i>Final House</i>	<i>Final Senate</i>	<i><u>Final Pres.</u></i>
Republican	Republican	Clinton (D)
<i>State filed</i>	<i><u>Ruling</u></i>	<i>Policy(s) at question:</i>
Illinois (D)	Enviro. Lost	Emergency Planning and Community-Right-To-Know Act of 1986 (EPCRA)
<i>Briefs filed</i> (petitioner)	<i>Briefs filed</i> (respondent)	<i>Add. observations/ questions</i>

NA	NA	
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-Citizens for a Better Environment -NRDC, Sierra Club, Friends of the Earth, 3 others (amici)	<ul style="list-style-type: none"> 7th (conservative) 	

- 25) Lujan v. National Wildlife Federation (1990)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
1988	1990	Standing, public lands, environmental statements
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Democrat	Democrat	Reagan ®
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Democrat	Democrat	Bush ®
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
DC	Enviro. Lost	APA
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/questions</i>
NA	NA	
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-NWF The Wilderness Society, Defenders of Wildlife, Sierra Club, Sierra Club Legal Defense Fund, National Audubon Society, NRDC, 2 more. (amici)	<ul style="list-style-type: none"> DC (conservative) 	



- 26) Friends of the Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc. (2000)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
1997	2000	Water rights, permits, mercury discharge, injunctive relief
<i>Initial House</i>	<i>Initial Senate</i>	<u><i>Initial Pres.</i></u>
Republican	Republican	Clinton (D)
<i>Final House</i>	<i>Final Senate</i>	<u><i>Final Pres.</i></u>
Republican	Republican	Bush ®
<i>State filed</i>	<u><i>Ruling</i></u>	<i>Policy(s) at question:</i>
South Carolina ®	Enviro. Won	CWA National Pollutant Discharge Elimination System
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/questions</i>
NA	NA	
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-Americans for the Environment -Friends of the Earth -NRDC, Citizens for a Better Environment, 22 others (local) and amici.	<ul style="list-style-type: none"> • 4th (conservative) 	

- 27) Chevron , U.S.A v. Natural Resources Defense Council. (1984)

<i>Year began</i>	<i>Year decided</i>	<i>Environmental Issue</i>
1982	1984	Stationary sources, statutory authority, administrative law and procedure

<i>Initial House</i>	<i>Initial Senate</i>	<i><u>Initial Pres.</u></i>
Democrat	Republican	Reagan ®
<i>Final House</i>	<i>Final Senate</i>	<i><u>Final Pres.</u></i>
Democrat	Republican	Reagan ®
<i>State filed</i>	<i><u>Ruling</u></i>	<i>Policy(s) at question:</i>
NA	Enviro. Lost	CAA, APA
<i>Briefs filed</i> (<i>petitioner</i>)	<i>Briefs filed</i> (<i>respondent</i>)	<i>Add. observations/questions</i>
NA	NA	Most cited environmental case in Westlaw
Environmental Groups	<i>Appellate Court</i>	<i>Sources</i>
-NRDC	<ul style="list-style-type: none"> • DC Court 	

En Español, Por Favor: How Spanish Advertisements Shape House Campaigns and Candidate Success

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Abstract: *As the Latino population grows within the United States, the community has begun to play a pivotal role in elections. In response, political candidates looked to specifically target the community as part of their overall campaign strategies. This study focused on federal House candidates who utilized Spanish-language television advertisements to appeal to this demographic. The thesis investigated the conditions under which federal House candidates were more likely to employ Spanish-language advertisements and evaluated whether the utilization of this strategy led to improved electoral performance. Linear regression analysis, drawing from 2016, 2018, and 2020 election data, identified variables that contributed to a candidate's decision to use Spanish-language ads. This methodology was also used to examine the relationship between Spanish-language ad use and overall candidate performance to determine the impact this strategy had on electoral success. Ultimately, the study found that candidates were more likely to use Spanish-language ads if they identified as Latino, were running in a Latino-majority district, or if their opponent was using the strategy as well. Contrary to existing literature, the study found a negative relationship between Spanish-language ad usage and candidate performance, suggesting the strategy may have hindered rather than helped electoral success. This finding contributes to the larger discourse surrounding campaign strategy and efforts to reach marginalized communities.*

In recent years, Latino voters have had a growing influence on the electoral landscape in the United States. The prevalence of this voting bloc has reshaped political campaign strategies, especially in competitive congressional districts. Political candidates seeking federal office have begun to address these changes by utilizing outreach strategies directed toward Latino communities across the country. These communities are not politically monolithic, making them a challenging demographic to appeal to from a campaigning perspective. While many view the Democratic party more favorably than the Republican party, there has been a steady rise of the conservative stronghold within the Latino community. The bipartisan nature of the Latino community is reflective of the fact that they are the largest minority group within the United States. While candidates and campaigns have attempted to engage and mobilize Latino communities, they remain one of the largest minority groups with the lowest levels of political engagement.

One prominent strategy that candidates have begun to invest in involves using Spanish-language television advertisements. While many candidates have produced Spanish-language media, such as TV and radio ads or physical campaign materials, to engage Latino voters, it is unclear whether this



approach has a significant impact on electoral success. This study first investigates the environment in which a candidate will be more likely to include Spanish-language television advertisements as a part of their campaign by addressing the following research question: Under which circumstances are federal House candidates more likely to utilize Spanish-language advertisements as a part of their campaign strategy? To investigate the efficacy of the Spanish-language advertisement strategy, another question emerges: How successful are federal House candidates who utilize Spanish-language advertisements during their campaigns?

Existing research has identified that candidates are increasingly producing advertisements in Spanish to reach this under-represented minority group. While the impact has been unclear, many hypothesize that those who use Spanish-language advertisements are more likely to foster engagement within the Latino community but risk losing votes from their English-speaking base (Flores and Coppock 2018). Based on this, the study hypothesizes that candidates in districts with a higher Latino population and those who identify as Latino are more likely to implement Spanish-language advertisements to mobilize their constituency and deepen their connection with their communities. It further theorizes that candidates who utilize a Spanish-language advertising strategy are more likely to perform better in comparison to those who do not.

Candidates have been looking for higher engagement and votes within the Latino community over the last few years. Although candidates have been spending more funds on these efforts through language-specific advertisements, this study will provide insight into whether this spending is as impactful as they hope it is by measuring proportionate candidate success. To answer these questions and test these hypotheses, the study first compares Spanish-language advertisement usage with a variety of candidate and district characterizing variables. Using linear regression, it identifies key variables that have a statistically significant relationship with Spanish-language ad usage, providing context for the environment in which a candidate chooses to pursue a non-English advertisement strategy. The study then conducts a similar linear regression process to look at the relationship between candidate performance and Spanish-language advertisement usage. It concludes with a discussion of the findings, implications, limitations, and potential for future avenues of research.

Campaign Strategy, Media Impact, and Voter Mobilization

Existing literature related to the research topic examines campaign strategy, the impact of media during campaigns, and voter mobilization. To investigate the impact of a Spanish-language advertisement campaign strategy on candidate success, a combination of these research topics provides a holistic overview of the current state of literature. The literature can be categorized into five schools of thought: institutionalist, rational choice, behaviorist, media effects, and ethnic politics. While existing literature covers topics across these broad schools of thought, there has yet to be research that addresses the utilization of language-specific advertisement from a campaign strategy and candidate success standpoint.

Examining campaign strategy from a broader standpoint, Carsey et al. (2011) explore campaign strategy and candidates for gubernatorial races. Through the analysis of TV advertisements from 23 gubernatorial races, they identify three theories of candidate behavior that play a collaborative role in adding value to the campaign. Grounded in institutionalism, their research confirms the idea that candidates are limited by the institutions they are running in, including constraints with party structure and electoral rules. Banda and Carsey (2015) build upon this candidate strategy research and explore

how strategies are largely driven by voter preferences. They delve into how candidates collect data and use it to choose which messages to emphasize. Based on rational choice theory, they argue that candidate success is largely determined by which candidate can adjust their strategy based on voter preference while managing resources effectively. While both articles discuss campaign strategy, they approach the subject from two different schools of thought, which provide different perspectives on the subject. While the first article analyzes campaign strategy as reflected in TV advertisements, similar to this paper's research topic, it focuses on candidate characteristics and behavior as opposed to their electoral success. Additionally, the second article discusses the impact of strategic political messaging but takes a general approach instead of focusing on a specific type of messaging or speaking on how it may influence candidate success.

Building further on campaign strategy, but deviating from candidate-based decisions, literature on campaign advertisement strategy mainly looks at the impact of negative and televised advertisements. Banda and Windett (2016) and Jackson and Carsey (2007) analyze negative campaign ads and the impact they have on electoral participation. Their work is mainly representative of the behavioralist school of thought, looking at how negative advertising can decrease voter turnout or spur support for a candidate depending on the individual voter's biases and tendencies. Both pieces of literature focus on the psychological impact negative advertising can have on voters. Lau et al. (1999) also analyze the effects of negative advertisements on voters. They conclude that negative advertisements have as much of an impact on the political landscape as positive advertisements, disagreeing with the previous authors. They do note that negative ads tend to have a strong influence on shaping voter attitudes. While these authors' research can be generalized to indicate that advertisements have an impact on voter behavior, they are specific to advertisements with negative messaging as opposed to being language-specific.

Looking more specifically at the impact of media is the effect of televised advertisements on voters. Freedman and Goldstein (2002, 2004) and Goldstein and Ridout (2004) explore the impact of televised political ads on voter turnout and engagement. Rooted in media effects literature, they focus on how different forms of media consumption can influence the political knowledge and behavior of voters. They argue that political advertisements, particularly negative ones, have a stimulative effect on voter turnout. This is in contrast with other studies that show that negative advertisements have a depressive impact on voter turnout. While Freedman, Goldstein, and Ridout discuss the impact of TV advertisements, they do not focus on either a specific language of advertisement or how it impacts the candidate's outcomes, instead focusing more on the voter. Chang and Lee (2009) look into the impact of advertisement spending. Looking at elections from an economic standpoint, they explore whether higher spending ensures success. Using rational choice theory, they find that higher spending had a strong impact on candidates' voter shares. These authors establish a relationship between advertisement spending and success, however, they look at it from a more general perspective as opposed to looking at the specific impact of language-based advertisements on candidate success.

Research on the impact of various forms of media on the electorate also provides valuable conclusions. Brians and Wattenberg (1996) explore how different forms of media can impact voter knowledge of candidates and policy issues. They look at how messaging in TV news, commercials, and newspapers can influence voter decision-making. Aligning with theories in media effects, they find that TV advertisements have less of an impact on voter issue prioritization than traditional news. While part of their research does address the impact of TV advertisements, they do not explore the language aspect or how it impacts candidate performance. Fernandes and Shumow (2016) approach their research topic similarly. They, however, focus specifically on the effects of Spanish-language

immigrant media in influencing the political landscape of Southern Florida. They suggest that Spanish-language media has an impact on mobilizing Latino voters. Their research predominately falls under the media effects and ethnic politics schools of thought. While this source directly discusses the impact Spanish-language advertisements can have on the Latino community, it emphasizes the voter impact as opposed to the candidate strategy and outcome.

Similarly, with research focused on the media effects and ethnic politics schools of thought, Christian (2012) and Terry and Severino (2020) look at the differences between Spanish and English-language advertisements. Looking at the intersection between the media studies and identity politics schools of thought, they argue that Spanish-language advertisements have a significant impact on Latino communities. Specifically, they state that targeted advertisements toward the Latino community can increase voter turnout and mobilization when used strategically. They additionally find that targeted issue advertising can increase voter awareness and engagement. While these authors do discuss how targeted advertising can spur political engagement amongst the Latino community, their focus is largely on the impact on voters as opposed to the candidate. Monforti et al. (2013) build on this further by exploring the role of language and ethnicity on Latino Republicans. Their research finds that candidates who effectively engage with minority voters through language can enhance their appeal and influence voter turnout. They emphasize that culturally resonant messaging can enhance electoral participation among Latino populations. Although their research specifically looks at the Latino community and the impact of Spanish-language campaign materials, it also focuses on the impact on voters as opposed to seeing it from a campaign strategy perspective that focuses on the candidate more.

Looking at the intersection of the ethnic politics school of thought and the voter mobilization research topic, Hall (2004), Flores and Coppock (2018), and Binder et al.'s (2014) research focuses on language and ethnicity when it comes to voter mobilization using a similar methodology. Particularly focusing on Latino communities, these studies reflect the ethnic politics schools of thought. They explore how linguistic representation can increase voter turnout. Hall (2004) notes that language can be a large barrier to political participation and that candidates should consider publishing materials in multiple languages. Flores and Coppock (2018) note that bilingual people respond favorably to Spanish-language advertisements in certain contexts while responding unfavorably in others. Binder et al. (2014) find that language-specific advertisements increase political participation amongst Latino voters. Using survey experiments, these authors analyze ways to better reach Latino voters. While they explore the relationship between Spanish-language advertisements and political mobilization within the Latino community, they emphasize the impact of advertisements on the voter as opposed to looking at it from a campaign strategy perspective and how it may impact candidate performance during an election.

There are two schools that best answer the research questions. Firstly, the ethnic politics school of thought is strong for examining how ethnic identities impact political behavior and mobilization. Research has shown that Spanish-language advertisement has the power to mobilize Latino communities. Although the impact on candidate success has not been examined, this school can be used to identify whether mobilization leads to tangible results and votes on election day. Additionally, this school is particularly helpful in answering the first research question as many ethnic variables may play a role in the decision-making process to use Spanish-language advertisement as a part of a candidate's campaign strategy. Using the ethnic politics school of thought will be particularly relevant in this research topic as variables such as candidate ethnicity and district demographics may potentially have a relationship with Spanish-language advertisement usage.

Alongside the ethnic politics school of thought, the media effects school also helps answer the research question. It examines how the medium and language of advertising media can influence voters and potentially lead to electoral success. While existing research within the media effects school tends to focus on the impact of certain types of campaign media on the voter, this school can be leveraged to analyze the impact it would have on candidate outcomes. In the context of the second research question, the media effects school can be directly used to analyze the impact of Spanish-language advertisement media on candidate performance. Furthermore, the research at the intersection of media effects and the ethnic politics schools of thought were the most compelling and relevant to this paper's research topic.

Analyzing the existing research illuminates a gap in the literature that this study addresses. While the majority of the literature is focused on the impact of various campaigns and media strategies on the voter or a specific voting community, the study focuses on the impact of implementing a linguistics-based advertisement strategy on the candidate and their performance during elections. Previous research works within themes such as mobilization and bolstering political engagement, while this study examines Spanish-language election advertisements from a campaign strategy perspective to determine how successful candidates who integrate them in their campaigns are.

Research Design and Methodology

To examine the relationship between the utilization of Spanish-language advertisement and candidate success in US House elections, the methodology was split into two parts. The first part was to analyze what variables contributed to candidates producing Spanish-language advertisements to begin with. This initial analysis places the percentage of Spanish-language advertisements as the dependent variable while examining the relationship between it and key candidate and district demographics. The variables that were used to analyze this relationship included the total number of advertisements purchased, majority-minority racial characteristics for relevant districts, whether the candidate was Latino or not, the competitiveness of the district, the candidate's party affiliation, the incumbency status of the candidate, and the opponent's percentage of Spanish-language advertisements. These variables were selected due to their potential impact on a candidate's decision to utilize Spanish-language advertising as a part of their campaign strategy.

The dependent variable for this step of the research design was Spanish-language advertisement. This was captured through the Wesleyan Media Project datasets of individual candidate advertisement information for the 2016, 2018, and 2020 election years. The datasets covered all broadcast television stations in all media markets within the United States. While these datasets contained a multitude of variables, this study used a variable that coded each advertisement for whether it was in Spanish to determine the percentage of total advertisements a candidate ran that was Spanish-language. This variable was cleaned to only include advertisements directly from a candidate's campaign as opposed to a PAC or other campaign entity. This sample included all candidates who ran any television advertisements during the 2016, 2018, and 2020 elections, which ended up capturing 878 candidates over the three election years. Not every single congressional candidate or race was included due to many not producing any advertisements or a lack of information in the dataset.

The total number of advertisements was also pulled from the Wesleyan Media Project datasets. This number includes the total number of English and Spanish-language ad buys. This continuous variable was included to contextualize the percentage of Spanish-language total advertisements. It also

accounts for candidates that purchase a significantly larger amount of ads compared to their competition or other races in general. Isolating this variable helps establish a clearer relationship between the key independent and dependent variables.

The majority-minority racial characteristics were manually coded from the Majority-Minority Districts page from Ballotpedia. A majority-minority district is defined as a district in which a minority group or collection of minority groups make up a simple majority of the district's population. For this study, the 2015 dataset was used as it holds relevant information for the 2016, 2018, and 2020 election years. To focus on the percentage of Latinos in these special districts, the variable was represented by a 1 (for majority-minority districts where Latinos were the largest minority group) and a 0 (for all other districts). This information was then manually coded into a larger dataset matched up with the relevant candidates, districts, and races.

The third variable used to investigate this relationship was whether the candidate identified as Latino or not. Pulling in publicly available information from sources such as Ballotpedia and official candidate websites, this variable was also manually coded as a 1 (for candidates that were Latino) and a 0 (for candidates that were not Latino). This variable was merged with the larger dataset and matched up with the relevant candidates across the various districts and races.

The fourth independent variable that was utilized was the competitiveness of the district. This was determined using the freely available 2016 district data from The Cook Political Report Partisan Voting Index (PVI) and District List. The PVI measures how much more Democratic or Republican a district is compared to the national average. If a district scored greater than 0, it leaned more Republican, and if a district scored less than 0, it leaned more Democratic. The competitiveness variable was created by taking the absolute value of these scores, noting that the closer to 0 a district scored, the more competitive the race was. Due to higher values indicating that districts are less competitive, the variable will be referred to as the uncompetitiveness of the district in the models.

The fifth variable utilized was the candidate's party affiliation. This was a straightforward variable coded using a larger dataset from the Center for Effective Lawmaking. Their data on House members spanned from 1973 to 2022 and contained robust demographic information on the elected officials. For the sake of this study, member party information from 2016, 2018, and 2020 was used. This variable was coded as a binary, with 1 signifying a Democratic candidate and 0 signifying a Republican candidate. Third-party candidates were manually removed to ensure that every individual race had no more than a Democratic and one Republican candidate. While this dataset only contained candidates that won their elections, the races were cross-checked with information on the losing candidates provided by the Wesleyan Media Project dataset. Using the member party information from the CEL dataset, the candidate from the opposing party was identified and merged, creating a dataset that was representative of both winning and losing candidates. This data was then manually checked for accuracy.

The sixth variable that was used was the incumbency status of the candidate. The dataset from the Center for Effective Lawmaking also contained the data for this variable with a binary code that noted whether a member of the House was a freshman or had been previously elected. A 1 signified that the candidate was in their first nonconsecutive partial or full term, and a 0 meant that a candidate was not in their first year. This data was utilized in combination with a winner variable that established which candidate won their race to create an incumbency variable. This information was also cross-referenced with information from Ballotpedia's reporting on which incumbents lost their elections.

The final variable used for the first part of this research was the opponent's percentage of Spanish-language advertisements. This variable was captured from the Wesleyan Media Project datasets as well and matched up with the competing candidates for each district race. While information on every competitor in each district was unavailable, the dataset had a thorough record of the number of opponent Spanish-language advertisements for most House races in 2016, 2018, and 2020. This was represented similarly to the dependent variable but had more constraints due to the fact that not all races had two candidates that both purchased advertisements.

The second stage of the research design focused on answering the primary research question: How successful are federal House candidates who utilize Spanish-language advertisement during their campaign? To address this question, the Spanish-language advertisement percentage became the primary independent variable, with candidate performance becoming the dependent variable. The other variables that were used to analyze this relationship included whether the candidate was Latino or not, the candidate's party affiliation, and the incumbency status of the candidate. The data for these variables were taken from the same sources as the first part of the research design.

While the majority of analyzed variables were shared between the two parts of the overall research design, the key dependent variable being analyzed in this part differed. The variable candidate performance was created as their vote share relative to the Partisan Voting Index (PVI) lean of the district. The performance variable for any given candidate, regardless of party, was either positive or negative. A positive value signified that the candidate overperformed in comparison to the expected vote distribution, while a negative value signified that the candidate underperformed. For example, if a Democrat received 49% of the vote in a district where the Republican candidate was expected to receive 54.5% of the vote, they will receive a performance score of 3.5 as the Democratic candidate overperformed by 3.5% compared to the projected 46.5%. It was important to control for the forecasted winner of a race as those favored to win automatically have an advantage that may influence their campaign strategy and choice to utilize Spanish-language advertisements. Furthermore, this variable more accurately accounts for candidates that may have performed unexpectedly well as an underdog in a race they were predicted to lose by a significant margin. Using a traditional win/loss variable would have failed to recognize uncharacteristic performances.

These eight variables comprised the larger dataset used to conduct a simple regression analysis. This analysis identified which variables had a significant influence on the respective dependent variables in both the first and second parts of the research design. While the data for the variables were taken from a variety of sources, common identifying variables between all the datasets were used to successfully and accurately merge the variables into one culminating dataset. Ultimately, this final dataset was created as a combination of raw pre-existing data from publicly available datasets, manipulated variable data, and manual coding.

Candidates That Utilize Spanish-Language Advertisements

Linear regression was used as the primary method of analysis to address the research questions. Ordinary least squares was the appropriate method in this case due to the percentage of Spanish-language advertisement purchases being continuous, with values between 0 and 1. To investigate the first research question and identify which variables had a strong correlational relationship with the percentage of Spanish-language advertisement a candidate used during their race, a regression table including the aforementioned variables was created.

Table 1: Percentage of Spanish-Language Advertisements vs Candidate/Race Characteristics

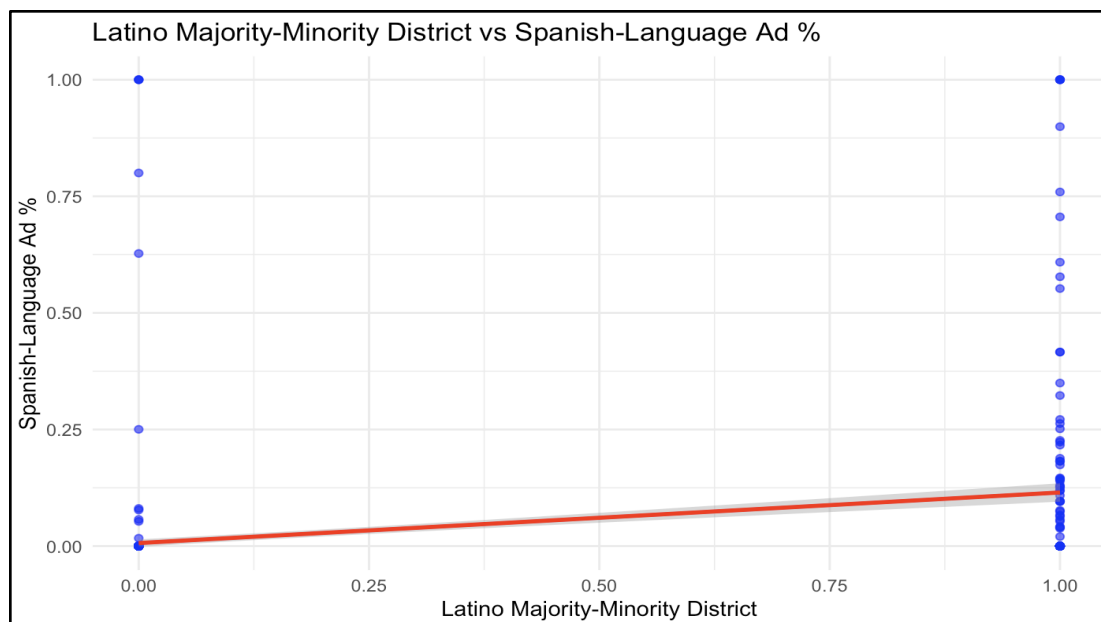
	Dependent Variable:
	Percentage of Spanish-Language Ads
Latino Majority District	0.040*** (0.011)
Latino Candidate	0.035** (0.015)
District Uncompetitiveness	0.0001 (0.001)
Candidate Party	0.006 (0.007)
Incumbency Status	0.003 (0.008)
Opponent Spanish Ad %	0.436*** (0.036)
Total Ad Count	-0.000 (0.000)
Constant	-0.00001 (0.008)
Observations	645
R ²	0.295
Adjusted R ²	0.287
Residual Std. Error	0.084 (df = 637)
F Statistic	38.039*** (df = 7; 637)
Note:	*p<0.1; **p<0.05; ***p<0.01

Looking closer at the relationship between whether a district had a Latino majority-minority and the percentage of Spanish-language advertisement usage, there is a strong positive correlation. Figure 1 shows that for every one unit increase in a district having a Latino majority-minority, the candidate's Spanish-language advertisement percentage goes up by about 10.84%. This indicates that candidate who are running in districts with a notable Latino population are more likely to incorporate Spanish-language advertisements as a valuable part of their campaign strategy. Logically, this relationship can be justified by looking at patterns in the real world. House candidates who are seeking office shape their messaging and stances around the needs of their districts. If a district is predominately Latino, there is a higher population of Spanish-speaking voters. Appealing to these voters through Spanish-language advertisements may be seen as an effective way to engage with these constituents. Overall, candidates may perceive that the usage of Spanish-language advertisements could also be used to

strengthen the relationship between the candidate and the broader Latino community present in a Latino majority-minority district.

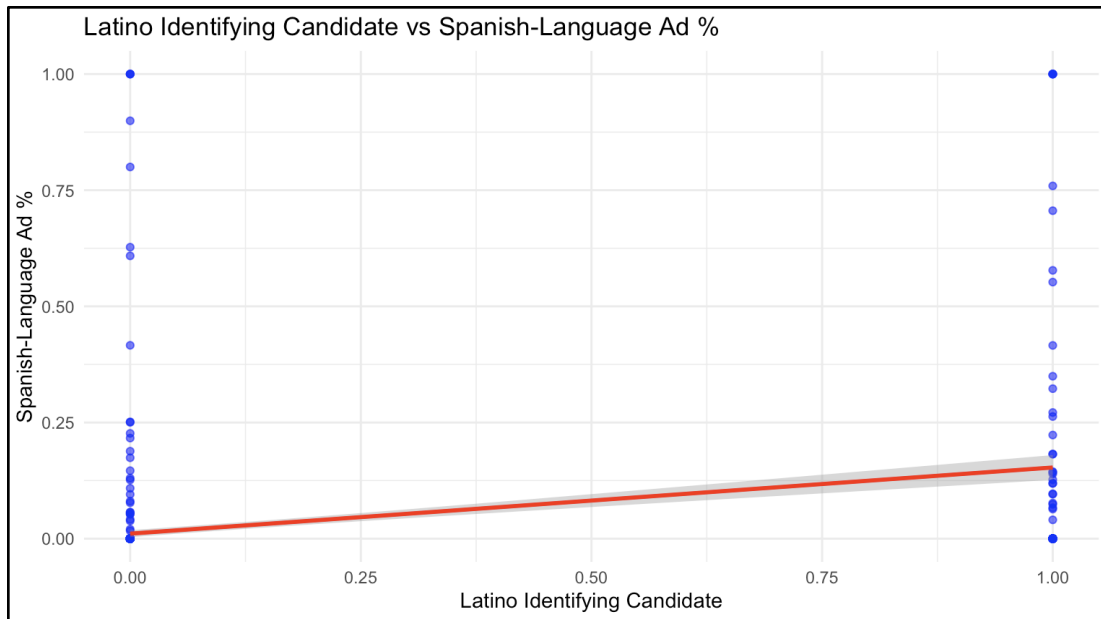
The Latino-identifying candidate variable also had a fairly strong correlation with the percentage of Spanish-language advertisement usage. This relationship signifies that a candidate who identifies as Latino is more likely to utilize Spanish-language advertisements during their campaign. While this relationship is not as strong as the correlation between the Latino majority-minority and opponent advertisement percentage, it is still significant enough to contribute to the environment in which Spanish-language advertisements are being used. A potential explanation for this relationship is that Latino candidates have an innate cultural and, occasionally, linguistic connection with the Spanish-speaking population in their district. Utilizing Spanish-language advertisements as a part of their campaign strategy may be a move to strengthen ties with their community and reflects a political obligation towards them. Although this variable plays a role in a candidate's decision to use Spanish advertisements, its weaker correlation suggests that other metrics, such as the demographic composition of a district and opponent behavior, may be more influential.

Figure 1: Latino Majority-Minority District vs Spanish-Language Advertisement Percentage



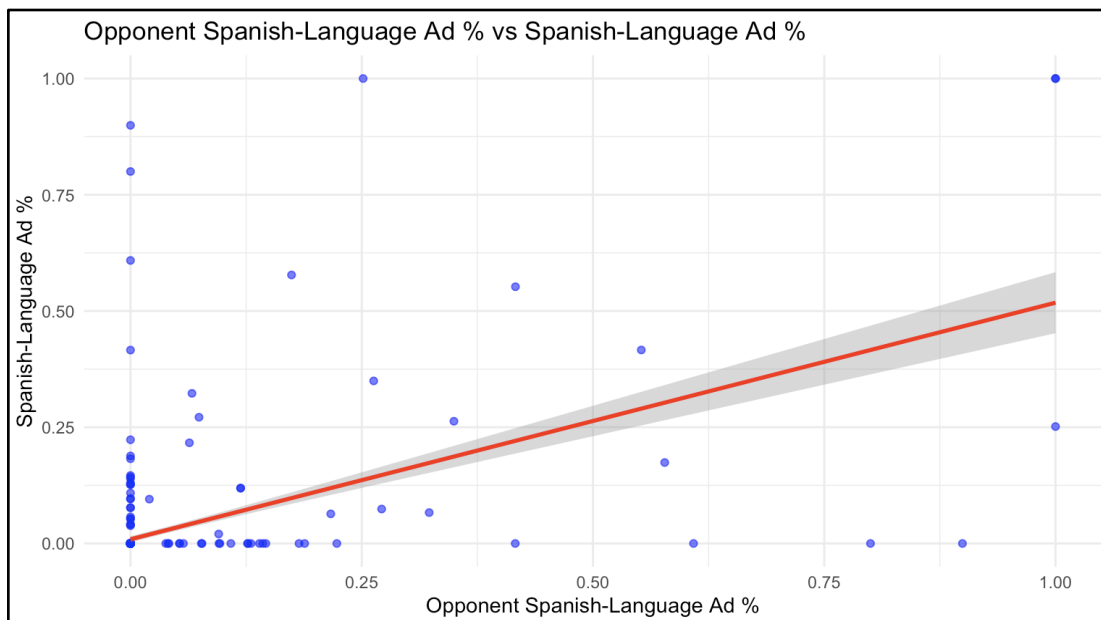
The opponent percentage of Spanish-language advertisement variable had a strong correlation with the percentage of Spanish-language advertisements used. Figure 3 shows that for every 25% increase in the opponent's percentage of Spanish-language advertisements, the original candidate's percentage of Spanish-language advertisements goes up by 12.5%. This relationship indicates a feedback loop between competing candidates during an electoral race. When one candidate utilizes Spanish-language advertisements, their opponent is more likely to use Spanish-language advertisements as well. There is a rationale behind this as candidates tend to model their outreach strategies after each other to reach key demographics. If one candidate saw their competitor using Spanish-language advertisements, there is a higher chance that they would also adopt that strategy to not alienate a prominent demographic of the electorate. To remain competitive, candidates base their campaign strategies on their competitors, as evidenced by the relationship between these two variables.

Figure 2: Latino-Identifying Candidate vs Spanish-Language Advertisement Percentage



These three variables, the Latino majority-minority district, the opponent's use of Spanish-language advertisements, and whether a candidate identifies as Latino, all contribute to the atmosphere in which a candidate decides to utilize Spanish-language advertisements as a part of their campaign strategy. While these variables may provide valuable insights into the strategy decision-making process, to evaluate how much these variables realistically contribute to a candidate's success, other variables needed to be measured.

Figure 3: Opponent Percentage of Spanish-Language Advertisement vs Spanish-Language Advertisement Percentage



How Successful Are These Candidates?

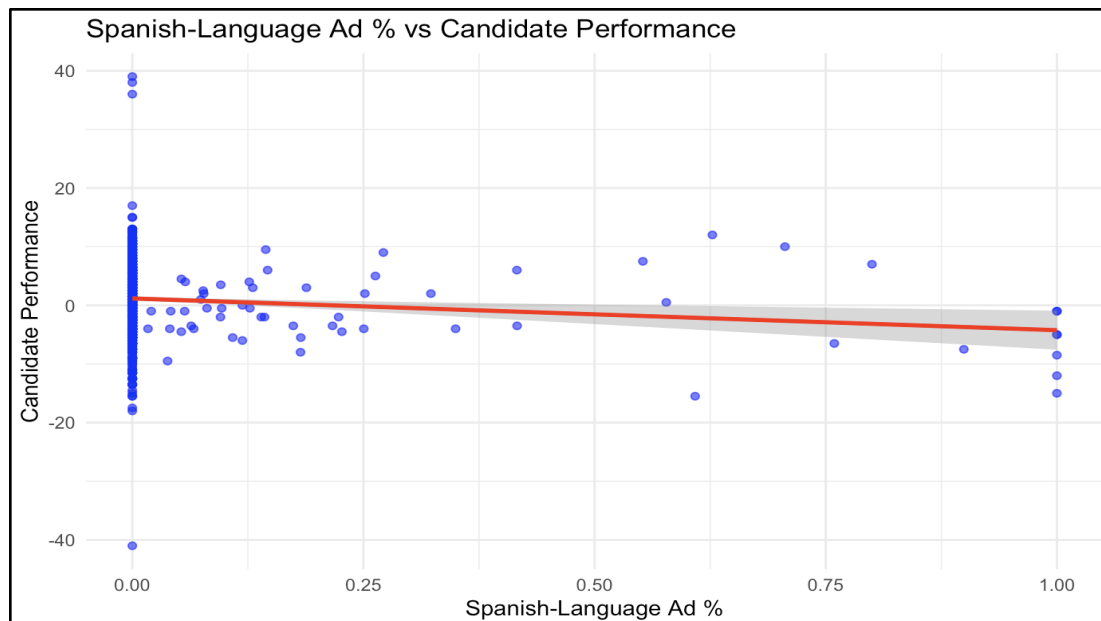
To evaluate a candidate's success and subsequently answer the second research question, the district characteristics were omitted, and the candidate characteristics were re-categorized as control variables. District characteristics were forgone because two opposing candidates have the same values for the district characteristic variables but have the exact opposite performance, making district-level variables irrelevant. The regression analysis primarily focused on the relationship between the Spanish-language advertisement percentage and the candidate performance variable.

Table 2: Candidate Performance vs Spanish-Language Advertisement Percentage with Controls

	Dependent Variable:
	Candidate Performance
Spanish-Language %	-4.006** (1.816)
Latino Candidate	-1.681** (0.817)
Candidate Party	1.356*** (0.422)
Incumbency Status	1.186*** (0.430)
Total Ad Count	-0.00002 (0.0001)
Constant	0.156 (0.385)
Observations	875
R ²	0.032
Adjusted R ²	0.026
Residual Std. Error	5.885 (df = 869)
F Statistic	5.750*** (df = 5; 869)
Note:	*p<0.1; **p<0.05; ***p<0.01

This regression table indicates a significant relationship between a candidate's usage of Spanish-language advertisements and their ultimate performance during the election. Linear regression in the form of a scatterplot, similar to the previous analysis, was used to visually represent this relationship.

Figure 4: Candidate Performance vs Spanish-Language Advertisement Percentage



What is incredibly surprising about this outcome, as represented by both the table and linear regression scatterplot visualizations, is that it shows a statistically significant negative correlation between the use of Spanish-language advertisements and candidate success. This result contradicts existing literature and challenges the initial hypothesis, which stated that utilizing Spanish-language advertisements would improve a candidate's performance. Contrarily, this relationship raises important questions about the effectiveness of Spanish-language advertisements in campaigns and questions the unintended consequences of implementing this strategy.

In light of this contradictory finding, this study offers several theories that may help explain this phenomenon. The first possible explanation is that Spanish-language advertisements are more often used by candidates who may already be at a disadvantage. Looking at the dynamics of a race, a candidate who may not be doing well in the polls may try to expand their voter base. Candidates who are in this disadvantaged position may resort to integrating Spanish-language advertisements as a final attempt to mobilize voters. With regard to the study, the negative relationship may not mean that Spanish-language advertisements are ineffective but may indicate that other variables and hurdles may be more influential. Other aspects of the campaign, such as a lack of recognizability and ineffective fundraising, may lead to a loss in the race. This explanation suggests that Spanish-language advertisements may correlate with unsuccessful campaigns due to the implementation by candidates who are already at a disadvantaged position in comparison to their competitors.

The second explanation that this study suggests is that Spanish-language advertisement may be more effective in fostering and strengthening a cultural connection with Latino voters but may not translate into tangible votes. While previous studies have discussed the positive impact that advertisements and targeted campaign messaging can have on mobilization, it has not always translated into actual votes. Additionally, while ethnic groups like Latinos and Asian Americans are growing in population, those communities have had the lowest voter registration rates compared to other ethnic minority groups. Regardless of any targeted campaign efforts, if a voter is simply not interested in voting, it becomes incredibly difficult to motivate them enough to become politically engaged. Eventually, investing in

Spanish-language advertisements would have a minimal impact on improving voter turnout for a candidate, making the strategy largely ineffective.

The most promising explanation for this trend focuses on resource allocation and how a candidate manages their campaign resources. While all advertisements require a notable financial investment, Spanish-language advertisements utilize campaign funds while only reaching a specific audience. If a candidate decides to prioritize this strategy and dedicate a considerable amount of money towards producing these ads, it takes away resources from other campaign strategies that may have a wider reach. Since English speakers comprise the majority of voters in most districts across the country, if a campaign overemphasizes the importance of Spanish-language advertisements, it may end up hurting the campaign. Solely focusing on Latino constituents may contribute to a feeling of alienation, especially among Republican English-speaking voters (Flores and Coppock, 2018, p. 629). Furthermore, this strategy has the potential to backfire even within its targeted community. Countless Latino voters are bilingual and may prefer to learn more about a campaign in English. They may also perceive an attempt to campaign in Spanish as disingenuous and manipulative, especially if it came from a non-Latino candidate. Ultimately, a failure to properly manage campaign resources might lead to a domino effect that hurts the public perception of a candidate and, subsequently, their success.

Table 3: Spanish-Language Advertisement Impact on Democratic and Republican Candidate Performance

	Dependent Variable:	
	Candidate Performance (D)	Candidate Performance (R)
Spanish-Language %	-2.695 (1.802)	-5.124* (2.778)
Latino Candidate	-3.190*** (0.757)	1.856 (1.328)
Incumbency Status	-5.604*** (0.443)	6.645*** (0.602)
Constant	3.142*** (0.219)	-2.892*** (0.443)
Observations	453	422
R ²	0.303	0.234
Adjusted R ²	0.298	0.228
Residual Std. Error	3.983 (df = 449)	6.149 (df = 418)
F Statistic	64.990*** (df = 3; 449)	42.492*** (df = 3; 418)
Note:	*p<0.1; **p<0.05; ***p<0.01	

This theory is further bolstered by running a regression model while accounting for the party of the candidate. Table 3 suggests that Democratic candidates who utilize Spanish-language advertisements face a moderate negative impact on their overall performance. Interestingly, when looking at the impact on Republican candidate performances, a stronger negative correlation was observed. This could indicate that the implementation of Spanish-language advertisements by Republican candidates has a heightened negative effect on success than if a Democratic candidate were to utilize the strategy. This aligns with the aforementioned theory, as conservative voters are less likely to view linguistic inclusivity positively compared to a more liberal voter. To eliminate the influence of any other variables, the same regression was run while controlling for the district characteristic variables from Table 1. This analysis indicated no major impact on the relationship between candidate performance and Spanish-language advertisement percentage.

Conclusion and Further Implications

This study sought to answer two main research questions. The first question addressed the type of candidate that was most likely to utilize Spanish-language advertisements as a part of their campaign strategy: Under which circumstances are federal House candidates more likely to utilize Spanish-language advertisements as a part of their campaign strategy? Then, to investigate the impact of this strategy on candidate success, the study answered the following question: How successful are federal House candidates who utilize Spanish-language advertisements during their campaigns?

Using regression analysis to answer these questions, the study found that multiple variables contributed to a candidate choosing to utilize Spanish-language advertisements as a part of their strategy. The variables being whether the candidate was running in a Latino majority-minority district, whether they identified as Latino, or if their opponent utilized Spanish-language advertisements as a part of their campaign strategy. This discovery reaffirms the initial hypothesis while highlighting the role that opposing campaign strategy plays in a candidate's decision-making process. While this analysis provided valuable insights into campaign strategy decision-making concerning using language-targeted advertisements, it did not reflect the impact the actual implementation has on a candidate's success.

Once again, applying a linear regression analysis, the study found a negative correlational relationship between the usage of Spanish-language advertisements and candidate success. This means that the more a candidate uses Spanish-language advertisements, the weaker their performance in any given district will be. This discovery is quite surprising as it largely contradicts the previous literature and initial hypothesis. While it may reject them, as the study theorizes, this phenomenon could be observed because the vast majority of voters are English-speakers. Spanish-language advertisements may lead to feelings of alienation, contributing to a negative perception of a candidate. This, paired with the fact that the Latino community has low voter engagement, could mean that utilizing Spanish-language advertisements may not have the impact candidates intend it to have.

Limitations

While the research was fairly robust, some limitations may have influenced the results. The primary limitation was that the Wesleyan Media Project advertisement data did not have the advertisement spending information for all of the candidates or races. While the study assumes that this is due to

those individuals not purchasing any television advertisements, this could also be the result of a lack of availability of information. This was further evidenced by the fact that the 2016 dataset contained less data than the other two election years. Because this study relies on existing data, it aimed to address these potential discrepancies by cross-referencing data across multiple datasets and including a variety of variables from multiple sources.

Another limitation is that the conclusions from the second research question do not speak to a direct causal relationship. While the variables may have a significant negative correlational relationship, the study claims that other variables that were not controlled for may also influence the relationship. Claiming that candidates are unsuccessful solely due to the implementation of Spanish-language advertisements is likely inaccurate. Although this study does not investigate why this negative correlation exists, it encourages further research to understand why the strategy is not effective and potentially investigate different strategies to engage the Latino population.

Future Research

Looking ahead at future avenues of research, exploring the three outlined theories may illuminate the variables that have this contradictory effect on candidate success. The theory that is especially promising speaks to candidates being more likely to utilize Spanish-language advertisements when they are not favored to win. A study that focuses on this theory may choose to include similar variables as this study, including the expected vote percentage and performance variables.

Ultimately, it is clear that more research on how to reach the Latino voter bloc is needed. Simply integrating Spanish-language television advertisements does not have the intended positive impact candidates believe it does, thus hindering overall candidate performance. Further research in this subject can help candidates better strategize how to engage the Latino community during elections. Candidates should not see this as a reason to ignore this impactful group of voters. Instead, utilizing more impactful and intentional strategies may be the difference between a winning and losing race.

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A Trojan Horse in Congress: Publicly Elected Officials Use the Stock Market for Personal Gain

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Abstract: *Members of the United States Congress are elected to serve the public good, yet many simultaneously maintain substantial portfolios of individual stocks. While legislative transparency laws such as the STOCK Act are designed to discourage insider trading and bolster public trust, questions remain about the extent to which members personally benefit from privileged information or exploit weak enforcement. In this research, I draw on data from Quiver Quantitative and the Center for Effective Lawmaking to empirically examine what types of members are more likely to actively trade stocks and what types are more likely to earn returns that beat market averages. My findings show that net worth and electoral vulnerability play significant roles in predicting members' trade volume, but not trade performance. The ten wealthiest members by net worth trade significantly more than their congressional peers, and those in tighter races are associated with greater returns in excess market averages. These findings raise new concerns about how personal financial incentives may shape legislative behavior and challenge the ideal of selfless public service. By combining congressional trading data with institutional, ideological, and electoral characteristics, this research offers a new type of analysis of congressional stock trading activity.*

On April 4th, 2012, President Barack Obama signed into law the Stop Trading on Congressional Knowledge (STOCK) Act. At the time, this new law surfaced as a landmark piece of legislation intended to increase transparency and prevent insider trading among members of Congress. The STOCK Act requires members to publicly disclose their financial transactions within 45 days of execution, under the intended premise that sunlight is the best disinfectant. Yet, more than a decade after its passage, growing concerns remain regarding the extent to which lawmakers are leveraging privileged information for personal financial gain. While public disclosures were intended to safeguard against unethical behavior, they have also made it easier to track patterns in congressional trading, some of which raise serious red flags. These trading patterns may suggest ethically dubious behavior, but they seldom offer concrete proof of insider trading.

The opportunity for conflict of interest is immense. Members of Congress routinely receive non-public information about legislation, industry forecasts, regulatory changes, and foreign policy events—all of which can affect the stock market. Although the STOCK Act aimed to deter insider trading by increasing transparency, it left unmarred a core dilemma: lawmakers are still permitted to trade stocks virtually unabated. There has been little systematic investigation into how members continue to trade, who benefits most, and whether existing rules are meaningfully enforced. The



paradox of legal permissibility amid equivocal ethics raises a question central to my research: are members of Congress using their positions for personal gain in ways that do not violate the letter of the law?

To investigate this question, I collected and merged two novel datasets: member-level stock trade data from Quiver Quantitative (sourced from public financial disclosures), and institutional and legislative data from the Center for Effective Lawmaking. By combining these datasets, I was able to run ordinary least squares (OLS) models to assess how member characteristics, including party, gender, ideology, net worth, electoral security, and institutional status, predict both stock trading volume and trading performance.

A Trojan Horse in Congress

The ideal of representative democracy holds that public servants are elected to act in the best interests of their constituents, exercising their judgment to create policy that promotes the common good. In the U.S., members of Congress (MoC) are endowed with remarkable power: they draft and pass laws, oversee federal agencies, and allocate trillions in government spending. With this power comes influence, and with influence comes temptation.

Members of Congress occupy a unique position in American society. Not only do they shape national policy and direct the flow of federal funds, but they also have early and often exclusive access to non-public information through committee hearings, classified briefings, and direct communication with corporate stakeholders. While the STOCK Act aimed to create accountability, it did not bar MoC from participating in the stock market. In fact, senators and representatives can legally trade stocks as freely as ordinary citizens, so long as they comply with the STOCK Act's disclosure rules.

In practice, the STOCK Act was designed to hold MoC accountable to the public eye. In reality, however, this law may function more as a trojan horse: signaling reform while ignoring structural faults in the system. The aim of this research is not to uncover a "smoking gun" telltale of insider trading. Instead, it examines patterns of behavior that, while legal, may be ethically fraught. Trading in proximity to legislative action, particularly among members with committee influence or electoral pressure, invites scrutiny even when it falls short of provable misconduct. At a time when public trust in government is fragile, such behavior fuels perceptions of self-dealing that undermine democratic legitimacy.

In 2023, a Pew Research survey found that a majority of Americans believe members of Congress serve their own interests rather than the public's. This erosion of trust is not merely theoretical; it poses real risks to democratic legitimacy. When lawmakers profit from trades made in proximity to major legislative decisions, it creates the appearance of impropriety, if not the substance. The STOCK Act, in its current form, may serve more as a shield than a true deterrent.

Further complicating matters is the challenge of enforcement and interpretation. The ethics committees responsible for oversight have limited resources, and violations are often treated as administrative errors rather than ethical breaches. In practice, many members file late disclosures and face minimal consequences. The lack of accountability incentivizes opacity. In such an environment, members with substantial portfolios may feel emboldened to trade aggressively, knowing that the cost of being caught is low, and the probability even lower.

This institutional laxity creates fertile ground for the central puzzle of this research: who trades, how often, and with what success? Prior research has noted the theoretical potential for abuse but has often lacked the granularity of data required to investigate patterns at the individual member level. With the rise of third-party watchdogs like Quiver Quantitative, however, this is beginning to change.

In this research, I examine the potential for insider trading by members of Congress, specifically analyzing which factors may make some members more likely to engage in behavior that suggests the misuse of privileged information. Previous research has demonstrated that MoC, on average, outperform the typical market average by 5-10% annually, a margin that has drawn increasing scrutiny from academics, journalists, and the public alike. Yet, despite the implementation of the STOCK Act, concrete proof of illegal activity remains elusive. Instead, I am left to examine broad-stroke evidence: trading behaviors that correlate suspiciously with legislative action, committee appointments, leadership positions, and member tenure.

This research is situated at the intersection of political accountability and financial ethics. It evaluates the extent to which individual characteristics and institutional factors influence trading behavior in Congress. By drawing from transaction data sourced from Quiver Quantitative and legislative records from the Center for Effective Lawmaking, this research applies a quantitative time-series regression analysis to assess correlations between MoC characteristics and their financial performance in the stock market. The findings aim to contribute to a deeper understanding of the incentives and opportunities for unethical behavior within America's legislative branch.

Finally, this research explores the broader implications of congressional trading on public trust and policy debates. Should lawmakers be barred entirely from stock trading, as some proposed reforms suggest? Or can stricter accountability measures, like enhanced disclosure and oversight, provide sufficient safeguards? In weighing these competing perspectives, this research engages with existing literature on abnormal idiosyncratic volatility and insider trading signals while proposing new frameworks for assessing risk and accountability in legislative behavior.

Literature Review

Strategic Use of Private Financial Power

The ethics of congressional stock trading—while only recently becoming a mainstream political debate—have long troubled political scientists and legal theorists. One of the earliest and most methodologically influential studies in this field is Ziobrowski et al. (2004), which used a sample of U.S. Senators' financial disclosures from 1993 to 1998 to empirically test whether these elected officials were able to earn abnormal stock market returns. By applying the Carhart four-factor model, a standard in financial economics for estimating risk-adjusted performance, the authors discovered that Senators, on average, outperformed the market by approximately 12% annually. This level of alpha, or excess return, could not be explained by general investment acumen or market trends. Instead, the study posited that these gains likely resulted from access to non-public information, either directly or indirectly acquired through committee meetings, lobbyist communication, or privileged briefings. Their methodological rigor and clarity of inference laid the foundation for subsequent empirical research, pushing political scientists to take seriously the idea that private financial enrichment may be quietly embedded in the institution of Congress itself.

In more recent years, Hanousek et al. (2021, 2022) have offered a potent critique of the STOCK Act's limitations. The 2021 study employs an event-study design and examines abnormal idiosyncratic volatility (AIV) in the days surrounding trades by members of Congress. AIV serves as a proxy for informed trading, allowing the researchers to infer whether a legislator may have possessed market-moving information prior to executing a trade. Their statistical analysis demonstrates a repeated pattern: trading by members often coincides with sharp, unexplained changes in stock-specific volatility, even after controlling for broader market events. In their 2022 follow-up, Hanousek and colleagues enrich their model by incorporating political variables such as tenure length, committee power, and party status. Their findings indicate that seniority and leadership roles correlate with higher levels of suspicious trading behavior, suggesting that institutional power—not just proximity to market-sensitive information—may be a critical enabler. This insight is highly germane to my research, which explores how characteristics like legislative effectiveness and vote share might also condition trading patterns.

Blau, Griffith, and Whitby (2021) move beyond member-level behavior to investigate how legislative trades affect overall market dynamics. Their approach is quantitative and comparative, using matched-pair analyses to examine stocks that are actively traded by MoC versus those with no political activity. Their hypothesis is that markets penalize information asymmetries created by congressional trading, leading to elevated spreads and volatility. Their findings support this claim: securities with legislative involvement show statistically significant increases in both price dispersion and bid-ask spreads, especially around policy-relevant events. Blau et al. frame this as a violation of market fairness, coining the term "non-corporate insider trading" to highlight the distinct risks posed by politically informed actors. Their methodology provides a bridge between political economy and financial regulation, and helps justify why the stakes of my research go beyond Congress itself.

Other scholars approach the topic through a behavioral lens. Choi (2021), though focused more generally on fund trading, introduces a compelling argument about overconfidence and cognitive bias in financial decision-making. Using a combination of survey data and portfolio analysis, Choi shows that individuals with privileged information often believe themselves immune to market error. This psychological overreach can encourage riskier or more frequent trading, particularly in opaque environments where regulation is weak. Though not directly tied to Congress, Choi's insights suggest that disclosure laws like the STOCK Act may fail not because of insufficient detail, but because they do not account for the psychological drivers of exploitation. When applied to elected officials, the implication is that some may genuinely believe their actions are defensible, even when they clearly raise ethical concerns.

One of the most technically sophisticated contributions comes from Bogousslavsky, Fos, and Muravyev (2024), who introduce a machine learning-derived metric called Informed Trading Intensity (ITI). This tool uses high-frequency trade and liquidity data to detect potential instances of insider trading across multiple markets. Though their study does not focus exclusively on Congress, the conceptual relevance is substantial. ITI enables researchers and regulators to analyze patterns of activity that would otherwise evade traditional econometric methods. In a political context, tools like ITI could prove essential for future oversight of congressional trading. Their model exemplifies the next generation of transparency tools—ones that do not rely solely on self-reported data but instead use data-driven algorithms to identify misconduct. This methodological advancement opens the door to more rigorous, real-time enforcement of laws like the STOCK Act or any future legislation.

Public Perceptions, Institutional Trust, and the Limits of Reform

Public perception is a central axis in the debate over congressional insider trading. Ethical violations are not merely legal problems; they are public legitimacy crises. According to a 2023 Pew Research Center survey, 80% of Americans believe that members of Congress prioritize their own financial interests over the public good. This deep mistrust, echoed in rising public support for bans on congressional stock trading, places insider trading at the core of a larger democratic deficit. The erosion of trust in public institutions undermines not only legislative legitimacy, but the very norms that undergird participatory governance.

The Campaign Legal Center (Marsco, 2022) documents extensive failures of the STOCK Act, noting that late disclosures, vague reporting standards, and limited enforcement create conditions for repeated violations. Their research includes case studies of high-profile figures, such as Senator David Perdue, who conducted nearly 2,600 trades in a single term—many involving companies under the jurisdiction of Senate committees on which he served. Using investigative and legal analysis, the Center shows how these conflicts often go unpunished, reinforcing a culture of impunity.

The New York Times (2022) has amplified these concerns through extensive journalistic work, identifying 97 members of Congress who traded stocks in companies directly influenced by their committee assignments. While not peer-reviewed, these investigations bring empirical weight to the public conversation and underscore a key point: that transparency without enforcement offers no real deterrent. Their data-driven analysis shows that disclosure is often performative, with members facing minimal reputational or legal costs.

This body of research helps contextualize the findings in this research. If the public assumes the system is rigged and policymakers face little consequence, then even well-intentioned reforms may fall flat. My data show that wealthy and electorally insecure members trade more aggressively, suggesting that incentives for personal gain and institutional survival may overpower abstract legal norms. The gap between legal transparency and behavioral deterrence is therefore not just a technical flaw but a structural failing.

To address this, legislative solutions such as the ETHICS Act (Ending Trading and Holdings in Congressional Stocks) and the PELOSI Act (Preventing Elected Leaders from Owning Securities and Investments) propose far more sweeping reforms. The ETHICS Act, introduced by Senator Jeff Merkley in 2023, would prohibit MoC, their spouses, and dependents from owning or trading individual stocks, requiring all assets to be placed in blind trusts. The ironically named PELOSI Act, reintroduced by Senator Josh Hawley in 2023, similarly aims to prevent conflicts of interest by banning trading among those who hold power to move markets.

Both bills signal a new regulatory philosophy: one that does not rely on transparency or ethics oversight but simply removes the temptation entirely. Whether these proposals become law or not, they reflect growing public and scholarly consensus: that self-regulation is no longer a sufficient safeguard. In the context of my research, these policy proposals provide a critical backdrop for interpreting patterns of member behavior. When structural opportunities for enrichment are embedded in the system, reform may need to be equally systemic.

Finally, competing schools of thought on congressional stock trading capture the tension between private rights and public duties. Proponents of market access argue that MoC should retain the right

to invest freely, so long as they disclose and abstain from insider activity. But others argue that the very possibility of exploitation and the appearance of impropriety is enough to warrant prohibition. This debate is ultimately about institutional design: whether representative democracy should be optimized for liberty or legitimacy.

Insider trading is not only an economic act but a deeply political one. It affects market fairness, legislative integrity, and public trust. This research draws from and contributes to this literature by empirically investigating how MoC characteristics—such as wealth, electoral vulnerability, and legislative power—interact with patterns of trading behavior.

Research Design and Methodological Framework

This research is grounded in a quantitative, member-level analysis of stock trading by U.S. legislators. At its core are two research questions: (1) What types of members of Congress are more likely to trade stocks while in office? and (2) What types of members are more likely to earn excess returns relative to the market? These questions reflect both behavioral and structural concerns about incentives, access, institutional roles, and the ethical boundaries of financial self-interest within a public role.

To investigate these questions, I merged two key datasets. The first, Quiver Quantitative, is a third-party watchdog that scrapes and standardizes financial disclosures filed by members of Congress under the STOCK Act. Quiver Quantitative revolutionizes the tracking of disclosure data by cleaning, digitizing, and categorizing by trade size, company sector, and date, allowing for a fine-grained catalog of congressional trading behavior across time. The second source, the Center for Effective Lawmaking (CEL), is a research initiative co-managed by the University of Virginia and Vanderbilt University. The CEL quantifies legislative effectiveness across several dimensions, including bill sponsorship, floor passage, and committee activity, offering a robust measure of a member's institutional influence.

These two sources serve as the empirical backbone of this project. Quiver Quantitative allows for precise modeling of financial behavior, while CEL contextualizes this behavior within a member's institutional role. By merging them, I created a dataset capable of examining the intersection between public power and private gain. A third source, OpenSecrets, provided the foundation for a custom variable: net worth. Because comprehensive wealth data is often opaque or inconsistently reported, I limited this control variable to the ten wealthiest members of Congress from the 115th Congress, identified by OpenSecrets. These individuals were flagged with a dummy variable (Top Ten Net Worth = 1), providing an approximation of how extreme personal wealth may influence financial behavior in office.

The unit of analysis is a member-Congress pair, meaning each observation captures a single legislator in a single two-year Congress term. To maintain analytical clarity, I restricted the time frame to the post-STOCK Act era (2012 onward), ensuring all trade disclosures fall within the 112th to 117th Congress. The range of the CEL data only reached the 117th Congress, so I had to bookend my data according to this limitation. My approach captures both active traders and non-traders, allowing me to model the likelihood and outcomes of trading as distinct behaviors.

The dependent variables are twofold. First, Trade Volume captures total trade activity by a given member in a session. This serves as the outcome for Table 1. Second, Trade Success calculates excess return: how much profit a member earned beyond what a benchmark index would predict. I coded

the Trade Success response variable to capture both sales and purchases. To do so, I accounted for their profit margin relative to market averages (from Quiver Quantitative) and flipped the sign of sale transactions to capture a financial gain. Trade Success is the dependent variable in Table 2, to which I applied a logarithm to tighten its spread, given the high variability of the data.

The independent variables reflect a multidimensional view of congressional identity. These include party (Democrat = 1), gender (Female = 1), chamber (Senator = 1), ideology (DW-NOMINATE first dimension), leadership roles (measured through a CEL-based benchmark score), legislative effectiveness (CEL's LES 1.0), electoral competitiveness (vote share and categorized vote margins), and my Top Ten Net Worth dummy variable.

Together, these data and variables permit an exploration of who engages in stock trading and who succeeds at it. My models aim not merely to identify statistical relationships, but to generate insight into the structural incentives and personal attributes that may shape private financial behavior within the highest levels of public service.

Empirical Analysis and Regression Results

Predictors of Trade Volume

The first two models focus on the number of stock trades executed by a Member of Congress during a given congressional term. Table 1 includes a continuous measure of electoral performance (percent of vote received), and a categorical vote margin variable. The rest of the control variables remain consistent.

Across both models, one variable stands out sharply: net worth. The top ten wealthiest MoC from the 115th Congress—captured by a dummy variable created from OpenSecrets data—trade significantly more than their peers. In Table 1, the Top Ten Net Worth coefficient is approximately 38.67 and 37.30 respectively, and both are statistically significant at the 0.01 level. This finding underscores the role of personal financial capacity as a facilitator of trading behavior, a point echoed by prior research but shown here with high empirical clarity.

Another notable finding is the consistent negative relationship between electoral security and trade volume. In Table 1, each additional percentage point in vote share is associated with a statistically significant decrease in trading activity. In the second regression, those in vote margin categories 2 through 4 trade significantly less than those in the most competitive category (category 1). The decreasing coefficients across categories—from -9.71 to -12.92—suggest a strong linear pattern: safer seats correspond to lower trading engagement.

While the ideology, gender, and party variables were included for robustness, none reached statistical significance. Interestingly, being a Senator is associated with fewer trades than being a Representative (approx. -7.71), but this result is not statistically significant. However, the benchmark score is significant and positive in both models, indicating that members with higher formal influence are more likely to trade.

Table 1: MoC Trade Volume

	Dependent Variable: Trade Count	
	(1)	(2)
Democrat	8.238 (8.913)	7.815 (8.902)
Female	1.321 (3.334)	1.220 (3.331)
Senator	-7.711 (9.214)	-7.789 (9.205)
Ideology Score	4.899 (9.846)	4.761 (9.843)
Top Ten Net Worth	38.666*** (11.298)	37.300*** (11.299)
Vote % Received	-0.287*** (0.108)	
Vote Margin: Cat 2		-9.707*** (3.660)
Vote Margin: Cat 3		-11.567*** (3.674)
Vote Margin: Cat 4		-12.919*** (3.777)
Benchmark Score	4.495* (2.427)	5.058** (2.432)
Legislative Effectiveness	-1.591 (1.333)	-1.712 (1.332)
Constant	22.371** (9.308)	11.890* (6.203)
Observations	2,648	2,648
R ²	0.009	0.012
Adjusted R ²	0.006	0.008
Residual Std. Error	66.138 (df = 2639)	66.067 (df = 2637)
F Statistic	3.035*** (df = 8; 2639)	3.202*** (df = 10; 2637)
Significance levels	*p<0.1; **p<0.05; ***p<0.01	

These models paint a portrait of the high-volume trader as wealthy, institutionally powerful, and electorally vulnerable. This is consistent with theories that suggest personal gain may become more appealing under political threat—and more achievable when institutional standing offers access to privileged information.

Predictors of Excess Return

The third model analyzes what predicts trading success, operationalized as the logged excess return earned on trades during a congressional term. The dependent variable, Trade Success, was constructed

to account for abnormal returns net of public benchmarks. Importantly, this model includes only members who actually reported trades.

Table 2: MoC Trade Success

	Dependent Variable: Log of Excess Return
Democrat	1.080 (1.204)
Female	0.449 (0.442)
Senator	0.810 (1.404)
Ideology Score	1.795 (1.371)
Top Ten Net Worth	-0.198 (0.762)
Vote % Received	0.012 (0.014)
Benchmark Score	-0.035 (0.296)
Legislative Effectiveness	0.020 (0.183)
Constant	1.432 (1.214)
Observations	198
R ²	0.021
Adjusted R ²	-0.020
Residual Std. Error	2.385 (df = 189)
F Statistic	0.507 (df = 8; 189)
Significance levels	*p<0.1; **p<0.05; ***p<0.01

Table 2 produces no statistically significant predictors. Neither high net worth, party, gender, ideology, nor institutional factors explain variance in logged excess returns. This non-finding is important. It suggests that while wealthy or electorally insecure members may trade more often, this does not necessarily translate to superior trading outcomes. One possible interpretation is that profit-maximizing trades may be constrained by the limitations of public disclosures, fear of ethical violations, or the randomness of market dynamics. Alternatively, returns may be smoothed over time or dispersed across accounts, reducing the detectability of outperformance in a two-year window.

The R-squared for Table 2 is just 0.021, and the F-statistic is non-significant, further confirming the limited explanatory power of these predictors on return outcomes. These results should not be read

as suggesting that insider trading is absent, but rather that it is not easily captured using aggregate measures of logged returns under current transparency conditions.

Taken together, the results indicate a measurable pattern in congressional trading behavior: wealthy and electorally vulnerable members tend to trade more, especially those with greater institutional clout. However, none of these attributes predict financial success in the market. This duality—of access without necessarily advantage—points to the complexity of financial behavior in Congress and the limits of current disclosure regimes in capturing illicit performance. The discussion that follows will consider the implications of these patterns for ethics enforcement, institutional reform, and future research.

Discussion

The empirical findings from the regression models offer layered insights into how Members of Congress approach financial markets under the veil of public service. To frame this analysis with more precision, I refer to the two trade volume models as Table 1 and the return-based model as Table 2. This framing underscores the structural focus of the study: not simply whether members trade, but what kinds of members are positioned to do so—and whether those patterns reveal anything about privilege, ethics, and institutional design.

At a high level, Table 1 shows significant, consistent findings: personal wealth and electoral insecurity are robust predictors of trading activity. Members who belong to the top ten wealthiest individuals in the 115th Congress trade substantially more than others. In both models, the coefficient for Top Ten Net Worth is large, positive, and statistically significant at the 0.01 level. This finding validates one of the central assumptions of this research: access to capital creates access to financial opportunities, even in the regulated space of legislative behavior. It suggests that wealth not only permits trading but may incentivize it, particularly when regulation is perceived as toothless.

Yet the presence of wealth alone is insufficient to explain the complete behavioral pattern. In both models, electoral safety—measured through either continuous vote share or categorical vote margin—is strongly and negatively associated with trade volume. Safer incumbents trade less; vulnerable incumbents trade more. The coefficients across the vote-categorized regression in Table 1 display a clear directional trend, with each vote margin category showing decreased trade volume relative to the baseline. This suggests that the electoral environment itself may incentivize financial activity—not despite its risk, but perhaps because of it. When reelection becomes uncertain, the calculus of personal gain changes. One possible interpretation is that these members are engaging in what political theorists might call temporal extraction: maximizing personal gain before the window of opportunity closes.

This finding is deeply important for how we understand institutional trust and congressional ethics. It flips a common narrative—that fear of reelection or public exposure constrains misbehavior. Instead, the data suggest that risk encourages risk, and that members in jeopardy may be more likely to leverage their access to financial information as a fallback or parachute.

Meanwhile, Table 2 yields a surprising and revealing non-finding. No variables reach statistical significance—not net worth, not ideology, not gender, not institutional power. On the surface, this could be interpreted as a reassuring result: perhaps Congress is behaving ethically after all. But that conclusion would be premature. In fact, the null results in Table 2 may be the most troubling. They

suggest not that insider trading isn't happening, but that it may be undetectable given current data constraints. The 0.021 R-squared tells us that virtually none of the variance in logged excess returns is explained by member characteristics.

This could result from several methodological or behavioral factors. First, the excess return variable may suffer from measurement dilution; returns are aggregated over two-year periods and benchmarked against public indices that may not reflect intra-trade timing advantages. Second, members may be diversifying their gains across multiple portfolios or accounts, reducing the visibility of outperformance in the reported data. Third, profit may not be the primary goal—information advantage could be used for strategic hedging, sectoral rebalancing, or other forms of non-detectable risk management. The logic of insider advantage may therefore be subtler than previously assumed.

The absence of predictive power in Table 2 also challenges the foundational logic of deterrence. If unethical behavior produces no observable payoff, then enforcement may seem unnecessary. But this logic is circular: lack of evidence is not evidence of absence. It may instead be a symptom of the STOCK Act's inadequacy. As demonstrated in earlier sections, members frequently delay disclosure or report trades vaguely, and many face no consequences for omissions. Thus, any analysis built on these disclosures may be working with a partial dataset—accurate enough to detect volume patterns but too imprecise to capture market manipulation or financial timing.

Another layer of insight comes from the benchmark score, which was consistently significant in Table 1 but not in Table 2. This further supports the notion that institutional power facilitates trading behavior but does not guarantee trading success. Members with seniority, committee leadership, and majority control appear more likely to engage in financial activity. However, that engagement does not necessarily translate into better performance. This bifurcation between access and advantage is critical: it suggests that legislative insiders may trade frequently due to confidence, access, or incentive—but not necessarily with any strategic edge.

These findings are also notable in light of prior literature. Ziobrowski et al. (2004) found that Senators dramatically outperformed market averages, a finding replicated in part by later studies like Hanousek et al. But my results do not support that outperformance research. Whether due to regulatory reform, shifts in behavior post-2012, or methodological differences, the excess returns once attributed to Congress are not found here. This suggests either a real behavioral change or a shift in tactics—perhaps from high-return trades to more dispersed or indirect financial strategies.

That said, the non-significance of ideological variables—including DW-NOMINATE scores—also warrants reflection. The absence of partisan or ideological effects implies that congressional trading is not a left-right phenomenon, but an institutional one. The logic of financial self-interest appears to cut across party lines. In this sense, congressional trading may be best understood not as a partisan pathology but as a structural vulnerability of American governance. It speaks to a deeper moral hazard embedded in the dual roles members occupy—as public servants and private actors.

This structural perspective also casts doubt on the effectiveness of current transparency laws. If the STOCK Act cannot reliably deter or detect suspicious trading, then its utility may be symbolic rather than functional. The appearance of oversight may suffice to quell public concern, but the behavioral patterns identified in Table 1 suggest that members have little fear of enforcement. This emboldens trading among those with both the motive (insecurity, wealth) and means (institutional access) to exploit their positions.

In total, these findings support a core theoretical proposition: that the American legislative system tolerates, and may even encourage, subtle forms of economic self-interest. While media narratives often highlight egregious or criminal cases, the true story may be one of legal exploitation—where members work within the rules to engage in behavior that, while not provably illicit, raises profound ethical concerns. The Trojan Horse metaphor thus remains apt: behind the polished façade of congressional service, there exists a quiet but pervasive logic of private gain.

Limitations to Original Research

A core challenge of studying congressional trading is the reliability and completeness of the underlying data. While Quiver Quantitative has done commendable work in scraping and structuring the financial disclosures mandated by the STOCK Act, these disclosures are frequently incomplete, vague, or delayed. Numerous reports from the Campaign Legal Center and independent watchdog groups have shown that many members fail to file their disclosures on time or report trades in sufficiently broad ranges (e.g., \$15,001–\$50,000), making it difficult to assess precise financial behavior. As a result, the variable used for excess return (Trade Success) is constructed from imperfect inputs, and may fail to detect meaningful subtleties in timing, asset type, or trade size. Consequently, while my analysis identifies robust patterns in trade volume, it is more constrained in its ability to isolate profit-seeking behavior.

This study is limited to the post-STOCK Act era, beginning in 2012. While this aligns with the contemporary policy landscape and reflects the intent of the legislation to increase transparency, it also excludes a critical comparative window. Notably, prior research such as Ziobrowski et al. (2004) found striking excess returns in the pre-STOCK Act period. Without including those earlier years, it is difficult to assess whether the post-2012 findings represent a behavioral shift in response to regulation or merely a shift in reporting or enforcement. The absence of a temporal comparison group limits causal inference.

The Top Ten Net Worth dummy variable is a binary indicator based on the top ten wealthiest members in the 115th Congress, sourced from OpenSecrets. While useful for approximating the role of extreme personal wealth, this is a blunt instrument. It excludes potentially influential members outside the top ten and does not capture liquidity, diversification, or hidden wealth (such as through family trusts or business assets). The binary design also risks oversimplifying the relationship between wealth and trading behavior, reducing a continuous socio-economic spectrum to a high/low dichotomy.

Like most behavioral models, the regressions used in this research assume that members of Congress act rationally and are motivated by identifiable incentives—such as personal wealth accumulation, electoral security, or institutional access. But political behavior is often shaped by ideology, loyalty, or other non-material factors that resist quantification. The absence of significant findings in Table 2, for example, could indicate that financial gain is not the only or even primary motivation for trading. It could also suggest that insider behavior is so nuanced—or so well concealed—that existing variables fail to capture its logic.

This research relies on excess returns as a proxy for success, a standard borrowed from financial economics. But this interpretation may be too narrow for political actors. For example, a member may trade not to outperform the market, but to avoid losses, diversify holdings, or send signals to donors

or constituents. In this context, the absence of statistically significant predictors in Table 2 does not necessarily imply a lack of insider behavior. Instead, it may point to the need for more politically attuned theories of economic behavior within public institutions.

Although the dataset includes both traders and non-traders, it does not fully account for the selection dynamics that might influence whether a member chooses to trade in the first place. Some members may avoid trading due to ethical concerns, political risk, or personal financial illiquidity. Others may use proxies—such as family members or financial intermediaries—to conduct trades on their behalf, effectively removing themselves from direct scrutiny while still reaping potential benefits. These dynamics create a selection effect that may bias interpretations of who trades and why.

Conclusion

This research has explored the intersection of private financial behavior and public office through the lens of congressional stock trading. Using data from Quiver Quantitative and the Center for Effective Lawmaking, I assessed which types of Members of Congress are more likely to engage in trading, and which—if any—earn abnormal financial returns. My findings point to a paradox of power: those who are wealthiest, most electorally vulnerable, and institutionally privileged are also those most likely to trade. Yet this trading activity does not appear to result in measurable financial success, as defined by abnormal returns.

These findings complicate traditional narratives around congressional misconduct. Insider trading, in the classic sense, may not be the dominant mode of exploitation in the post-STOCK Act era. Instead, members appear to engage in what could be described as "opportunistic legality"—trading in ways that are legally permissible but ethically questionable. This behavior exploits the structural gaps between disclosure and deterrence, between public expectation and institutional accountability.

This research also contributes to a growing body of literature that questions the sufficiency of transparency-based ethics regimes. While the STOCK Act was heralded as a landmark in legislative ethics, its implementation has been marred by noncompliance, vague standards, and minimal enforcement. The ETHICS Act and PELOSI Act offer more stringent alternatives, including outright bans and mandatory blind trusts. My data support the need for such reforms—not because trading necessarily leads to profit, but because the behavior itself, especially when linked to institutional power and electoral vulnerability, erodes public trust.

At the core of this project is a deeper political science puzzle: how do we reconcile the dual identities of legislators as both public officials and private citizens? This question has profound implications for democratic accountability. When public power enables private gain—regardless of whether that gain is realized—the legitimacy of representative institutions comes under strain. My results suggest that, even in the absence of definitive insider trading, the patterns of behavior identified here warrant scrutiny, regulation, and sustained scholarly attention.

Future research should continue to refine these analyses by expanding the scope of financial behavior examined, incorporating family and proxy accounts, and developing more sensitive measures of strategic trading. Scholars may also explore how public pressure, media coverage, and electoral dynamics interact with financial behavior over time. Qualitative approaches—including interviews

with legislators or staff—could offer insight into motivations that remain opaque in quantitative models.

If Congress is to function as a body committed to the public good, it must adopt structures that minimize personal conflict and maximize public trust. Anything less risks undermining not just financial transparency, but the foundational integrity of democratic governance itself.

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From Doctrine to Deployment: An Evaluation of Proportionality in Historical Conflicts and Its Lessons for Modern Warfare

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Abstract: *This thesis explores the ethical, legal, and strategic dimensions of the principle of proportionality in warfare, tracing its evolution to its codification in international humanitarian law. By examining the proportionality framework established in the Geneva Conventions and its Additional Protocols, the study assesses how historical and contemporary have adhered to—or violated—this principle. Through case studies, including the firebombings of Japan and Dresden, the use of Agent Orange in Vietnam, and NATO’s interventions in Libya and Kosovo, the research reveals how disproportionate military strategies have led to widespread civilian harm and long-term humanitarian consequences. The thesis also investigates modern challenges to proportionality posed by evolving technologies and asymmetric warfare, including urban combat scenarios. Utilizing a multidisciplinary methodology—incorporating legal analysis, ethical frameworks, and historical documentation—this study argues that closer adherence to proportionality upholds international law and fosters more ethical and practical military outcomes. Ultimately, this work proposes a framework for evaluating proportionality in 21st-century conflicts, offering insights for policymakers, military leaders, and international institutions, thus calling for a commitment to reducing civilian harm and preserving humanitarian values in armed conflict.*

First, proportionality remains a cornerstone of Just War Theory, a philosophical framework to assess warfare's morality and consequences. Stemming from ethical philosophy scholars such as Cicero, Augustine, and Aquinas, proportionality aims to balance pursuing legitimate military objectives with minimizing unnecessary harm. Proportionality dictates that the use of war and its strategies should not exceed the military advantage anticipated. Proportionality remains a safeguard to ensure that even when states pursue justifiable goals, their actions do not result in undue suffering and destruction. The principle applies to both the selection of targets and the methods of warfare, requiring decision-makers to weigh the potential benefits of an action against any foreseeable harm. By imposing these constraints, proportionality serves as a critical check in the conduct of war, preserving human dignity and upholding humanitarian values amidst conflict. The roots of proportionality trace back to early Christian theology and classical philosophy that emphasized the importance of nonviolence. Cicero introduced that war should aim to restore peace and begin with only a legitimate cause. Building on this notion, Augustine argued that the conditions of rightful authority and just purpose could justify a war.



Moreover, Thomas Aquinas created a comprehensive articulation of proportionality and Just War Theory in his *Summa Theologica*, in which he explored the broader moral constraints of *jus ad bellum*, proper to war, and *jus in bello*, right in war, emphasizing that even in a just war, actions should be a measure to avoid unnecessary harms to noncombatants.¹ The moral calculus emphasized that war should be commensurate with the desired outcome and prevent the destruction that could outweigh the war's objectives. Throughout history, the application of Just War Theory and its proponents varies, revealing its utility and limitations. In medieval Europe, the Code of Chivalry sought to limit the violence of knights against civilians and clergy, highlighting early efforts to codify proportionality.²

Similarly, many Islamic traditions emphasize the humanitarian aspects of warfare, prohibiting targets against women, children, and older adults. Furthermore, the development of modern international law in the wake of the Third Year's War further institutionalized conditions such as proportionality to assess warfare morality better. The history of proportionality illustrates an evolving understanding and application of proportionality, thus demonstrating how the principles fit into modern conflicts and continue to find relevance in international humanitarian law.³

The conditions of Just War Theory and proportionality culminated in the Geneva Conventions and its protocols to regulate and interpret conduct during hostilities. Initiated by the International Committee of the Red Cross, the first convention focused on protecting wounded soldiers and medical personnel during wartime; however, the conventions expanded to include protections for prisoners of war and civilians, culminating in the four conventions of 1949, which still play a critical role in international humanitarian law today. The Additional Protocols of 1977 further reinforced the establishment of the conventions and the principles of proportionality. Protocol I, identified by the Geneva Conventions, explicitly prohibits attacks that could cause excessive civilian harm concerning the concrete military advantage anticipated. Protocol I established proportionality as a legal obligation requiring combatants to balance military objectives with minimizing civilian casualties and damages to infrastructure.⁴

Furthermore, the Geneva Conventions embedded proportionality principles within the broader framework of protections. For example, Article 51 of the Protocol prohibits indiscriminate attacks, specifying that attacks must distinguish between combatants and noncombatants. The obligation of Article 51 ensures that military actions should directly interact with legitimate targets and not cause collateral damage outside of acceptable bounds. The article directly prohibits "Attacks which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive concerning the concrete and direct military advantage anticipated, are prohibited."⁵ The principle of proportionality also appears in prohibiting reprisals against civilians by employing decision-makers to take precautions to avoid harm to civilian

¹ Hurka, Thomas. "Proportionality in the Morality of War." *Philosophy & Public Affairs*, vol. 33, No. 1, 2005, pp. 34–66. JSTOR.

² Draper, G. I. A. D. "The Origins of the Just War Tradition." *New Blackfriars* 46, no. 533 (1964): 82–88. <http://www.jstor.org/stable/43244075>

³ Barak A. The historical origins of proportionality. In: *Proportionality: Constitutional Rights and Their Limitations*. Cambridge Studies in Constitutional Law. Cambridge University Press; 2012:175-210.

⁴ International Committee of the Red Cross. *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*. Adopted June 8, 1977.

⁵ International Committee of the Red Cross (ICRC). *Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, Article 51.

populations. The Geneva Conventions remain essential in shaping the conduct of war despite critiques and disparities within its application and adherence. Today, with evolving changes in warfare, the Geneva Conventions face difficulties in applying its protocols to conflicts involving new technology, calling for newer interpretations and understanding of the Geneva Protocols, ensuring continuous protection of combatants and infrastructure. Ultimately, the Geneva Conventions play a pivotal role in incorporating proportionality into international humanitarian law by codifying the limits on the use of force to mitigate the suffering of war and uphold the dignity of individuals.⁶

Significance and Motivation

At its core, proportionality reflects the ethical responsibility of actors to minimize harm to civilians and non-combatants in war. Armed conflict, while inherently destructive, does not justify indiscriminate violence or unchecked brutality; thus, adhering to proportionality ensures that military actions remain constrained by recognizing human dignity and the value of life, even in the face of strategic objections. Proportionality affirms that civilians act not as collateral damage but as individuals whose rights and welfare deserve protection. Proportionality protects against power abuses by ensuring that state actions do not cause unnecessary harm to individuals or communities. When states fail to react relative to the threat, they risk infringing upon human rights through excessive force. The moral weight of proportionality remains significant in contemporary conflicts as emerging warfare often blurs the line between combatants and noncombatants; thus, failure to adhere to proportionality can result in widespread atrocities, displacement, and long-term suffering, undermining the values states often claim to defend;⁷ therefore, “The IHL formulation of the rule of proportionality requires a balancing of the foreseeable civilian harm and the expected military advantage based on the knowledge available to the military commander at the time before the initiation of an attack.”⁸ By committing to proportionality and its principles, states demonstrate a commitment to justice and humanity, even amidst the complexities of warfare. Ultimately, proportionality is a cornerstone for protecting individuals' human rights, safety, and welfare worldwide by working to prevent long-term suffering and harm to civilians during warfare.

Moreover, in the international arena, proportionality ensures that military actions remain measured and justified, preventing unnecessary suffering and limiting the escalation of conflict. Ensuring that governments strike a balance between protecting citizens and achieving justice. Moreover, when states disregard proportionality, they risk exacerbating tensions and destabilizing regions. For example, disproportionate military responses can provoke retaliatory actions, creating cycles of violence that harden the resolve of adversaries and can drive neutral parties to align against perceived aggressives. Historical examples highlight that the excessive use of force can lead to prolonged conflicts and the depletion of support for the conflict. Conversely, proportionality fosters the possibility of post-conflict reconciliation. By minimizing harm to civilians and infrastructures, civilians can reduce the resentment and hostility that often fuel the cycles of violence and conflict.⁹ A proportionality approach

⁶ Barak A. The historical origins of proportionality. In: *Proportionality: Constitutional Rights and Their Limitations*. Cambridge Studies in Constitutional Law.

⁷ May L. The Principle of Proportionality. In: *War Crimes and Just War*. Cambridge University Press; 2007:211-232.

⁸ “Doctors Without Borders | the Practical Guide to Humanitarian Law,” n.d. <https://guide-humanitarian-law.org/content/article/3/proportionality/>

⁹ Gartner, Rosemary, and Liam Kennedy. "War and Postwar Violence." *Social Research: An International Quarterly* 85, no. 3 (2018): 633–656. <https://doi.org/10.1353/sor.2018.0046>

allows for a more apparent distinction between combatants and non-combatants, which remains crucial in achieving peace and stability. By adhering to proportionality, states are committed to resolving disputes that minimize harm and foster long-term peace.¹⁰

Additionally, a state's adherence to proportionality fosters trust among its citizens and the international community by strengthening rules-based global order. When governments act proportionally, they signal that their decisions remain rational, deliberate, and grounded within the rule of law. Adhering to proportionality builds confidence in state institutions and the military. Conversely, disproportionate actions undermine trust, leading to skepticism, unrest, and resistance. States disregarding proportionality undermine international law's credibility and encourage others to do the same. Such behavior erodes the trust necessary for diplomatic resolutions.¹¹

Moreover, adherence to proportionality sets a precedent within the international community that discourages future violations from other states. In a globalized world where conflicts create effects, the consistent application of proportionality safeguards international stability. Applying these principles demonstrates a commitment to accountability and consideration for ethical decision-making, fostering an environment where disputes are more likely to find resolution through negotiation rather than unchecked violence.¹² By adhering to proportionality, states fulfill moral obligations and contribute to a more stable and just world.

While proportionality remains a fundamental aspect of international law, motivating states to adhere to its principles remains a significant challenge. Strategies exist to encourage states to commit to proportionality, focusing on legal enforcement, strategic incentives, moral responsibilities, and international collaboration. First, one of the most effective ways to motivate adherence to proportionality exists through legal enforcement and frameworks—international courts, such as the International Criminal Court, play a pivotal role in holding states and their leaders accountable for their violations of the laws of war. Strengthening the reach and effectiveness of such acts can deter disproportionate actions in conflicts.¹³ These legal frameworks work to increase accountability by increasing efforts to document and investigate violations of proportionality. Moreover, independent organizations such as the United Nations and NGOs like Amnesty International provide vital oversight in enhancing accountability for state actions.¹⁴ The transparent reporting and publication of breaches in proportionality create reputational costs for violators, thus incentivizing states to act within the legal boundaries to avoid global condemnation.

Secondly, states remain more likely to adhere to proportionality when doing so aligns with their strategic goals of the conflict; thus, highlighting the long-term benefits of proportionality can motivate states toward committing to proportionality. Benefits such as reduced conflict duration, minimized

¹⁰ Barak, Aharon. "Proportionality's Importance." Chapter. In *Proportionality: Constitutional Rights and Their Limitations*, 457–80. Cambridge Studies in Constitutional Law. Cambridge: Cambridge University Press, 2012.

¹¹ Gartner, Rosemary, and Liam Kennedy. 2018. "War and Postwar Violence."

¹² Cocq, Celine C. 2020. "Fundamental Rights and Mutual Trust in the Area of Freedom, Security and Justice: A Role for Proportionality?" *New Journal of European Criminal Law* 11 (4): 524–27. doi:10.1177/2032284420957770.

¹³ Ehigialua, I.D. (2023). *The Future of the International Criminal Court: Reform, Consensus, and Relations with the USA* (1st ed.). Routledge. <https://doi-org.colorado.idm.oclc.org/10.4324/9781003371212>

¹⁴ Clark, Ann Marie. "Non-Governmental Organizations and Their Influence on International Society." *Journal of International Affairs*, vol. 48, no. 2, 1995, pp. 507–25. JSTOR, <http://www.jstor.org/stable/24357601>. Accessed 1 Apr. 2025.

civilian backlash, and better post-conflict reconstruction prospects can make adherence more appealing. Proportionality fosters goodwill among local populations and international allies, which can remain crucial for achieving strategic objectives. For instance, when states engage in conflicts with disproportionate force, they risk alienating neutral parties and galvanizing opposition forces. On the other hand, adhering to proportionality can enhance a state's reputation as a responsible actor, making it easier to form coalitions and secure diplomatic support. Demonstrating the practical advantages of proportionality, such as improved intelligence gathering and lower insurgent recruitment rates, reinforces its strategic value within military operations.¹⁵

Furthermore, moral responsibility remains a powerful motivator for states to adhere to proportionality. By framing proportionality as an ethical obligation grounded in shared human values, the international community can appeal to leaders and citizens. Civil society plays a crucial role in this effort by raising awareness of the human cost of disproportionate actions and advocating for humane conduct in warfare. Educational initiatives promoting international humanitarian law principles can also work toward instilling a sense of responsibility in military personnel and policymakers.¹⁶ Training programs that emphasize the ethical dimensions of proportionality ensure that decision-makers consider the consequences of their actions and prioritize the protection of civilians in operational planning. Through evoking a moral responsibility toward proportionality, states can look toward protecting non-combatant and civilian infrastructure in obligation to protect human lives.

Lastly, international collaboration is essential in motivating states to adhere to proportionality by establishing norms and mechanisms that promote compliance. Multilateral organizations such as the United Nations, NATO, and other international bodies are powerful tools for motivating states to adhere to just war principles, including proportionality, as many states are reluctant to jeopardize their standing within the international community.¹⁷ Sanctions and diplomatic measures against states that violate proportionality can further incentivize adherence. Considerations of economic and political costs, such as reducing access to trade or exclusions from other international forums, deter disproportionate actions. On the other hand, rewarding states that demonstrate adherence to proportionality with incentives such as developmental aid or favorable trade agreements can reinforce positive behavior. Ultimately, motivating states to adhere to proportionality requires a multifaceted approach that combines legal enforcement, strategic incentives, moral responsibility, and international collaboration. By strengthening accountability mechanisms, aligning proportionality with states' strategic interests, fostering a culture of moral obligation, and leveraging international pressure, the global community can create a framework that encourages adherence to this vital principle.¹⁸ Ultimately, proportionality does not serve solely as a legal requirement but also as a moral and practical necessity for ensuring the humane conduct of war and the stability of the international order.

¹⁵ "Proportionality in Customary International Law: An Argument Against Aspirational Laws of War | Chicago Journal of International Law," n.d. <https://cjl.uchicago.edu/print-archive/proportionality-customary-international-law-argument-against-aspirational-laws-war>

¹⁶ Violet. "How Civil Society Organizations Can Promote and Protect Human Rights in Challenging Contexts." DT Institute, September 20, 2023. <https://www.dt-institute.org/how-civil-society-organizations-can-promote-and-protect-human-rights-in-challenging-contexts/>

¹⁷ International Committee of the Red Cross. "The United Nations and International Humanitarian Law: The International Committee of the Red Cross and the United Nations' Involvement in the Implementation of International Humanitarian Law," June 27, 2024. <https://www.icrc.org/en/article/icrc-un-involvement-ihl-implementation>

¹⁸ "Strengthening Human Rights Accountability Mechanisms | Human Rights Institute," n.d. <https://hri.law.columbia.edu/our-work/transformation-and-empowerment/strengthening-human-rights-accountability-mechanisms>

Evolving Technology and Asymmetric Warfare

Technological Advancements

The evolution of technology and nuanced complications of asymmetric warfare significantly alter modern understandings of proportionality and its ethical, legal, and operational challenges. Technological advancements, such as precision-guided munitions, drones, and cyber capabilities, have revolutionized warfare strategies, thus shifting how scholars assess the adherence to proportionality principles. Traditionally measured through tangible ethics such as force sizes or physical damages, today's conflict often requires more nuanced considerations due to evolving warfare tactics. Advancements in military technology have revolutionized warfare, offering new opportunities and risks regarding ethical standards. For example, Precision-guided weapons allow for the targeted elimination of individuals or strategic assets with minimal collateral damage. This technology enhances the state's ability to comply with proportionality by reducing harm to civilians, creating more significant opportunities to adhere to proportionality principles; however, the same technology raises further questions about targeting civilian infrastructure, such as power grids and other communications networks that remain strategic targets.¹⁹

Moreover, autonomous weapon systems further present challenges in understanding target decision-making, as these systems often operate with minimal human oversight, raising questions about their ability to assess proportionality and civilian targets. These systems usually remain limited in their programs, raising concerns about their ability to evaluate proportionality's broader ethical and humanitarian dimensions in complex scenarios.²⁰ Additionally, the widespread use of drones also highlights the evolving technology in warfare that continues to affect the assessment of proportionality. Drones allow for persistent surveillance and precision strikes that can reduce risk to military personnel; however, many question the ability of drones to pose attacks that do not inadvertently harm non-combatants. Ultimately, evolving technology plays a fundamental role in understanding contemporary adherence to proportionality as advancements introduce new complexities to understanding the principles of international humanitarian law. While technological advancements offer opportunities to enhance compliance with proportionality, they also present significant challenges in interpreting how it applies to the ethical bounds of proportionality, thus requiring further adaptations to address these challenges.^{21,22}

Cyberwarfare

Furthermore, advancements in cyberwarfare complicate the calculus of proportionality as they often blur the lines between civilian and military targets. For example, cyber operations against a power plant may achieve significant military advantage but continue to impact civilians, creating mass loss of

¹⁹ Benjamin E. Young, "If It Ain't Broke, Don't Fix It: The Proportionality Principle and the Changing Face of War," *Stetson Journal of Advocacy and the Law*. Accessed December 9, 2024.

²⁰ Mansi Rathour, "Autonomous Weapons and Just War Theory," *International Philosophical Quarterly* 63, no. 1 (2023): 57–70. <https://doi.org/10.5840/ipq20231114215>

²¹ Beard, Jack, "The Principle of Proportionality in an Era of High Technology", in Winston S. Williams, and Christopher M. Ford (eds), *Complex Battlespaces: The Law of Armed Conflict and the Dynamics of Modern Warfare* (New York, 2019; online edn, Oxford Academic, 20 Dec. 2018)

²² Hickey, J.E. (2012). *Precision-guided Munitions and Human Suffering in War* (1st ed.). Routledge. <https://doi-org.colorado.idm.oclc.org/10.4324/9781315602004>

electricity and disrupting essential services that can create long-term substantial consequences for noncombatants. Unlike traditional kinetic operations, the damage of cyber warfare operations does not always present itself immediately, making it more challenging to assess proportionality in real time or during the decision-making processes of military strategy. Cyber operations challenge proportionality in unique ways as often the effects can remain intangible, indirect, and difficult to measure; thus, such scenarios require an entirely different framework for assessing proportionality that remains distinct from the physical attacks of warfare.^{23,24} While cyber warfare represents a critical and emerging dimension of understanding ethics in warfare, my thesis excludes this area to focus on the physical and kinetic aspects of proportionality. By narrowing the scope of my thesis, I aim to delve deeper into evolving kinetic technologies such as drones, precision-guided munitions, and autonomous systems to address modern adherence to proportionality. This focus allows for a thorough exploration of how the development of technology and modern military strategy reshapes the traditional understanding of proportionality in contexts where physical harm and destruction remain the central concerns. While cyber warfare undoubtedly remains relevant in the discourse on proportionality, its exclusion from my thesis allows for the specific assessment of challenges posed by non-cyber developments in contemporary conflict.

Asymmetric Warfare

Moreover, the rise of asymmetric warfare further reshapes the understanding of proportionality in modern conflicts as the blending of combatants within civilian populations, unconventional tactics, and other unique challenges continue to alter proportionality assessment. Asymmetric warfare, characterized by conflicts between state actors and non-state groups such as insurgents, militias, and terrorist organizations, reaches outside of the traditional bounds of proportionality as it traditionally remains understood as conduct between two state actors; thus, with the rise of asymmetric warfare, it remains imperative to evaluate the evolving role of non-state actors and asymmetric warfare in their roles of proportionality.²⁵ Non-state actors often rely upon unconventional military strategies due to their lack of technological sophistication, resources, and formal organizational structure; thus, they can resort to unconventional tactics such as guerrilla warfare, terrorism, and the strategic use of civilians as human shields.²⁶ These tactics often challenge the adherence to proportionality through the lack of distinguishing combatants and civilians, the involvement of civilian infrastructure and urban warfare, and differing technological capacities, further explaining the nuanced nature of proportionality and the difficulties in assessing adherence to its principles.

Asymmetric warfare often includes combinations of unconventional military strategies that complicate and stray from proportionality standards, complicating the adherence to these principles and the protection of non-combatants and infrastructure. First, a central challenge of asymmetric warfare is identifying legitimate military targets as non-state actors often operate within civilian populations, deliberately blurring the lines between combatants and non-combatants. For example, insurgents may

²³ Frederic Gilles Sourgens, "Supernational Law," *Vanderbilt Journal of Transnational Law* 50, no. 1 (January 2017): 155-216.

²⁴ Sandra L. Hodgkinson, "Crossing the Line: The Law of War and Cyber Engagement - Applying the Existing Body of Law to This New National Security Threat," *International Lawyer* 51, no. 3 (2018): 613-628.

²⁵ Samuel Estreicher, "Privileging Asymmetric Warfare (Part II): The 'Proportionality' Principle under International Humanitarian Law,"

²⁶ Rubinstein, A.; Roznai, Y. Human Shields in Modern Armed Conflicts: The Need for a Proportionate Proportionality. *Stanford Law & Policy Review*, [s. l.], v. 22, n. Issue 1, p. 93-128, 2011.

use residential buildings, schools, or hospitals to conceal weapons or strategic members, complicating proportionality as any attack risks significant civilian casualties or infrastructure damage. For state actors, these tactics further exacerbate the difficulties in weighing anticipated military advantage with the potential harm to civilians. When strategic decision-making seeks to minimize civilian casualties, these scenarios still risk accusations of disproportionate actions due to the unconventional tactics of asymmetric conflict.^{27,28}

Furthermore, warfare during asymmetric conflicts often occurs in urban settings where civilian infrastructure remains intertwined with military objects. In such environments, strikes on seemingly legitimate military targets, such as an enemy's headquarters in a densely populated area, can result in widespread damage. The destruction of such infrastructure could result in a lack of civilian water supplies, power grids, or hospitals, creating long-term consequences for civilian populations and raising questions about proportionality.²⁹ Technological asymmetry between state and non-state actors also introduces additional complexity to proportionality. The aforementioned advanced weaponry, such as drones and precision-guided munitions, allows states to strike targets with significant accuracy; however, these strikes can also create further harm in environments where non-state actors intentionally place civilians at risk.

Moreover, the use of force by technologically superior states can lead to perceptions of excessive or indiscriminate violence. For example, deploying high-yield explosives against armed insurgents may achieve a significant military advantage but could be viewed as disproportionate by international observers and communities. This perception can often undermine the legitimacy of a stronger party's actions and contribute to the continuation of the conflict. Lastly, asymmetric warfare usually involves non-traditional military objectives such as counterinsurgency and counterterrorism operations. These objectives cannot always tie back to specific territorial gains or the defeat of a conventional army; instead, they may focus on weakening an adversary's ideological influence, disruption of networks, or preemptive attacks. Assessing proportionality in these contexts remains challenging, as the anticipated military advantage may not have quantifiable measures compared to conventional warfare. The evolving standards of asymmetric warfare highlight the equally evolving principles of proportionality to reflect the realities of modern conflict better³⁰ ultimately. In contrast, many historical conflicts reflect warfare between two-state actors, with the rise in asymmetric warfare adapting proportionality to better address these complexities for the reassurance of adherence to just war theories and the protection of civilians and infrastructure.

Literature Review

The concept of proportionality remains critical to international law and the morality of warfare. It allows society to understand the justification of wartime strategy and the protection of noncombatants.

²⁷ Halbertal, Moshe. "Moral Challenges in Asymmetric Warfare," n.d.
[https://www.law.nyu.edu/sites/default/files/upload_documents/a%20symmetrical%20warfare%20publication%20\(1\).pdf](https://www.law.nyu.edu/sites/default/files/upload_documents/a%20symmetrical%20warfare%20publication%20(1).pdf)

²⁸ Walzer, Michael. "Proportionality and Responsibility." *Philosophy and Society* 31, no. 3 (2020): 385–392.
<https://doi.org/10.2298/FID2003385W>

²⁹ Knoops, Geert-Jan Alexander. 2009. "The Duality of the Proportionality Principle within Asymmetric Warfare and Ensuing Superior Criminal Responsibilities." *International Criminal Law Review* 9 (3): 501–29.
doi:10.1163/157181209X457965.

³⁰ Justus Reid Weiner. *Proportionality in Modern Asymmetrical Wars*. Jerusalem Center for Public Affairs, 2006.

This review synthesizes critical scholarly perspectives on the origins and applications of proportionality, technological advancements, and historical cases to understand proportionality's relevance to modern conflicts and legal frameworks.

Barak's work on the historical origins of proportionality offers a comprehensive understanding of its basis in constitutional law. His analysis explains that proportionality, rooted in concepts such as the *Magna Carta*, has long been used to prioritize human rights and interests. The *Magna Carta*'s emphasis on matching punishments to offenses has evolved into international principles that guide the use of force and military intervention. These historical insights provide a deep connection to the past, helping us understand how proportionality is applied legally and in wartime contexts and creating a foundation for proportionality's role in Just War Theory.

Furthermore, Hurka's analysis emphasizes that proportionality remains critical in understanding the Just War Theory. He distinguishes between *jus ad bellum* (justification for going into War) and *jus in bello* (the conduct of war), highlighting the complexities of evaluating proportionality.³¹ When weighing the intended benefits of military strategy against the potential harms to communities and noncombatants, Hurka makes a notable distinction between "relevant goods" (achieving causes) and "relevant evils" (unintended civilian casualties). This distinction underscores the importance of understanding the moral dilemmas involved in balancing military objectives and the protection of noncombatants, making the weight of these decisions palpable.³²

The evolving nature of warfare presents unique challenges in applying the traditional concepts of proportionality. Lubell and Cohen's research addresses the difficulties in applying *jus ad bellum* principles to modern conflicts, where the aggressor and defender roles are often ambiguous. These authors argue that the preexisting legal frameworks for understanding proportionality in modern conflicts are insufficient, as today's asymmetric wars do not have precise starts and ends. This urgency calls for an alternate solution and understanding of the Just War Theory in today's conflicts. Lubell and Coen present the idea of "Strategic proportionality" by advocating for assessing proportionality throughout conflicts rather than only focusing on specific incidents during warfare. Their perspective underscores the ongoing relevance of proportionality, highlighting the need to be constantly monitored throughout disputes to ensure the most accurate and fair application of proportionality in asymmetric warfare.³³

As warfare continues to evolve, May explores the moral implications of proportionality in warfare in understanding the discrimination between combatants and noncombatants. May argues that a more apparent distinction between combatants and noncombatants will allow for better adherence to proportionality principles and reduced civilian casualties. May contends that modern conflicts often blur these lines and distinctions, leading to unnecessary civilian harm, thus arguing that states should more clearly predetermine combatants and noncombatants to remain in compliance with proportionality. May also explores limiting military force, which can serve as a constraint in maintaining proportionality in warfare. May's perspective highlights how proportionality intersects

³¹ Barak A. The historical origins of proportionality. In: Proportionality: Constitutional Rights and Their Limitations.

³² Hurka, Thomas. "Proportionality in the Morality of War." *Philosophy & Public Affairs*, vol. 33, No. 1, 2005, pp. 34–66.

³³ Lubell, Noam, and Amichai Cohen. "Strategic Proportionality: Limitations on the Use of Force in Modern Armed Conflicts." U.S. Naval War College Digital Commons.

with humanitarian law and the protection of civilians, thus pointing to an understanding of why proportionality plays a critical role in combat and legal rulings on the adherence to proportionality.^{34,35}

Moreover, many scholars point out the relevance of human shields in understanding proportionality and the distinction between noncombatants and combatants. In many modern conflicts, the use of human shields is widely considered against humanitarian law and standards; however, with the growing blurred lines in asymmetric warfare, many smaller and weaker warring parties can embed themselves within civilian populations, risking their violations with proportionality. Rubinstein and Roznai note that these weaker forces often exploit moral obligations and standards by using civilian lives as shields, knowing that international standards call for military strategy to limit civilian deaths. The authors note that this tactic in warfare causes unnecessary harm to civilian lives and skews the framework of International Humanitarian Law. These authors argue that to continue to adhere to just war proportionality, the actions of both the acting and defending party must be held responsible in their distinction between noncombatants and combatants; therefore, even defending parties must not involve civilians in warfare, similar to how offensive military strategy should not target civilians. Defenders must also bear the responsibility for causing harm to civilians, thus discouraging the practice of human shields and restoring balance to the application of International Humanitarian Law.³⁶

To better understand proportionality in modern conflicts, it remains imperative to under-analyze previous conflicts and the consequences and advantages of proportionality. There are many historical perspectives on understanding the ethical dilemmas of American military engagements. First, the case of Agent Orange reflects the U.S.'s application of proportionality during the Vietnam War and the effects it had on civilians. Agent Orange reflects the long-lasting impacts of military offensive measures on civilians and the environment, pointing to the complexities of proportionality and its application.

Agent Orange, a chemical herbicide used during the Vietnam War, aimed to destroy crops and the forests that many Vietnam combatants and civilians lived in. The deployment of Agent Orange exposed nearly 4.8 million Vietnamese people to harmful side effects that led to extensive deaths, disabilities, congenital disorders, and more that continue to harm generations to this day—these widespread effects of Agent Orange point to the humanitarian crises that disproportionate warfare can cause. Agent Orange sets the background in evaluating the legal and ethical dimensions in determining the application of proportionality during warfare as the chemical deeply impacted the Vietnamese community long after the War. Furthermore, the use of Agent Orange raises questions about the use of chemical warfare and its role in proportionality. A key understanding of humanitarian law and the principle of proportionality remains the principle of distinction in which combatants and those determining military strategy must differentiate between military targets and civilians. The extensive and indiscriminate use of Agent Orange across Vietnam highlights the U.S. failure to adequately protect non-combatants during the War, highlighting the core principle of proportionality was not applied during the Vietnam War, thus harming many civilians in the long run. Agent Orange

³⁴ May L. The Principle of Proportionality. In: War Crimes and Just War. Cambridge University Press; 2007:211-232.

³⁵ May, L. Jus Post Bellum Proportionality and the Fog of War. *European Journal of International Law*, [s. l.], v. 24, n. 1, p. 315–333, 2013. DOI 10.1093/ejil/chs084 Disponível em.

³⁶ Rubinstein, A.; Roznai, Y. Human Shields in Modern Armed Conflicts: The Need for a Proportionate Proportionality. *Stanford Law & Policy Review*, [s. l.], v. 22, n. Issue 1, p. 93–128, 2011. Disponível em <https://research.ebsco.com/linkprocessor/plink?id=d9a61051-4022-369c-92c7-be247d36b8d8>. Acesso em: 24 out. 2024.

remains a crucial example in understanding the violation of proportionality principles, as the harm caused to civilians remains excessive compared to the military advantage sought. The long-term effects, such as illnesses, deaths, ecological damages, and long-term suffering caused by Agent Orange, far exceed the immediate military benefits of the chemical. Ultimately, the outcome of Agent Orange highlights the consequences of the failure to adhere to the principles of proportionality and the effects it can have on human life.^{37,38}

Agent Orange plays a key role in the framework of Just War Theory as it serves as an example of understanding the ethical conduct of war, the analysis of military actions, and the balance between harm to civilians and strategic gains. The U.S.'s use of Agent Orange and its failure to adhere to proportionality *jus in bello* caused a severe and widespread impact on civilians that did not balance the tactical objectives of defoliation and crop destruction. As the Just War theory emphasizes, military strategy should minimize civilian suffering and not cause long-term humanitarian impact, again highlighting the U.S.'s failure to adhere to these principles. Furthermore, Palmer explores the difficulties in holding the US and chemical companies accountable for their use of Agent Orange, as legal efforts have failed to gain compensation for Vietnamese victims, calling for a more equitable approach in warfare and its effects upon civilian populations. The enduring effects that Agent Orange left upon Vietnamese people call for a stricter adherence to proportionality to protect noncombatant lives, infrastructure, and the environment.

Furthermore, *Ethics of the Vietnam War* by Paul Mageli highlights the moral dilemmas during the Vietnam War by pointing to the debates in American foreign policy and the U.S.'s ability to meet the criteria of Just War Theory. Mageli highlights the critiques of the War, arguing that the harm inflicted upon the Vietnamese population far outweighed the objectives; thus, these chemical agents, alongside the acts of napalm bombings and free-fire zones, contributed to unnecessary and extensive widespread civilian suffering that challenged ethical justification. Overall, the literature on the use of Agent Orange during the Vietnam War created a critical analysis of the neglect of proportionality in U.S. foreign policy by examining the severe and long-lasting impacts of the chemical upon noncombatants and the environment.³⁹

Furthermore, the firebombings in Japan exemplify further ethical considerations of proportionality in historical conflicts by examining American Foreign Policy and its decisions to attack Japanese civilians during World War II. In Gladwell's analysis of the Japanese firebombings, he highlights the competing philosophies used by the U.S. Army Air Force during the War. One group, "The Bomber Mafia," advocated for precision bombing that would use advanced technologies to destroy civilian infrastructure with minimal civilian casualties. This strategy aimed to limit the Japanese wartime capacity by destroying key factories, power plants, and refineries that assisted Japan's war efforts; however, the effectiveness of precision bombing remained limited due to technical challenges, and another strategy arose. Driven by Curtis Lew May, the tactic of firebombing would target entire cities with incendiary bombs that would destroy both industrial sites and civilian areas. Gladwell highlights that the tensions between these key offensive strategies demonstrate militaries' adherence to

³⁷ Palmer, Michael G. 2003. "Healing the Wounds of War? A Discussion of Agent Orange Compensation Programmes in the United States and Vietnam." *International Journal of Comparative Sociology* 44 : 266–79.

³⁸ Patterson, Eric. 2019. *Just American Wars : Ethical Dilemmas in U.S. Military History* / Eric Patterson. Routledge, Taylor and Francis Group.

³⁹ Mageli, Paul D. "Ethics of the Vietnam War." *Salem Press Encyclopedia*, September 1, 2022.
<https://research.ebsco.com/linkprocessor/plink?id=e9099c54-4cd6-343c-91e4-0695ed5374c6>

proportionality principles. The Bomber Mafia's tactic highlighted a more humane form of proportionality principles, leading to a vision that would have caused significantly less harm to civilians; however, American policy went with a strategy that did not uphold Just War Theory and deliberately targeted noncombatants and caused civilian casualties. The shift to firebombings highlights the prioritization of military objectives over minimizing civilian casualties, raising significant ethical questions. The use of incendiary bombs demonstrates a departure from the proportionality ideals. Ultimately, the Firebombings of Japan show the complexities of proportionality when using technologies and military objectives, explaining the ongoing tensions between strategic necessity and ethical decision-making in wartime efforts.⁴⁰

Another key historical event that highlights the complexities between proportionality and warfare and the distinction between combatants and noncombatants in warfare remains the bombing of Dresden and the strategic decision-making and its moral implications. The attack in Dresden resulted in a devastating firestorm that killed thousands of civilians. Different from other bombing campaigns, the attack on Dresden directly targeted a city of civilians, highlighting a departure from proportionality principles. The aftermath of the bomb led to discourse surrounding the ethical considerations of the War, debating the brutal effects of the War on the protection of citizens. The Dresden raid blurred the lines between clear military objectives and indiscriminate harm. At the same time, the Allies targeted Dresden's transportation infrastructure, and an extensive amount of damage was placed upon citizens, raising concerns about the adherence to the principle of proportionality. Biddle touches on the Doctrine of Double Effect, which permits causing civilian harm if it is unintentional and the action is aimed at a legitimate military goal; however, the bombing of Dresden demonstrates a departure from this principle. Biddle argues that the Allies' decision-making processes reflect a growing disregard in modern conflicts for the principle of proportionality.⁴¹

Furthermore, Saunders highlights how many contemporary conflicts echo the criticisms of the Dresden bombings. This thesis illustrates how previous conflicts can inform modern military strategy, adopting proportionality principles to protect civilians. Saunders argues that the philosophical dilemmas in Dresden have influenced subsequent generations' understanding of the justifications for military objectives. The implications of the Dresden Bombings influence how societies understand morality during warfare, highlighting the need for recognition of decisive military action and adherence to moral principles. Overall, the attack on Dresden is a reminder to consider ethical obligations during warfare when deciding on military actions.⁴²

Overall, Agent Orange, the firebombings on Japan during World War II, and the bombing of Dresden all illustrate the importance of adhering to the principle of proportionality in warfare by highlighting the extensive consequences of the disproportionate use of force. All of these events caused mass civilian destruction that remains far beyond the necessary means to achieve military objectives. Ultimately, these cases underscore the ethical obligation to balance military objectives with minimizing harm to civilians to align with international humanitarian standards.

⁴⁰ Preston, Diana. "Book World: Wrestling with the strategy - and morality - of the firebombing of Japan." *Washington Post*, April 23, 2021, NA. *Gale General OneFile*.

⁴¹ Biddle, Tami Davis. "Sifting Dresden's Ashes." *The Wilson Quarterly* (1976-) 29, no. 2 (2005): 60–80. <http://www.jstor.org/stable/40260966>

⁴² Saunders, Doug. "Lessons of Dresden are much misremembered." *Globe & Mail* [Toronto, Canada], February 12, 2005, F3. *Gale In Context: Environmental Studies*.

Research Methods and Approach

To address challenges in evolving technology and the rise of asymmetric warfare, many legal scholars and practitioners suggest several approaches to evaluate these challenges and pose possible solutions that continue to promote the adherence to proportionality *jus in bello*. One of the most formalized methods for assessing proportionality employs quantitative cost-benefit analysis to weigh the anticipated military advantage of operations against the expected collateral damage. Scholars such as Michael Walzer and James Pattison suggest that proportionality can often be analyzed through a cost-benefit framework.^{43,44} Advocates of the quantitative approach argue that it draws upon economic and decision-theory models assigning values to objectives such as the destruction of enemy assets or territorial gains contrasted with the estimated casualties and infrastructural damages. Practitioners of this approach often operate tools such as “collateral damage estimation models” employed by militaries such as the United States. These models attempt to predict civilian casualties using algorithms that factor in munition types, blast radii, and population densities. While these tools offer a semblance of objectivity in assessing proportionality, many critics argue that these tools oversimplify complex moral judgments. For example, Kenneth Watkins highlights that reducing civilian harm to numerical estimates risks disregarding the qualitative suffering of affected communities, such as long-term displacement or psychological trauma.⁴⁵ Despite the analytical clarity that the quantitative approach brings, it struggles to accommodate inherent subjectivity in assigning numerical values to human lives. Despite these critiques, these models often provide a structured framework for decision-makers to consider proportionality systematically.

Furthermore, many legal scholars argue that proportionality assessments must remain grounded in international humanitarian law. Articles 51 and 57 in the aforementioned Additional Protocols to the Geneva Conventions obligate combatants to minimize civilian harm and prohibit attacks expected to cause excessive harm; thus, practitioners propose that embedding legal advisors within military operations can provide real-time guidance on proportionality. Such mechanisms aim to ensure compliance with legal standards while fostering a culture of accountability. On the other hand, critics highlight that the effectiveness of legal oversight depends on states' political will and advisors' impartiality, thus hindering the ability to assess real-time proportionality.⁴⁶ Ultimately, advocates for strengthening IHL remain critical in ensuring adherence to proportionality through increased legal scrutiny and accountability.

Another approach to assessing adherence to proportionality lies within the emphasis on Scenario-based planning is where military strategists evaluate hypothetical cases to anticipate proportionality dilemmas. By analyzing past conflicts and simulating potential operations, practitioners can identify patterns of harm and benefit, allowing for more informed decisions during real-time operations. Scholar Helen Frowe emphasizes the importance of case studies in developing principles that address proportionality challenges, such as using drones or urban warfare. For example, the extensive documentation of many historical conflicts provides insights into proportionality assessments in air

⁴³ Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 5th ed. (New York: Basic Books, 2015).

⁴⁴ James Pattison, *Just War Theory and the Privatization of Military Force* (Oxford: Oxford University Press, 2014).

⁴⁵ Watkins, Colonel Kenneth “Combatants, Unprivileged Belligerents and Conflicts in the 21st Century | Harvard Humanitarian Initiative,” n.d., <https://hhi.harvard.edu/publications/combatants-unprivileged-belligerents-and-conflicts-21st-century>

⁴⁶ International Committee of the Red Cross (ICRC). *Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, Article 51.

campaigns.⁴⁷ These studies continue to serve as a cornerstone for refining proportionality principles, highlighting the constant need to evaluate military strategy and adaptation of operations that more closely adhere to proportionality.

Building upon the approaches outlined above, this thesis aims to contribute to the discourse on proportionality by leveraging the lessons of past conflicts to develop practical insights for addressing proportionality challenges in modern warfare. Historical case studies provide invaluable data in understanding the successes and failures of proportionality assessments, thus offering a foundation for refining the frameworks that guide military decision-making today. This research will identify patterns, gaps, and opportunities to improve adherence to proportionality in contemporary and future conflicts by analyzing how decision makers once evaluated, implemented, or neglected proportionality principles in past conflicts. The core of this thesis will involve an in-depth analysis of key historical conflicts where proportionality discussions and critiques remain prominent in the debates on the morality and legality of military actions. These examples include the World War II firebombings of Japan, the World War II bombing of Dresden, Agent Orange during the Vietnam War, the Nato Bombing of Yugoslavia, the 2002 U.S. Iraq Invasion, and the 2011 NATO air campaign on Libya. The conflicts chosen for the thesis represent a broad historical and geopolitical spectrum in which the principle of proportionality faced violation of adherence in varying degrees. These case studies include 20th and 21st-century conflicts involving state and non-state actors, conventional and asymmetric warfare, and a range of military technologies to understand the evolving nature of the doctrine of proportionality. By analyzing diverse conflicts across different eras and strategic conflicts, these events highlight the devastating impact of excessive force and the indiscriminate harm inflicted on civilian populations. Ultimately, this thesis aims to illustrate the ethical consequences of such actions and their enduring significance in the discourse on Just War Theory.

Each case study will explore the following elements: the context of the conflict, a proportionality assessment framework, the outcomes and consequences, and the lessons learned. The proportionality assessment framework will explore what methods—quantitative, qualitative, or legal decision-makers employ or neglect in the assessment of proportionality through three primary factors: military necessity, anticipated harm to civilians, and the balance of harm and gain. With the use of military documents, academic literature, statistical data, and reports to analyze the decision-making processes in implementing proportionality and patterns in adherence or violation across multiple conflicts, this combination of data allows for a comprehensive review of the application of proportionality as it compares military action and analysis by scholarly sources to understand the policies during these conflicts. Through these case studies, this thesis will evaluate how proportionality assessments in prior conflicts aligned with ethical and legal standards to analyze proportionality in practice, highlighting its strengths and limitations in assessing today's conflicts.

While historical analysis provides critical insights into understanding the application of proportionality in contemporary contexts, this thesis will also integrate a combination of the aforementioned approaches – quantitative models, scenario-based planning, legal oversight, technological innovations, and holistic ethical frameworks – to construct a more comprehensive method toward evaluating *jus in bello* proportionality today. The research will examine leaders' rationale in understanding the political, strategic, and moral considerations that influence decision-making. Moreover, it will explore whether these cases prompted significant changes in IHL or practices within interstate war conduct that reshaped how states and leader perceive their obligations under IHL. The research aims to provide a

⁴⁷ Helen Frowe, *The Ethics of War and Peace: An Introduction*, 2nd ed. (London: Routledge, 2016).

nuanced understanding of how individual decisions intersect with international norms by addressing these questions. This thesis uses quantitative models to assess measurable aspects of proportionality, such as casualty estimates, to inform discussions about the utility of structured calculations in decision-making. This approach aims to contextualize the decisions made by leaders within the socio-political context and historical environments in which they were prominent, as many complex factors play a role in understanding why confident leaders took the routes they did. By analyzing motivation and the impact of leaders in adhering to proportionality, this thesis aims to contribute to the broader discourse of the realities of decision-making in armed conflict and the legal principles that bind countries.

Furthermore, this thesis will examine legal oversights to ensure compliance toward proportionality in the face-shifting mechanisms of war. On the same note, this thesis will assess the role of technological innovations in minimizing harm and creating ethical accountability. Lastly, holistic ethical frameworks will contextualize proportionality within broader moral considerations to emphasize long-term impacts on civilian populations and global stability. This thesis hopes to create a comprehensive outlook on these conflicts and the Just War Theory by taking a qualitative approach to interpreting data. Through these case studies, this thesis will evaluate how proportionality assessments in prior conflicts aligned with ethical and legal standards to analyze proportionality in practice, highlighting its strengths and limitations in assessing today's conflicts. By engaging diverse methodologies, this thesis aims to develop a more interdisciplinary framework for proportionality assessments that accounts for the immediate demands for military operations and the broader ethical imperatives of Just War Theory.

While there remains no definitive quantitative method to measure proportionality, states can still take steps to adhere more closely to its principles. Despite the inherently subjective subjects of human life and military objectives, states can mitigate many of the thesis challenges by adopting frameworks considering proportionality, thus promoting accountability in decision-making. While perfect precision may remain unattainable, such measures can significantly reduce the risk of disproportionate harm, reinforcing the moral legitimacy and legal compliance of military actions.⁴⁸ The ultimate goal of this thesis is to offer actionable recommendations for how modern conflicts can better adhere to the principle of proportionality using the lessons gathered from historical conflicts. In an era characterized by asymmetrical warfare, rapid technological advancements, and complex geopolitical dynamics, this research will demonstrate how lessons from past conflicts combined with a multifaceted evaluation framework can guide militaries, policymakers, and international bodies in making more ethical and practical decisions. This thesis seeks to bridge the gap between theory and practice in evaluating proportionality by grounding analysis in historical precedent and engaging a range of contemporary approaches. In doing so, this thesis aims to contribute to the ongoing efforts to ensure the just conduct of war in an increasingly complex world.

Case Studies

NATO Air Campaign in Libya: Operation Unified Protector

To understand failure in proportionate adherence, it remains imperative to understand the efforts to apply these principles in at least one case. Namely, the 2011 NATO air campaign in Libya, known as

⁴⁸ Lubell, Noam, and Amichai Cohen. "Strategic Proportionality: Limitations on the Use of Force in Modern Armed Conflicts." U.S. Naval War College Digital Commons.

Operation Unified Protector, originated to protect civilians from attacks by the authoritarian rule of Muammar Gaddafi's forces during the Libyan Civil War. The United Nations approved the operation through Security Council Resolution 1973, which authorized "all necessary measures" to protect civilians and enforce a no-fly zone over Libya. The NATO intervention played a significant role in tipping the balance of power in favor of the Libyan opposition and ultimately led to the overthrow and death of Gaddafi. While many scholars and civilians critique this intervention and its outcomes, it critically accounts for the evolving nature of proportionality. It attempts to limit noncombatant casualties in the search for military goals. Ultimately, NATO's air campaign highlights an attempt to adhere to proportionate standards as the anticipated military advantage did not outweigh the civilian harm, reflecting compliance with international humanitarian law.

First, NATO's primary objectives were to enforce the no-fly zone, protect civilians from Gaddafi's forces, and implement an arms embargo. Throughout the campaign, NATO conducted over 26,000 air sorties, including 9,600 strike sorties targeting Libyan military installations, command centers, and heavy weaponry. The precision and restraint demonstrated during the campaign can highlight the adherence to the principle of proportionality as NATO minimized civilian casualties and collateral damage while effectively degrading Gaddafi's military capabilities. The legal basis for NATO's intervention derived from the UN Security Council Resolution 1973, which authorized member states to protect civilians and civilian-populated areas under threat of attack to enforce a no-fly zone to prevent Gaddafi's forces from launching airstrikes on rebel-held cities.⁴⁹ The resolution also imposed an arms embargo and asset freeze on the Gaddafi regime. Notably, the resolution explicitly excluded foreign occupants, emphasizing the protection of civilians rather than regime change.⁵⁰ Notably, NATO's rules of engagement sought to minimize civilian casualties and collateral damage, reflecting a commitment to proportionate and distinction. The campaign employed precision-guided munitions and detailed intelligence assessments to ensure that targets remained legitimate military objectives. By restricting airstrikes to military assets directly threatening civilians, NATO demonstrated restraint and precision in its use of force, aligning with the UN mandate to protect civilians.⁵¹

One of the key challenges NATO faced was that Gaddafi's military assets existed within civilian areas. In cities such as Tripoli, Misrata, and Sirte, Gaddafi's forces used residential buildings, schools, and hospitals as military outposts, placing civilians in direct harm's way. In such an environment, airstrikes carried a high risk of collateral damage, even with precision-guided munitions. First, NATO air strikes targeted military command centers, air defense systems, and heavy weaponry positioned within densely populated areas. The proximity to these targets increased the likelihood of collateral damage. Next, Gaddafi's forces deliberately placed civilians near military assets to deter NATO airstrikes. This tactic made it difficult to strike legitimate military targets without endangering civilians. Lastly, while NATO conducted strikes at night to avoid harming civilians, some airstrikes inevitably hit civilian structures mistaken for military sites. The intensity of bombings in Tripoli and Sirte, where NATO sought to eliminate Gaddafi's strongholds, faced an increased anticipated civilian toll.⁵²

⁴⁹ United Nations Security Council, *Resolution 1973 (2011)*, S/RES/1973, March 17, 2011, [https://undocs.org/S/RES/1973\(2011\)](https://undocs.org/S/RES/1973(2011))

⁵⁰ Marvin R. Aaron and David R. D. Nauta, "Operational Challenges of the Law on Air Warfare: The Example of Operation Unified Protector," *Military Law and Law of War Review* 52, no. 2 (2013): 353–378.

⁵¹ National Defense University Press. n.d. "Reflections on Operation Unified Protector." <https://ndupress.ndu.edu/Media/News/News-Article-View/Article/577509/reflections-on-operation-unified-protector/>

⁵² National Defense University Press, "Reflections on Operation Unified Protector."

Despite the inherent risks of an air campaign in urban settings, NATO sought to implement strict rules of engagement and targeting protocols to mitigate harm. Recognizing the high likelihood of civilian casualties, NATO adopted several measures to limit collateral damage, including Precision-guided munitions, intelligence and surveillance, the willingness to abort missions, and the avoidance of civilian infrastructure. First, NATO used laser-guided bombs and GPS-guided missiles to ensure the accurate targeting of military assets, reducing the likelihood of hitting civilian structures. Next, NATO conducted extensive surveillance using drones, satellites, and reconnaissance aircraft to confirm military targets. This pre-strike intelligence gathering helped minimize the risk of mistaken identity strikes. Then, NATO's rules of engagement allow pilots to abort missions if they detect civilian presence. On multiple occasions, pilots and decision-makers called off airstrikes due to the unacceptable risk to civilians.⁵³ Lastly, unlike past military interventions where civilian infrastructure often suffered heavy damage, NATO took deliberate steps to avoid bombing non-military targets. Key civilian infrastructure, including water treatment plants, power grids, hospitals, and residential buildings, were exempted from targeting unless they assisted military purposes. Even though Gaddafi's forces deliberately embedded military assets in civilian areas, NATO continuously abandoned missions where civilian residents reassessed high-risk targets in densely populated areas to minimize collateral damage and conducted missions at night to minimize civilian casualties.⁵⁴

In the end, despite the challenges of urban warfare, independent reports confirm that NATO's airstrikes resulted in relatively low civilian casualties. According to Human Rights Watch, NATO airstrikes led to approximately 72 civilian deaths in eight separate incidents, demonstrating a relatively low number for a campaign involving over 26,000 sorties and 9,600 precision strikes. These findings show no evidence of systematic or indiscriminate bombings of civilian areas. Additionally, NATO did not use cluster munitions, which historically have caused high civilian casualties and minimal collateral damage, contributing to the low number of unintended deaths relative to the scale of the operation. Ultimately, the anticipated civilian casualties of NATO's Libya campaign demonstrated a careful assessment and mitigations through target precision, intelligence gathering, and operational restraint. Unlike previous air campaigns, NATO strictly adhered to the principle of distinction, ensuring only military targets faced targeting. Moreover, they limited collateral damage by avoiding civilian infrastructure and adjusting strike times. Given these factors, NATO's Libya air campaign represents one of the most proportionate air interventions in modern warfare. While no military interventions completely evade unintended civilian harm, the strategic military advantage of protecting civilians and enforcing a no-fly zone outweighed the minimal civilian casualties incurred. Ultimately, the campaign is a model for adhering to proportionality in military operations, proving that effective force can adhere to proportionality, leading to minimal harm to civilians.⁵⁵

Still, it remains imperative to analyze the balance of harm and gain within the campaign to understand the adherence to proportionality. The intervention authorized by United Nations Security Council Resolution 1973 mandated using "all necessary measures" to protect civilians and enforce a no-fly zone over Libya.⁵⁶ Unlike many other interventions, NATO's air campaign carried the risk of civilian

⁵³ Marvin R. Aaron and David R. D. Nauta, "Operational Challenges of the Law on Air Warfare: The Example of Operation Unified Protector," *Military Law and Law of War Review* 52, no. 2 (2013): 353–378.

⁵⁴ North Atlantic Treaty Organization, "Operation UNIFIED PROTECTOR," *Fact Sheet*, October 2011, https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2011_10/20111005_111005-factsheet_protection_civ.pdf

⁵⁵ North Atlantic Treaty Organization, "Operation UNIFIED PROTECTOR Final Mission Stats," November 2, 2011, https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2011_11/20111108_111107-factsheet_up_factsfigure.pdf

⁵⁶ United Nations Security Council, *Resolution 1973 (2011)*, S/RES/1973, March 17, 2011,

casualties and collateral damage, raising concerns about whether the harm inflicted justified the gains achieved. However, a thorough examination of the military strategy, proportionately adherence, and overall humanitarian impact reveals that the strategic, humanitarian, and long-term political gains significantly outweighed the harm caused. NATO's intervention saved thousands of civilians, prevented a massacre in Benghazi, and contributed to ending Gaddafi's brutal dictatorship, demonstrating that the benefits of the campaign far exceed the limited civilian harm incurred.⁵⁷

By enforcing a no-fly zone and conducting targeted airstrikes, NATO prevented an imminent humanitarian catastrophe and disrupted Gaddafi's ability to continue his violent campaign. The destruction of Libyan air defenses, command centers, and heavy artillery allowed opposition forces to resist government attacks, giving civilians a chance to flee conflict zones. Without NATO's intervention, Gaddafi's forces would have likely massacred thousands in Benghazi and other opposition-controlled cities, an outcome that would have caused great human suffering and damage. In this context, the gain of preventing large-scale civilian deaths exceeded the limited civilian harm incurred.⁵⁸

Moreover, despite the risks inherent to the campaign, NATO carefully adhered proportionately, minimizing civilian harm while maximizing military effectiveness. Unlike other aerial campaigns where widespread indiscriminate bombing occurred, NATO exercised restraint by using precision-guided munitions (PGMs) and intelligence-driven targeting. Each airstrike already incurred extensive reconnaissance and satellite surveillance, ensuring that only military targets such as airfields, tanks, and command centers remained the only ones targeted. When intelligence indicated a high likelihood of civilian casualties, decision-makers delayed or aborted these strikes. As a result, the total civilian death toll from NATO airstrikes remained significantly low compared to other military interventions.

One of the most significant long-term gains of NATO's intervention was the collapse of Gaddafi's dictatorship, which had ruled Libya with an authoritarian leadership since 1969. Gaddafi's regime was notorious for severe human rights abuses, political repression, extrajudicial killings, and suppression of dissent, threatening the livelihood of many. His control over Libya's vast oil wealth and security apparatus allowed him to maintain power through fear and violence. By neutralizing his military capabilities, NATO intervention weakened his grip on power, ultimately enabling Libyan opposition forces to capture and execute him. The fall of Gaddafi marked the end of one of Africa's longest-standing autocratic regimes, opening the possibility for democratic governance and greater freedoms in Libya.⁵⁹

In addition to its immediate military and humanitarian gains, NATO's intervention set a precedent for international responses to mass atrocities, reinforcing the Responsibility to Protect (R2P) doctrine, which "ensures that the international community never again fails to halt the mass atrocity crimes of genocide, war crimes, ethnic cleansing and crimes against humanity," placing a strong emphasis on

[https://undocs.org/S/RES/1973\(2011\)](https://undocs.org/S/RES/1973(2011))

⁵⁷ Bouckaert Peter, "Death of a Dictator," *Human Rights Watch*, March 28, 2023, <https://www.hrw.org/report/2012/10/16/death-dictator/bloody-vengeance-sirte>

⁵⁸ Elena Yulisa Johnson Lafferty, "Ousting Gaddafi: Weighing the Outcomes of Operation Unified Protector," by Jane K. Cramer and David Frank, *University of Oregon Department of Political Science* (thesis, 2020), https://socialsciences.uoregon.edu/sites/default/files/2023-02/polisci_philoshermanbennettprize_johnson-lafferty.pdf

⁵⁹ Bouckaert Peter, "Death of a Dictator," *Human Rights Watch*, March 28, 2023, <https://www.hrw.org/report/2012/10/16/death-dictator/bloody-vengeance-sirte>

the protection of civilians and noncombatants.⁶⁰ The operation demonstrated that the international community could act decisively to prevent crimes against humanity, strengthening the legitimacy of UN-sanctioned military interventions. It showed that states committing human rights violations would not remain permissible, potentially deterring other authoritarian regimes from engaging in mass violence against their populations. The intervention also bolstered NATO's credibility as a force for humanitarian protection, proving that military alliances could serve a role beyond traditional self-defense missions.⁶¹

Ultimately, comparing harm and gain in the NATO air campaign against Libya highlights that the strategic and humanitarian benefits far outweighed the collateral damage incurred. By stopping Gaddafi's forces from committing crimes, enforcing a UN-backed no-fly zone, and contributing to the collapse of a repressive dictatorship, NATO achieved critical military and ethical objectives while keeping civilian casualties at a historically low level for an air campaign of this scale. While many critiques exist of NATO's intervention in Libya, the case still presents itself as a valuable instance of attempts to adapt to proportionality. The intervention set a precedent for future humanitarian missions, demonstrating that force can proportionally protect civilians while maintaining adherence to international humanitarian law. However, Libya's post-war instability remains a challenge. NATO's air campaign ultimately saved thousands of lives and prevented large-scale war crimes, making it a justified and necessary intervention where the gain decisively outweighed the harm.

World War II: Firebombings of Japan

The World War II firebombings of Japan highlight a failure to adhere to proportionality principles as the U.S. led firebombings against Japan, culminating in one of the most devastating military actions in modern history. By 1945, the Pacific War had reached a critical juncture in which Japan's military resistance remained formidable, but its industrial capacity and supply chains remained weakened by Allied Forces. To accelerate Japan's surrender, the United States launched firebombing campaigns that targeted densely populated civilian areas with a propagated objective of crippling Japan's war-making capabilities. Using B-29 bombers, loaded with incendiary devices, the U.S. targeted Japan's wooden cities, aiming to destroy its industrial and logistical infrastructure; however, the attacks inevitably caused massive casualties and destruction of non-military assets. The infamous firebombing of Tokyo on March 9th, 1945, alone killed an estimated 100,000 civilians, injuring over a million, and left much of the city in ashes. Many similar campaigns followed, such as Nagoya, Osaka, and Kobe, which contributed to deaths in the hundreds of thousands. While many proponents of the strategy argue that the attacks remained necessary to undermine Japan's capacity to fight and hasten the end of the war, many critics viewed the indiscriminate destruction and loss of civilian life as a violation of proportionality principles.^{62,63,64}

⁶⁰ "What Is R2P? - Global Centre for the Responsibility to Protect," Global Centre for the Responsibility to Protect, February 21, 2025, <https://www.globalr2p.org/what-is-r2p/>

⁶¹ McNamara, "International Law, NATO's Campaign to Kill Gaddafi and the Need for a New Jus Cogens," *Beijing Law Review* 9, no. 4 (September 2018): 499–523.

⁶² Preston, Diana. "Book World: Wrestling with the strategy - and morality - of the firebombing of Japan." *Washington Post*, April 23, 2021, NA. *Gale General OneFile*

⁶³ Gladwell, Malcolm. *The Bomber Mafia*. Findaway World, LLC, 2022.

⁶⁴ Hoyt, Edwin Palmer. 2000. *Inferno: The Firebombing of Japan, March 9-August 15, 1945* / Edwin P. Hoyt. Madison Books.

For this and subsequent case studies, this thesis employs an assessment framework of the factors above military necessity, anticipated harm to civilians, and the balance of harm and gain to understand the considerations toward just war principles. First, in the case of military necessity, many suggested that the primary justification for the firebombings remained targeting Japan's war-supporting industries and infrastructure. Many of these industries existed within urban centers, making civilian areas almost unavoidable targets. Proponents of the bombings argued that the destruction of these centers would cripple Japan's ability to produce war materials, thus expediting its surrender. By expediting Japan's surrender, many hoped to save more lives than risking further death through prolonged conflict and ground invasion. While military strategists aimed to save more lives through the outcome of the attack, planners remained acutely aware of the civilian toll the attacks would exact. The decision to use incendiary devices in densely populated urban areas, constructed primarily of paper and wood, maximized the likelihood of civilian casualties and property destruction. While U.S. efforts framed the attacks as targeting war infrastructure, the scale of civilian harm suggests a lack of consideration for protecting civilian lives and exacerbating suffering. Ultimately, the firebombings did contribute to Japan's eventual surrender, alongside other factors; however, the ethical and strategic balance between the harm inflicted on civilians and the military advantage gained remains highly contentious. Many continue to argue that the indiscriminate nature of the attacks and the sheer scale of civilian suffering remains disproportionate to the military objectives achieved.⁶⁵

In analyzing the considerations of proportionality, it remains imperative to understand the outcomes and consequences of the firebombings and the legal and ethical implications in the pursuit of just war principles. The immediate outcomes of the firebombing campaigns included catastrophic destruction and casualties. Entire cities faced destruction, with millions of civilians left homeless, injured, and in a humanitarian crisis. While these campaigns undeniably weakened Japan's industrial capacity and morale, they also raised profound ethical and legal questions about the conduct of the war. The firebombings played a critical role in shaping post-war debates on the laws of armed conflict. The indiscriminate targeting of civilian populations contributes to the greater focus on ethical conduct in war and the development of international humanitarian law through the Geneva Conventions and Additional Protocols, emphasizing the protection of civilians and proportionality in warfare. Ultimately, the firebombings underscore the destructive potential of modern warfare and the ability to stray from proportionality principles, setting a precedent for future conflicts.

As a result of the firebombings, international humanitarian law gained many lessons in understanding the ethical and practical challenges in the implementation and adherence to proportionality principles. First, the firebombings highlight the catastrophic consequences of neglecting civilian safety in military planning. The implications of the firebombings demonstrate a need for the minimization of civilian harm, even in the face of targeting infrastructure embedded within populated areas. The importance of civilian protection underscores the need for precision in modern warfare and the ethical imperative of safeguarding non-combatants. Moreover, the lack of robust ethical and legal oversight during the execution of the firebombings contributed to their disproportionate impact. The lessons of the firebombings highlight the need for legal advisors and more structured ethical frameworks within military operations to ensure adherence to proportionality principles, even under intense strategic pressure. Additionally, the firebombings contributed to long-term consequences for Japan's civilian population and urban recovery. The extensive damage caused by the firebombings emphasizes the importance of considering the immediate military gains of operations and the broader social,

⁶⁵ Harada, Masataka, Gaku Ito, and Daniel M. Smith. 2024. "Destruction from Above: Long-Term Legacies of the Tokyo Air Raids." *The Journal of Politics* 86 (2): 782–79.

economic, and psychological impacts of military actions. The firebombings implore adopting a holistic approach toward proportionality that accounts for the long-term effects of military operations. Lastly, the nondiscriminatory approach of the firebombings reinforces the significance of modern technology, offering opportunities to reduce civilian harm through precision targeting and predictive analysis of collateral damage. Lessons from the firebombings help inform the development and deployment of such technologies, ensuring that they enhance compliance with proportionality principles rather than exacerbating current issues in adhering to them. Ultimately, the firebombing campaigns in Japan serve as a stark reminder of the ethical and practical challenges inherent to proportionality principles during war.⁶⁶ At the same time, these campaigns contributed to the end of World War II. The devastating impact on civilian populations raises profound questions regarding the balance between military necessity and human suffering, thus creating valuable lessons about the importance of civilian protection, ethical oversight, and the long-term consequences of disproportionate actions.

World War II: Bombing of Dresden

Alongside the bombings on Japan, the bombing of Dresden remains a controversial event during World War II, as the German city faced a bombing campaign carried out by Allied forces despite its cultural significance. Known for its architectural beauty and historical importance, Dresden also held several railways and communication hubs that supported German military troops. The city also operated and housed factories that produced armaments and supplies contrived to the Axis war effort. By the early 1945s, the Allies had achieved air superiority and launched several bombing campaigns against Germany to cripple its war effort; however, Dresden remained largely unscathed, making it a refuge for many civilians and displaced persons from regions in the East. As the Soviet Union's Red Army increasingly encroached on Eastern Europe, more refugees fled to Dresden to seek refuge from warring parties, increasing the city's vulnerability to attacks. Subsequently, the attacks, conducted by the Royal Air Force and the United States Army Air Force, aimed to disrupt transportation lines and German morale by bombing the city. Over two days, between February 13th and 15th, the two forces dropped over 3,900 tons of incendiary and highly explosive bombs upon the cities, creating a firestorm that engaged large portions of the town. The devastation resulted in extensive civilian casualties, estimated at around 25,000 deaths, and destroyed large parts of Dresden's historic center.⁶⁷ Many civilians faced incineration beyond recognition, found themselves buried in rubble, or lost in the chaos. Cultural landmarks, centuries-old buildings, churches, and museums also faced destruction, causing the city to exist beyond recognizable form. As a result, the bombing of Dresden sparked intense debates, remaining a poignant symbol of ethical dilemmas inherent in the balance between military necessity and humanitarian considerations in the conduct of war.⁶⁸ For many, Dresden remains a haunting symbol of the moral tensions that arise in warfare between strategic objectives and humanitarian consequences. Ultimately, the charred streets and mass civilian deaths deeply influence people to continue to provoke questions about justice, retribution, and the costs of modern warfare.

⁶⁶ Harada, Masataka, Gaku Ito, and Daniel M. Smith. 2024. "Destruction from Above: Long-Term Impacts of WWII Tokyo Air Raids." *The Journal of Politics* 86 (2): 782–79.

⁶⁷ Air Force Historical Support Division, "1945 - Bombings of Dresden," n.d., <https://www.afhistory.af.mil/FAQs/Fact-Sheets/Article/458943/1945-bombings-of-dresden/>

⁶⁸ Biddle, Tami Davis. "Sifting Dresden's Ashes." *The Wilson Quarterly* (1976-) 29, no. 2 (2005): 60–80. <http://www.jstor.org/stable/40260966>

In applying the framework for analyzing proportionality, it remains imperative to understand the complexities of wartime decision-making by weighing the ethical complexities. Concerning military necessity, Allied forces argued that the bombing remained necessary to disrupt Germany's infrastructure, weaken morale, and prompt the end of the war. Dresden existed as a significant hub for transportation and communication, and it had a concentration of railways and industrial facilities, thus pointing toward its existence as a military target. On the other hand, critics question the actual necessity of targeting Dresden. By February 1945, Germany had already aired on the side of defeat. The Soviet Army continued to advance from the east, and the Western Allies successfully landed in Normandy, creating a two-front offensive that pointed toward the demise of the German military.⁶⁹ Moreover, given the context, Dresden's destruction had limited strategic value as it did not present itself as a primary military target, and many debated its significance in contributing to wartime production. As military necessity remains defined by the principle that action must have a clear and immediate connection to achieving war objectives, the Dresden bombing raises doubts about whether Allied forces met this standard.

Furthermore, the principle of proportionality stipulates that the anticipated harm to civilians does not exceed the expected military advantage; thus, in analyzing the bombing of Dresden, many question the application of this principle. The bombing of Dresden resulted in massive civilian casualties, resulting in between 22,700 and 25,000 deaths, many of whom existed as non-combatants, including refugees fleeing advancing Soviet forces, exacerbating the human toll. Additionally, the use of incendiary bombings compounded the civilian harm as it created firestorms that engulfed the city. These actions not only destroyed infrastructure but also made civilian survival nearly impossible, leading to widespread suffering and death.⁷⁰ The predictability of such harm raises serious questions about the decision-making processes used to enact this attack. Many critics argue that the Allies could have anticipated the attack's catastrophic consequences, given the densely packed population and the type of weaponry, therefore denoting a failure to adhere to proportionality principles. On the other hand, supporters of the bombing argue that the harm to civilians, while tragic, remained necessary to compel Germany's surrender as a consequence of a broader strategy in this war. Yet, this rationale fails to consider the disproportionate impact on non-combatants and the lack of military objectives tied to the city's destruction.⁷¹ Ultimately, the significant destruction and casualties derived from the bombing of Dresden led to substantial ethical dilemmas regarding the harm against noncombatants in achieving long-term military objectives.

Lastly, the final component of the assessment framework examines weighing the harm caused by the bombing of Dresden against the potential gains; thus, it remains imperative to analyze the attack in terms of whether the damage to civilians and infrastructure remained justified by the anticipated military or strategic benefit. In his account of Dresden, U.K. veteran Victor Greg describes the event as so: "There was no need for flares to lead the second wave of bombers to their target, as the whole city had become a gigantic torch. It must have been visible to the pilots from a hundred miles away. Dresden had no defenses, no anti-aircraft guns, no searchlights, nothing", highlighting the

⁶⁹ "Was the bombing of Dresden a war crime? A conversation between Sinclair McKay and A.N. Wilson." *Spectator*, February 8, 2020, 20+. *Gale General OneFile*

⁷⁰ Janssen, Volker "Why Was Dresden so Heavily Bombed? | HISTORY," *HISTORY*, February 18, 2025.

⁷¹ "Was the bombing of Dresden a war crime? A conversation between Sinclair McKay and A.N. Wilson." *Spectator*, February 8, 2020, 20+. *Gale General OneFile*.

questionable nature of the attack as the city posed limited military gain for the Allies.⁷² From a utilitarian perspective, the Allies aimed to accelerate the war's end and minimize overall suffering; however, the impact of the Dresden bombing on Germany's ability to continue the war remains debatable. By the time of the attack, German morale had already dropped significantly, and its military-industrial complex had severely degraded; thus, the strategic gain from Dresden's destruction appears marginal.⁷³ Moreover, many critics argue that the bombings violated the doctrine of "double effect: in which civilian harm not existed as a foreseen consequence, but also transformed into an integral part of the strategic objective—to disrupt German logistics and morale by targeting a city crowded with civilians to "hasten a military outcome", demonstrating a clear departure from the moral imperative to not to target noncombatants.⁷⁴ Nevertheless, many continue to assess the harm inflicted by the attacks as immense and avoidable, indicating a failure to balance the anticipated harm and gain. Ultimately, the firebombing obliterated the city's cultural heritage, displaced thousands of survivors, and left an indelible scar on Germany, signifying a potential skew toward extraneous harm and suggesting a clear violation of the proportionality principle.

In the end, the bombing of Dresden highlights the tension between military objectives and humanitarian considerations that often complicates the decision-making of many leaders during the war. While the Allies sought to justify the attack as a larger strategy to defeat an oppressive and aggressive regime, the ethical cost of these actions cannot remain ignored. The case of Dresden illustrates the difficulties in applying proportionality in practice, particularly when decision-makers must create a strategy under the pressures of wartime. Through the framework of military necessity, anticipated harm to civilians, and the balance of harm and gain, the Bombing of Dresden emerges as a profoundly problematic case in applying the Just War Theory and understanding the adherence to proportionality.⁷⁵ The lack of apparent military necessity, the foreseeability of civilian casualties, and the disproportionate harm relative to strategic gains all point to a failure to meet the ethical considerations of proportionality. As such, Dresden serves as a poignant reminder of a call for rigorous deliberation in warfare, thus promoting a closer adherence to proportionality and the protection of humanitarian considerations.

Vietnam War: Agent Orange

The employment of Agent Orange during the Vietnam War remains one of the most debated actions in modern military history, still raising many ethical and legal questions within the framework of Just War Theory. Agent Orange existed as a powerful herbicide and defoliant deployed by the United States during the Vietnam War as part of Operation Ranch Hand, a campaign aimed at destroying dense forests that provided cover for North Vietnamese and Viet Cong forces. The chemical mixture combined two herbicides; however, a toxic byproduct of its production, dioxin, acted as the primary agency in causing devastating long-term effects on human health and the environment. Early tests in the 1940s and 1950s demonstrated the chemicals' effectiveness in killing vegetation, leading to the

⁷² Victor Gregg, "I Survived the Bombing of Dresden and Continue to Believe It Was a War Crime," *The Guardian*, February 15, 2013, <https://www.theguardian.com/commentisfree/2013/feb/15/bombing-dresden-war-crime>

⁷³ Was the bombing of Dresden a war crime? A conversation between Sinclair McKay and A.N. Wilson." *Spectator*, February 8, 2020, 20

⁷⁴ Biddle, Tami Davis. "Sifting Dresden's Ashes." *The Wilson Quarterly* (1976-) 29, no. 2 (2005): 60–80. <http://www.jstor.org/stable/40260966>

⁷⁵ Saunders, Doug. "Lessons of Dresden are much misremembered." *Globe & Mail* [Toronto, Canada], February 12, 2005, F3. *Gale In Context: Environmental Studies*

U.S. Department of Defense's exploration of using the agent through herbicidal warfare. Between 1965 and 1971, the U.S. sprayed 11.22 million gallons of Agent Orange and other herbicides over rural and forested areas of Vietnam, with more over Laos and Cambodia.⁷⁶ Agent Orange aimed to deprive enemy forces of food and concealment, reducing their operational capacity during the war. While its tactical utility remained significant, the consequences of its use extended far beyond the intended targets, leading to widespread environmental destruction and long-lasting health problems for Vietnamese civilians, U.S. soldiers, and future descendants. The herbicide devastated ecosystems, destroyed millions of acres of forests and croplands, and caused soil degradation. Moreover, for humans, exposure to Agent Orange corresponds to a range of severe health issues, such as cancer, congenital disabilities, neurological disorders, and endocrine disruptions.^{77,78} Ultimately, Agent Orange's use continues to spark debate over its legality under international law and its ethical implications. While the Geneva Protocol of 1925 prohibited the use of chemical weapons in war, it failed to address herbicides such as Agent Orange explicitly; however, it affected civilians and the environment, leading many to argue that Agent Orange remains a clear violation of proportionality in warfare.⁷⁹ In the end, the legacy of Agent Orange extends beyond the Vietnam War, as it remains a symbol of ethical dilemmas associated with chemical warfare and the unintended consequences of technological advancements in military strategy.

First, the deployment of Agent Orange during the Vietnam War remains a highly contentious debate in analyzing military actions throughout history. Central to this debate exists the analysis of military necessity, as many continue to question the U.S. pursuit of military goals against the goals of minimizing unnecessary suffering and destruction. In the case of Agent Orange, the U.S. military justified its use as a tool to deprive Viet Cong forces of jungle cover, which remained instrumental in their guerilla tactics. These proponents argue that these dense jungles of Vietnam gave the Viet Cong a strategic advantage, enabling them to launch surprise attacks, evade detection, and sustain prolonged operations. By defoliating the jungle, the U.S. sought to explode enemy positions, reduce ambitions, and disrupt supply chains. Moreover, the U.S. asserted that the destruction of the forest served to destroy food supplies and crops that supported the cause of enemy forces, thus weakening their resolve. From a proponent's perspective, the use of Agent Orange aligned with the principles of military necessity, as it proved to be a tactical solution to a significant challenge posed by the environment and the enemy's adaptability. Based on this evaluation, the U.S. military viewed the defoliation campaign as critical to gaining a strategic edge in a costly and protracted conflict.⁸⁰

Despite arguments in favor of Agent Orange, the necessity of the defoliant continues to face heavy critique in assessing whether it remained essential in achieving its objectives or whether alternative strategies could have reached similar objectives with less collateral damage. For instance, some argue that improved intelligence gathering, targeting strikes, or enhanced ground operations could have

⁷⁶ Aschuege, Henry and Community and Economic Development Division. "Use of Agent Orange in Vietnam." *Report to Rep. Ralph H. Metcalfe*, August 16, 1978. <https://www.gao.gov/assets/ced-78-158.pdf>

⁷⁷ National Academies Press (US), "History of the Controversy Over the Use of Herbicides," *Veterans and Agent Orange* - NCBI Bookshelf, 1994, <https://www.ncbi.nlm.nih.gov/books/NBK236351/>

⁷⁸ Black, George, and Christopher Anderson. "The Victims of Agent Orange the U.S. Has Never Acknowledged." *The New York Times*, March 22, 2021. <https://www.nytimes.com/2021/03/16/magazine/laos-agent-orange-vietnam-war.html>

⁷⁹ Dung, Phan Xuan. "Agent Orange in Vietnam: Legality and US Insensitivity." *The Diplomat*, April 14, 2022. <https://thediplomat.com/2022/04/agent-orange-in-vietnam-legality-and-us-insensitivity/>

⁸⁰ Mageli, Paul D. "Ethics of the Vietnam War." *Salem Press Encyclopedia*, September 1, 2022. <https://research.ebsco.com/linkprocessor/plink?id=e9099c54-4cd6-343c-91e4-0695ed5374c6>

mitigated the Viet Cong's advances without the expansive harm and destruction caused by chemical defoliants. Critics also point to the indiscriminate nature of Agent Orange's effects in assessing the U.S.' adherence to proportionality, as the chemical did not distinguish between enemy forces, civilian populations, tactical targets, and broader ecosystems. This lack of precision calls into question whether its use met the standard of necessity, which requires that military actions remain proportional and specifically targeted to achieve their objectives.⁸¹ Moreover, evidence suggests that decision-makers underestimated and potentially disregarded the long-term consequences of Agent Orange, further pointing toward a deviation from proportionality standards. While the U.S. emphasized the immediate tactical benefits of Agent Orange, the evaluation of the trade-offs between widespread environmental destruction and civilian harm remains highlighted and contested. Ultimately, the oversight undermines the claim of necessity as the harms caused far exceeded the actual gains.^{82,83} In the end, while the use of Agent Orange remains justified by the U.S. military, significant questions persist about whether it existed as the only option or if alternative strategies could have been employed to reduce destruction.

Furthermore, the use of Agent Orange sparked debates concerning its anticipated harm to civilians, as its widespread deployment caused catastrophic health and environmental consequences. The health impacts of Agent Orange showed themselves immediately and throughout subsequent decades as the chemical contained dioxin, a compound later identified as one of the most toxic substances in science. Exposure to this substance led to severe health problems, including cancers, congenital disabilities, and neurological disorders, affecting millions of Vietnamese civilians. These health issues persisted across generations as dioxin contamination remained in the environment and continued to affect those exposed indirectly.⁸⁴ Although some degree of civilian harm might have been anticipated due to the widespread nature of the spraying campaigns, the scale and longevity of the damage remained vastly disproportionate to the military objectives. The decision to deploy Agent Orange without fully understanding or mitigating its toxic effects highlights a failure to assess the anticipated harm adequately.⁸⁵

Additionally, the use of Agent Orange represents a controversial examination of the ethical justifications in examining the principles of the balance of harm and, again, by weighing its military utility against the catastrophic consequences, ultimately exploring whether short-term gains in combat efficacy justify the long-term damage inflicted on people and ecosystems. Initially, the use of Agent Orange appeared effective in defoliating forests, destroying crops, and diminishing morale by forcing enemy troops to adjust their strategies and depriving them of essential resources. By exposing hidden enemy positions, the U.S. believed it proved a legitimate tactical advantage in combating guerrilla warfare. From a purely military perspective, these gains potentially contributed to the broader strategic aim of containing communism in Southeast Asia – a central tenet of U.S. policy during the Cold War; however, these gains remain controversial due to the lack of proportionality and necessity. Many critics

⁸¹ Mageli, Paul D. "Ethics of the Vietnam War."

⁸² Palmer, Michael G. 2003. "Healing the Wounds of War? A Discussion of Agent Orange Compensation Programmes in the United States and Vietnam." *International Journal of Comparative Sociology* 44 : 266–79.

⁸³ Mageli, Paul D. "Ethics of the Vietnam War." *Salem Press Encyclopedia*, September 1, 2022. <https://research.ebsco.com/linkprocessor/plink?id=e9099c54-4cd6-343c-91e4-0695ed5374c6>

⁸⁴ National Academies Press (US), "The U.S. Military and the Herbicide Program in Vietnam," *Veterans and Agent Orange* - NCBI Bookshelf, 1994, <https://www.ncbi.nlm.nih.gov/books/NBK236347/>

⁸⁵ Patterson, Eric. 2019. *Just American Wars: Ethical Dilemmas in U.S. Military History* / Eric Patterson. Routledge, Taylor and Francis Group.

of Agent Orange note that the harms caused by Agent Orange far outweigh its tactical gains when viewed through the lens of proportionality and necessity. The most devastating consequence of its use was the severe and longer-lasting impact on human health as dioxin exposure led to serious health issues that continue to have a negative impact within the country as the toxic effects did not stay confined to those exposed as many children born to those exposed to lead to development disabilities and other health complications.⁸⁶ These generational effects highlight the indiscriminate and far-reaching nature of the harm caused by Agent Orange. Moreover, the environmental consequences remain a critical factor in analyzing the proportionality of Agent Orange. The herbicide devastated Vietnam's ecosystems, defoliating over 3.1 million acres of forests and destroying mangroves, croplands, and biodiversity.⁸⁷ Species loss, habitat destruction, and soil contamination disrupt the ecosystem, contaminating water supplies and disrupting animal life. These environmental disruptions did not present themselves immediately but remained enduring, with many areas rendered uninhabitable and agriculturally unproductive to this day.⁸⁸ Ultimately, the scale of this destruction far exceeded what was necessary to achieve the military objectives, raising ethical concerns regarding the proportionality of such tactics in the use of Agent Orange.

Overall, the principle of proportionality in warfare demands that the harm caused by an action must not outweigh its anticipated benefits. While Agent Orange provided short-term tactical gains in exposing enemy forces and disrupting food supplies, the long-term harm it inflicted on civilians, soldiers, and the environment remained intense. By the late 1960s, many argued that the U.S. military had other technological and strategic tools at its disposal and that using chemical defoliants proved less necessary in achieving its goals.⁸⁹ Moreover, the indiscriminate targeting of civilian areas and agricultural land further undermined the justification for its use. The harm to non-combatants that bore the brunt of the chemical's effects contrasts with the limited and questionable gains achieved by the U.S. Therefore, the legacy of Agent Orange continues to impose significant costs on affected populations and their descendants. Notably, in the United States, many veterans who were exposed to the chemical received billions of dollars in compensation and healthcare benefits; however, Vietnamese victims and their families remain largely excluded in such reparation, noting a failure to take accountability and justice for the disproportionate use of Agent Orange during the war. While efforts to clean up contaminated sites in Vietnam remain ongoing, with funding from the U.S. government and international organizations, these remediation projects face significant challenges due to the scale and persistence of the contamination.^{90,91} Ultimately, the long-term health and environmental costs underscore how the harm caused by Agent Orange far overrode the military gains.

⁸⁶ Black, George, and Christopher Anderson. "The Victims of Agent Orange the U.S. Has Never Acknowledged." *The New York Times*, March 22, 2021. <https://www.nytimes.com/2021/03/16/magazine/laos-agent-orange-vietnam-war.html>

⁸⁷ Truong, Kiem N., and Khuong V. Dinh. "Agent Orange: Haft-Century Effects On The Vietnamese Wildlife Have Been Ignored." *Environmental Science & Technology* 55, no. 22 (2021): 15007. Accessed March 24, 2025. <https://doi.org/10.1021/acs.est.1c06613>

⁸⁸ Olson, Kenneth Ray, and Lois Wright Morton. "Long-Term Fate of Agent Orange and Dioxin TCDD Contaminated Soils and Sediments in Vietnam Hotspots." *Open Journal of Soil Science* 09, no. 01 (January 1, 2019): 1–34. <https://doi.org/10.4236/ojss.2019.91001>

⁸⁹ Dung, Phan Xuan. "Agent Orange in Vietnam: Legality and US Insensitivity." *The Diplomat*, April 14, 2022. <https://thediplomat.com/2022/04/agent-orange-in-vietnam-legality-and-us-insensitivity/>

⁹⁰ Griffiths, Philip Jones. *Agent Orange: Collateral Damage in Vietnam*. Trolley, 2004.

⁹¹ Palmer, Michael G. 2003. "Healing the Wounds of War? A Discussion of Agent Orange Compensation Programmes in the United States and Vietnam." *International Journal of Comparative Sociology* 44 : 266–79.

In conclusion, the balance of harm and gain in the use of Agent Orange during the Vietnam War indicates a side toward excessive harm. While it provided short-term tactical advantages, these were overshadowed by the long-term health and environmental consequences inflicted upon millions of people and the vast ecosystems of Vietnam and surrounding countries. The case of Agent Orange serves as a cautionary tale about the dangers of prioritizing military expediency over ethical considerations, highlighting the need for greater accountability and international regulation in the conduct of war. Its legacy continues to shape discussions regarding the moral conduct of war and adherence to proportionality, calling toward the responsibility of nations to address the lasting harm caused by military actions.

Kosovo War: NATO Bombing of Yugoslavia

Another significant case in analyzing adherence to proportionality remains the NATO bombing campaign against Yugoslavia in 1999, as it acted as a pivotal moment in post-Cold War international relations by setting a significant precedent in humanitarian interventions. The roots of the NATO bombing lie within the broader context of the breakup of Yugoslavia in the early 1990s, as Yugoslavia existed as a multi-ethnic federation composed of six separate republics that disintegrated following the collapse of communism in Eastern Europe. Nationalist movements in the various republics led to declarations of independence, sparking a series of destructive conflicts throughout the decade. In Kosovo, these tensions significantly grew between the Albanian majority and the Serbian minority. While Kosovo held autonomy under the 1974 Yugoslav constitution, Serbian President Slobodan Milošević revoked this status in 1989, imposing direct control over the province. This action fueled resentment among Kosovar Albanians, who began to demand independence. By the late 1990s, these tensions escalated into armed conflicts between the Kosovo Liberation Army, an Albanian guerilla group seeking independence, and Serbian security forces. The Serbian government, led by Milošević, responded with a brutal crackdown, employing widespread violence, displacement, and atrocities against Albanians. Many reported mass killings, rape, and the destruction of villages led to accusations of ethnic cleansing against the Serbian regime. As the conflict intensified, international actors attempted to mediate the situation through the Ramboulet Agreement to negotiate a peaceful resolution, proposing substantial autonomy for Kosovo under international supervision. Despite this proposition, Serbia rejected key provisions of the agreement, including NATO's demand for unrestricted access to Serbian territory. The breakdown of negotiations, combined with the ongoing humanitarian crisis, prompted NATO to take military action.^{92,93}

In response to the conflict, NATO justified its intervention in Kosovo as a response to the humanitarian crisis and the threat of regional instability. The alliance argued that the Serbian crackdown on Kosovo's Albanian population constituted ethnic cleansing, which demanded an urgent international response to prevent further atrocities from occurring. Additionally, NATO also expressed concerns that the conflict could destabilize neighboring countries, including Albania and Macedonia, both of which struggled to manage the influx of Kosovar refugees. Ultimately, the bombing campaign, officially known as Operation Allied Force, began on March 24, 1999, in which

⁹² Ulfstein, Geir, and Hege Føsum Christiansen. "THE LEGALITY OF THE NATO BOMBING IN LIBYA." *International and Comparative Law Quarterly* 62, no. 1 (2013): 159–71.

<https://doi-org.colorado.idm.oclc.org/10.1017/S0020589312000565>

⁹³ "Readings - the Roots of War | War in Europe | FRONTLINE | PBS," November 18, 2015,

<https://www.pbs.org/wgbh/pages/frontline/shows/kosovo/readings/roots.html>

NATO framed its efforts as a means of protecting civilians and compelling Serbia to withdraw its forces from Kosovo. Operation Allied Force lasted 78 days and involved extensive airstrikes against Serbian military and infrastructure targets. The campaign's scale and technological sophistication remained unprecedented, employing precision-guided munitions and advanced surveillance systems. While NATO's primary goal was to force Serbian withdrawal from Kosovo, the campaign also sought to degrade Serbia's military capabilities and weaken Milosevic's regime. All targets included military installations, government buildings, transportation networks, and, controversially, civilian infrastructure such as bridges, power plants, and broadcasting stations. Therefore, the bombing campaign faced criticism for its civilian casualties and collateral damage, with notable incidents including the bombing of a passenger train, a hospital, and the Chinese embassy in Belgrade.⁹⁴ Ultimately, many human rights organizations accused NATO of failing to protect civilians and address the "responsibility to protect" adequately. In contrast, others argued that destroying civilian infrastructure violated the principle of proportionality in warfare. In the end, the NATO bombing campaign led to the completion of Yugoslavia's withdrawal from Kosovo, leading to the deployment of UN peacekeepers and the establishment of Kosovo as an UN-administered territory; however, the bombings remain the subject of debate between balancing humanitarian imperatives and the risks of military overreach.

Foremost, NATO faced significant challenges in justifying its intervention despite its assertions that it remained a necessary measure to prevent ethnic cleansing in Kosovo and to force the Yugoslav government to end its campaign of repression against ethnic Albanians. NATO's military objectives existed in a twofold measure in which it sought to degrade Yugoslav military capabilities and force with the withdrawal of Serbian troops from Kosovo and to coerce Milošević into accepting international peace terms. Given that previous diplomatic efforts, such as the Rambouillet Accords, had failed, NATO argued that a credible and forceful military intervention presented itself as the only viable option to prevent further atrocities.⁹⁵ However, the principle of military necessity requires carefully examining whether the bombing was the least harmful and most effective means of achieving military and humanitarian objectives. For military action to be deemed necessary, all non-military alternatives must have been exhausted or proven ineffective; thus, NATO cited the failure of diplomacy at Rambouillet as evidence that further negotiations with Yugoslavia would not prove successful.⁹⁶

On the other hand, critics argue that the economic sanctions, diplomatic pressure, and the threat of force had not reached full exploration before the United States launched the aerial campaign. Notably, Russia, a historical ally of Serbia, had opposed the NATO bombing but later played a role in negotiating the end of the conflict, suggesting that diplomatic solutions could have been possible. Moreover, one of the most contentious aspects of the campaign remains its lack of United Nations Security Council authorization, which Russia and China opposed. Due to this rejection, many critics argued that NATO's actions violated international law, as the UN Charter prohibits the use of force, further questioning the necessity of military action upon Yugoslavia. Furthermore, many critics note that NATO rejected the possibility of deploying ground troops, which might have achieved its

⁹⁴ Schwabach, Aaron. "The Legality of the NATO Bombing Operation in the Federal Republic of Yugoslavia." *Deleted Journal* 11, no. 2 (September 1, 1999): 405. <https://doi.org/10.58948/2331-3536.1240>

⁹⁵ Weller, Marc, "The Rambouillet Conference", *Contested Statehood: Kosovo's Struggle for Independence* (Oxford, 2009; online edn, Oxford Academic, 1 May 2009)

⁹⁶ Schwabach, Aaron. "The Legality of the NATO Bombing Operation in the Federal Republic of Yugoslavia."

objectives more effectively while minimizing civilian casualties from airstrikes.⁹⁷ However, many NATO commanders feared that ground operations would result in a protracted conflict, high Western casualties, and potential escalation with Russia; therefore, they weighted the option of air power as a more practical and less risky method of achieving their military goals.

Moreover, while NATO leaders believed that airpower proved the most practical in achieving their strategic objectives, the decision-makers anticipated the existence of collateral damage, including civilian casualties. Despite using precision-guided munitions, NATO airstrikes did not always prove accurate on top of the selected targets located in densely populated urban areas. The alliance sought to degrade Yugoslavia's military and infrastructure while exerting pressure on Milošević's regime, but this included attacking bridges, power stations, oil refineries, transportation hubs, and even media buildings—all of which had the potential to cause significant civilian harm. Before the launching of the bombing campaign, NATO officials acknowledged to some extent the risk of civilian casualties, noting their justification by arguing that the greater risk remained the ongoing humanitarian catastrophe in Kosovo. Their logic was dependent upon inflicting sufficient damage on Yugoslavia's infrastructure and military assets to end the war sooner, thus reducing overall civilian suffering in the long term.

Despite efforts to minimize collateral damage, NATO's air campaign resulted in significant civilian casualties and the displacement of many as urban populations fled the targeted sites of metropolitan areas. Many estimate the casualties to range around 500 to 1,000, with thousands more wounded. These bombing campaigns included very famous incidents that resulted in significant civilian casualties, highlighting the extent to which civilians suffered through the pursuit of NATO's military goals.⁹⁸ First, NATO bombed the Serbian Radio and Television Headquarters on April 23, deliberately targeting the Serbian state-run television station, arguing that it served as a propaganda tool supporting Milošević's government. The attack killed 16 journalists and media workers and injured others. Many critics argued that the station did not serve as a legitimate military target, making the attack violate international humanitarian law.⁹⁹ Second, on April 12, NATO targeted a bridge in Grdelica, which served as military transport; however, a civilian passenger train crossed at the time of the attack, resulting in the deaths of at least 14 civilians. NATO later stated that the pilot did not see the train in time, highlighting the difficulty of avoiding civilian casualties even with precision-guided weapons. Third, on April 14, NATO mistakenly bombed a convoy of ethnic Albanian refugees that attempted to flee Kosovo, with reports indicating that at least 70 civilians died in the incident, with many suffering substantial injury. NATO initially claimed it attacked military vehicles but later admitted that civilians had mistakenly been the target, further demonstrating the perceived failures of NATO in anticipating civilian casualties during the bombing campaign. Another critical attack remained the accidental bombing of the Chinese embassy in Belgrade, which killed three Chinese journalists and injured more than 20 people. NATO later attributed the strike to faulty intelligence, stating that the embassy had been mistakenly identified as a military target, leading to significant damage to diplomatic

⁹⁷ Mandelbaum, Michael. "A Perfect Failure: NATO's War against Yugoslavia." *Foreign Affairs* 78, no. 5 (1999): 2–8. <https://doi.org/10.2307/20049444>

⁹⁸ "Civilian Deaths in the NATO Air Campaign - Summary," n.d. <https://www.hrw.org/reports/2000/nato/Natbm200.htm>

⁹⁹ Stannard, Robert W. "THE LAWS OF WAR: AN EXAMINATION OF THE LEGALITY OF NATO'S INTERVENTION IN THE FORMER YUGOSLAVIA AND THE ROLE OF THE EUROPEAN COURT OF HUMAN RIGHTS IN REDRESSING CLAIMS FOR CIVILIAN CASUALTIES IN WAR." *G.A. J. INT'L & COMP. L.*, 2002. <https://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1368&context=gjicl>

relations between NATO and China.¹⁰⁰ Lastly, NATO forces dropped cluster bombs upon the city of Nis, hitting a marketplace, killing at least 15 civilians, and wounding dozens, demonstrating how cluster munitions remain notorious for causing indiscriminate damage. Overall, these incidents indicate that despite NATO's claims of precision warfare, many airstrikes resulted in anticipated civilian casualties. In some cases, these casualties existed as the direct result of targeting choices, while in others, they stemmed from errors, miscalculations, and the limitations of air power. Subsequently, NATO officials defended the campaign by arguing that any civilian harm remained unintentional and that the alternative—allowing Milošević forces to continue ethnic cleansing in Kosovo—would have resulted in even greater civilian suffering.¹⁰¹ However, human rights organizations continue to criticize NATO for failing to take adequate measures to prevent avoidable civilian casualties.

Notably, beyond the immediate deaths and injuries, the bombing campaign had lasting consequences for civilians, contributing to an ongoing refugee crisis, environmental contamination, and public health crises. Even decades later, the effects of Operation Allied Force continue to feed their way into Serbia, Kosovo, and the broader Balkan region. One of the most immediate and lasting effects of the bombing was the mass displacement of civilians. Before and during the bombing, Serbian security forces and paramilitary groups intensified their persecution of Kosovo Albanians, leading to the forced displacement of nearly 850,000 people.¹⁰² Many fled to neighboring countries such as Albania, North Macedonia, and Montenegro, creating a severe humanitarian crisis. Moreover, the destruction caused by the NATO airstrikes further exacerbated the situation as civilians in Belgrade, Novi Sad, and other cities fled their homes due to bombings that targeted essential infrastructures. After the war ended, Kosovo Albanians returned to the region. Still, the refugee crisis did not subside, leading to many displaced people remaining stateless and unable to return to their homes, highlighting how the NATO intervention failed to establish long-term security for all ethnic groups in the region, thus contributing to the analysis of the anticipated harm to civilians as many still suffer at the effects of the bombings.¹⁰³

Furthermore, the analysis of the NATO bombings on Yugoslavia requires an understanding of the balance of harm and gain. In analyzing this balance, it remains imperative to evaluate the military effectiveness, humanitarian impact, civilian casualties, destruction of infrastructure, and geopolitical consequences. Although the intervention succeeded in stopping the persecution of Kosovo Albanians and securing Kosovo's autonomy, the scale of destruction, civilian suffering, and legal controversies raise questions about whether the gains justify the harm inflicted. The primary objective of NATO's bombing campaign was to halt the ethnic cleansing of Kosovo Albanians by the Yugoslav military and Serbian paramilitary forces. Before the bombing, hundreds of thousands of ethnic Albanians faced forcible displacement, mass killings, sexual violence, and human rights violations; thus, NATO sought to put an end to these crimes.¹⁰⁴ The bombings ultimately forced Milošević to agree to a peace deal, leading to the withdrawal of Serbian forces from Kosovo and the deployment of NATO peacekeepers

¹⁰⁰ Mandelbaum, Michael. "A Perfect Failure: NATO's War against Yugoslavia." *Foreign Affairs* 78, no. 5 (1999): 2–8.
<https://doi.org/10.2307/20049444>

¹⁰¹ "Civilian Deaths in the NATO Air Campaign - Summary," n.d.
<https://www.hrw.org/reports/2000/nato/Natbm200.htm>

¹⁰² "UNDER ORDERS: War Crimes in Kosovo - 1. Executive Summary," n.d.
<https://www.hrw.org/reports/2001/kosovo/undword.htm>

¹⁰³ "Facts & Figures | War in Europe | FRONTLINE | PBS," November 18, 2015,
<https://www.pbs.org/wgbh/pages/frontline/shows/kosovo/etc/facts.html>

¹⁰⁴ "Ethnic Cleansing and Atrocities in Kosovo | War in Europe | FRONTLINE | PBS," November 18, 2015.
<https://www.pbs.org/wgbh/pages/frontline/shows/kosovo/cleansing/>

under the United Nations Security Council Resolution 1244.¹⁰⁵ From one perspective, NATO's bombing campaign succeeded in degrading Yugoslav military capabilities and preventing atrocities in Kosovo. Serbian forces, unable to withstand NATO airstrikes, faced negotiations and a ceasefire. This meant that NATO achieved its strategic objective without committing ground troops, which could have resulted in more significant Western casualties and a prolonged conflict. Moreover, the intervention also played a role in destabilizing Milosevic's rule, which ultimately contributed to his downfall in 2000 and his subsequent trial for war crimes. From a humanitarian standpoint, many argue that the intervention saved many lives by preventing a larger-scale ethnic cleansing campaign. After the Serbian forces had withdrawn, Kosovo Albanians returned to their homes, and Kosovo later declared independence.¹⁰⁶ Many in the international community cite NATO's intervention as a necessity in the path of this independence, arguing that inaction would have allowed continued genocide and displacement in Kosovo.

On the other hand, despite its intended humanitarian goals, NATO's bombing campaign resulted in significant civilian harm and destruction of infrastructure, raising concerns about the proportionality of its military actions. Although NATO claimed to use precision-guided weaponry, numerous airstrikes resulted in the deaths of between 500 and 2,500 civilians. Beyond direct civilian casualties, the destruction of bridges, factories, power plants, oil refineries, and transportation networks led to long-term suffering. Furthermore, the bombing of electrical grids and water supply systems left millions of civilians without power and clean drinking water, severely impacting hospitals, schools, and public health services. Some analysts argue that attacking infrastructure critical to civilian life violated the principle of proportionality, as it harmed civilians more than military forces. Moreover, the extensive destruction of Yugoslavia's industrial sector and infrastructure led to severe economic losses. These consequences caused the country to face mass unemployment, hyperinflation, and a loss of foreign investment. Cities such as Novi Sad and Belgrade, which maintained key bridges and transportation hubs, faced destruction; thus, they struggled for subsequent years to rebuild. These reconstruction costs heavily burdened the Yugoslav economy, setting back economic development for decades.¹⁰⁷ Moreover, NATO's bombing of chemical plants, oil refineries, and industrial sites released large amounts of toxic pollutants into the air, water, and soil. The bombing of the Pancevo petrochemical plant caused environmental damage that still affects local communities today.¹⁰⁸ Additionally, the use of depleted uranium (DU) munitions by NATO correlates to increased cancer rates and congenital disabilities in parts of Serbia and Kosovo, further demonstrating the long-lasting impacts of the operation.¹⁰⁹ Lastly, while NATO's intervention ended ethnic cleansing in Kosovo, it did not wholly resolve long-term ethnic tensions. After the war, Kosovo's declaration of independence in 2008 led to a new geopolitical crisis, with Serbia, Russia, and China refusing to recognize Kosovo's

¹⁰⁵ UNMIK. "United Nations Resolution 1244," January 19, 2016. <https://unmik.unmissions.org/united-nations-resolution-1244>

¹⁰⁶ Hansen, Kenneth Schmidt. "The Fall of Milošević and the Kosovo Problem." *DUPI Working Paper*, n.d. <https://ciaotest.cc.columbia.edu/wps/hak03/hak03.pdf>

¹⁰⁷ "The Economic Consequences of the Kosovo Crisis: An Updated Assessment," May 25, 1999. <https://www.imf.org/external/pubs/ft/kosovo/052599.htm>

¹⁰⁸ "Environmental Impact of the War in Yugoslavia on South-east Europe," n.d., <https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=9143>

¹⁰⁹ Latifi-Pupovci H, Selmonaj M, Ahmetaj-Shala B, Dushi M, Grajqevci V. Incidence of haematological malignancies in Kosovo-A post "uranium war" concern. *PLoS One*. 2020 May 4;15(5):e0232063. doi: 10.1371/journal.pone.0232063. PMID: 32365107; PMCID: PMC7197787.

sovereignty.¹¹⁰ Ultimately, the intervention deepened anti-Western sentiment in Serbia, where many viewed the bombing as an act of aggression rather than a humanitarian intervention.

In the end, the NATO bombing of Yugoslavia remains one of the most debated military interventions in the modern era, raising profound questions about the proportionality of force, civilian harm, and the long-term consequences of humanitarian warfare. While the campaign successfully halted ethnic cleansing in Kosovo and forced the withdrawal of Serbian forces, the scale of destruction, civilian casualties, and long-term socio-economic damage call into question whether the military response remained proportionate to its objectives. The bombing, which targeted not only military assets but also civilian infrastructure, resulted in lasting harm to Yugoslavia's economy, environment, and public health, with effects still felt today. Proportionality requires that the damage inflicted should not exceed the anticipated military gain. Yet, the widespread loss of civilian life, destruction of essential services, and regional stability suggest that NATO's approach may have overstepped this principle. While some argue that the intervention remained a necessary response to mass human rights violations, others contest that alternative strategies, such as more robust diplomatic or targeted military pressures, could have achieved similar results with less collateral damage. Ultimately, the legacy of the bombing serves as a cautionary tale about the moral and strategic complexities of military intervention, underscoring the need for greater adherence to proportionality principles.

The 2003 Invasion of Iraq

The U.S. invasion of Iraq in 2003 remains one of the most consequential and controversial military actions of the 21st century. Officially known as Operation Iraqi Freedom, the invasion, led by the United States, the United Kingdom, and other coalition forces, resulted in the overthrow of Iraqi President Saddam Hussein, but it also triggered years of violent insurgency, sectarian conflict, and regional instability. The origins of the 2003 invasion trace back to the Gulf War (1990-1991) when a U.S.-led coalition expelled Iraqi forces from Kuwait following Saddam Hussein's invasion and occupation. After the Gulf War, the United Nations Security Council imposed comprehensive sanctions on Iraq under Resolution 687, requiring Iraq to disarm its chemical, biological, and nuclear weapons programs.¹¹¹ Additionally, the resolution established no-fly zones over northern and southern Iraq to protect Kurdish and Shiite populations from Saddam's repression. Despite these measures, Saddam Hussein remained in power, maintaining an authoritarian regime characterized by human rights abuses, political repression, and defiance of international obligations.¹¹² Throughout the 1990s, the United States and the United Kingdom conducted airstrikes on Iraqi military targets in response to violations of the no-fly zones and suspicions of WMD programs. The continued presence of U.S. forces in the Persian Gulf and the enforcement of economic sanctions contributed to tensions between Iraq and the international community; however, the sanctions region remained highly controversial, as it led to widespread suffering among the Iraqi civilian population without significantly weakening Saddam's hold on power. By the early 2000s, the containment and sanctions no longer proved beneficial, especially amid allegations that Saddam attempted to obstruct UN weapon

¹¹⁰ Hansen, Kenneth Schmidt. "The Fall of Milošević and the Kosovo Problem." *DUPI Working Paper*, n.d. <https://ciaotest.cc.columbia.edu/wps/hak03/hak03.pdf>

¹¹¹ United Nations Security Council, *Resolution 687 (1991): Adopted by the Security Council at its 2981st Meeting, on 3 April 1991*, S/RES/687 (1991), <https://digitallibrary.un.org/record/105245>

¹¹² DeFronzo, James, *Saddam Hussein, the Iranian Revolution, and the Iran–Iraq War*, 2010, Routledge, 9780429496400, English. <https://doi-org.colorado.idm.oclc.org/10.4324/9780429496400-5>

inspections. This suspicion was compounded by Saddam's history of using chemical weapons during the Iran-Iraq War and against Kurdish civilians in Halabja.¹¹³ These historical precedents fueled international fears that Iraq continued to possess WMDs and posed a growing threat to the region and regional and global security.

Overall, the primary justification for the U.S. invasion of Iraq stemmed from the allegation that Saddam Hussein possessed weapons of mass destruction and sought to develop more. In the aftermath of September 11, 2001, the Bush administration argued that Iraq's WMD programs posed an imminent threat to U.S. national security and that Saddam Hussein might supply WMDs to terrorist groups like al-Qaeda. Although no credible evidence linked Saddam to the 9/11 attacks, the Bush administration maintained that the risk of terrorism and WMDs justified preemptive action. The U.S. and British governments presented evidence that Iraq had WMD stockpiles and continued to seek uranium from Niger to develop more nuclear weapons; however, these claims later faced discreditation. Ultimately, following the invasion, extensive searches failed to find any WMD stockpiles, revealing a significant intelligence failure and undermining the credibility of the invasion's primary justification.^{114,115}

In the end, the U.S. invasion of Iraq derived from a complex mix of historical grievances, security concerns, geological ambitions, and ideological motivations. The Gulf War, fears of WMDs, and the Bush Administration policy of preemption provided the strategic rationale for the invasion, while the international diplomacy and intelligence failures shaped its execution; however, the absence of WMDs, the long-term insurgency, and the humanitarian and political costs led to widespread expenses that led to criticisms of the war's legitimacy and proportionality.¹¹⁶ Ultimately, the Iraq War fundamentally reshaped the Middle East, influencing U.S. foreign policy and international relations for decades.

In the context of proportionality and military necessity, the U.S. invasion of Iraq in 2003 faced justification as a necessary act of preemptive self-defense to neutralize an imminent threat posed by Iraq's alleged WMDs and to remove Saddam Hussein's authoritarian regime; however, from a proportionality standpoint, the military necessity of the Iraq war remains highly contentious. Proportionality requires that the anticipated military advantage does not outweigh the harm caused to civilians and civilian infrastructure, and the long-term instability and humanitarian crisis suggest that the military objectives of Operation Iraqi Freedom suggest otherwise. At the same time, the primary justification for the U.S. invasion of Iraq remained the possession of WMDs by Saddam Hussein through the preemptive self-defense argument, which derived from flawed intelligence. After the invasion, extensive searches by the Iraq Survey Group found no evidence of active WMD programs,

¹¹³ "Halabja, Chemical Weapons and the Genocide Against the Kurds: Implications for Iraq and the World Today - Global Centre for the Responsibility to Protect," Global Centre for the Responsibility to Protect, October 4, 2019, <https://www.globalr2p.org/publications/halabja-chemical-weapons-and-the-genocide-against-the-kurds-implications-for-iraq-and-the-world-today/>

¹¹⁴ Joseph Betz, "Proportionality, Just War Theory, and America's 2003–2004 War Against Iraq," *Social Philosophy Today* 21 (2005): 137–156.

¹¹⁵ Nadeem, Reem, and Reem Nadeem. "A Look Back at How Fear and False Beliefs Bolstered U.S. Public Support for War in Iraq." Pew Research Center, September 12, 2024. <https://www.pewresearch.org/politics/2023/03/14/a-look-back-at-how-fear-and-false-beliefs-bolstered-u-s-public-support-for-war-in-iraq/>

¹¹⁶ Nadeem, Reem, and Reem Nadeem. "A Look Back at How Fear and False Beliefs Bolstered U.S. Public Support for War in Iraq."

revealing a significant intelligence failure.¹¹⁷ The absence of WMDs undermined the military necessity of the war, as the primary threat used to justify the invasion did not exist. Without an imminent threat, the strategic gains of the war remained limited to regime change and geopolitical influence, which did not justify the scale of destruction and civilian casualties that followed.

Despite the attempt to disarm Iraq's alleged weapons of mass destruction, the invasion harmed civilians significantly with widespread, long-lasting, and significant damage. With the principle of proportionality calling for the harm to civilians not to exceed the anticipated military advantage, it remains clear that the anticipated civilian harm from the Iraq war remains significantly underestimated as the scale of civilian casualties, destruction of essential infrastructure, mass displacement, and long-term socio-economic and psychological consequences outweigh the strategic objectives of the invasion. The initial bombing campaign, known as "shock and awe," targeted Iraq's military installations, government buildings, communications networks, and transportation infrastructure, intending to harm Saddam Hussein's regime and force a swift surrender. Although the U.S. military used precision-guided munitions to minimize civilian casualties, the urban nature of the conflict and the proximity of military targets to civilian areas inevitably led to high civilian casualties and collateral damage.¹¹⁸ According to estimates, between 180,000 and 210,000 civilians died as a result of violence during the war, including deaths from airstrikes, urban combat, and insurgent attacks.¹¹⁹ The high civilian death toll highlights that the anticipated harm to civilians remained significantly underestimated, especially given the densely populated urban environment.

Additionally, the targeting of dual-use infrastructure, such as power plants, bridges, water supply systems, and communication networks, disproportionately affected ordinary Iraqis, disrupting essential services and exacerbating the humanitarian crisis. For example, the bombing of Baghdad's electrical grids led to widespread power outages, affecting hospitals, schools, and public services.¹²⁰ Additionally, the conflict destroyed many of Iraq's hospitals, further hurting civilian life. Collapsed sanitation and water infrastructure led to an increased incidence of cholera, dysentery, and typhoid fever, disproportionately impacting children and the medically vulnerable civilians.¹²¹ The targeting of infrastructure essential for civilian life raises questions about the proportionality of the military action, as the anticipated harm far exceeded the military advantage of turning off Iraqi command and control systems.

Moreover, the urban combat that followed the initial air campaign resulted in intense fighting and high civilian casualties in the cities of Fallujah, Mosul, and Baghdad. In Fallujah, two major U.S. assaults, Operation Vigilant Resolve and Operation Phantom Fury, led to heavy bombardment, house-to-

¹¹⁷ Duelfer, Charles. "Finding the Truth: The Iraq Survey Group and the Search for WMD." *Studies in Intelligence*. Vol. 49, August 6, 2018.

<https://www.cia.gov/readingroom/docs/the%20iraq%20survey%20group%20and%5B15483054%5D.pdf>

¹¹⁸ Washington, Arab Center, DC. "Shock and Awe: Life in Iraq Twenty Years After the US-led Invasion." Arab Center Washington DC, July 25, 2023.

<https://arabcenterdc.org/resource/shock-and-awe-life-in-iraq-twenty-years-after-the-us-led-invasion/>

¹¹⁹ The Costs of War. "Human Costs of U.S. Post-9/11 Wars: Direct War Deaths in Major War Zones | Figures | Costs of War," n.d. <https://watson.brown.edu/costsofwar/figures/2021/WarDeathToll>

¹²⁰ "Off Target: The Conduct of the War and Civilian Casualties in Iraq: II. CONDUCT OF THE AIR WAR," n.d. <https://www.hrw.org/reports/2003/usa1203/4.5.htm>

¹²¹ Zolnikov TR. The maladies of water and war: addressing poor water quality in Iraq. *Am J Public Health*. 2013 Jun;103(6):980-7. doi: 10.2105/AJPH.2012.301118. Epub 2013 Apr 18. PMID: 23597360; PMCID: PMC3698740.

house fighting, and the use of white phosphorus munitions.¹²² The urban battlefield meant that civilians often existed within the crossfire, highlighting the indiscriminate nature of the war, which led to the destruction of homes, mosques, hospitals, and schools.¹²³ According to Human Rights Watch, hundreds to thousands of civilians perished or faced injuries in Fallujah, with the city left in ruins. In the end, the urban combat environment made it nearly impossible to avoid civilian casualties, illustrating the disproportionate harm inflicted on non-combatants.¹²⁴

Furthermore, the humanitarian impact of mass displacement proved to be one of the war's most severe consequences, with the destruction of homes, infrastructure, and public services forcing millions of Iraqis to flee their homes. Due to the war, more than 4 million refugees faced displacement as a result of the war, including 2 million internally displaced persons and 2 million refugees who sought asylum in neighboring countries such as Syria and Jordan. The mass displacement crisis created severe humanitarian challenges, including overcrowded refugee camps, lack of access to education and healthcare, and economic hardships for displaced families.¹²⁵ The social fragmentation and ethnic tensions resulting from mass displacement further destabilized Iraq, contributing to the rise of sectarian violence and insurgency. The scale of displacement demonstrates that the anticipated harm to civilians highlights the gross underestimate of humanitarian impact extended far beyond the immediate casualties of war. In addition, the long-term socio-economic consequences of the Iraq War compounded the humanitarian impact on civilians. The destruction of civilian infrastructure, factories, and businesses led to mass unemployment, poverty, and economic collapse. The International Monetary Fund estimated that Iraq's GDP declined by nearly 40% in the immediate aftermath of the war, plunging millions of Iraqis into poverty.¹²⁶ The lack of economic opportunities contributed to social unrest, crime, and political instability, further undermining the reconstruction and democratization efforts. The economic collapse and loss of social cohesion disproportionately affected women, children, and minority communities, exacerbating social inequality.¹²⁷ The long-term socio-economic impact reveals that the anticipated harm to civilians did not obtain adequate assessment or mitigation.

Overall, the anticipated harm to civilians resulting from the 2003 Iraq War remained significantly underestimated, leading to disproportionate human suffering and long-term socio-economic consequences. The high civilian death toll, destruction of essential infrastructure, mass displacement, and psychological trauma reveal that the civilian cost of the war far outweighed the strategic gains of regime change and democratization. The absence of WMDs and the long-term instability in Iraq and the Middle East further underscore the failure to assess and mitigate the anticipated civilian harm adequately. Ultimately, the Iraq War serves as a cautionary tale about the ethical and strategic

¹²² Now, Democracy. "Pentagon Reverses Position and Admits U.S. Troops Used White Phosphorus Against Iraqis in Fallujah." *Democracy Now!*, October 2, 2010.

https://www.democracynow.org/2005/11/17/pentagon_reverses_position_and_admits_u

¹²³ De Lira, Gerald, Jr. and United States Marine Corps. "The Anger of Great Nation: Operation Vigilant Resolve." Thesis, Thesis. *United States Marine Corps*. Marine Corps University, 2009. <https://apps.dtic.mil/sti/pdfs/ADA509044.pdf>

¹²⁴ Human Rights Watch. "Iraq: Civilian Toll of Government Airstrikes," October 28, 2020. <https://www.hrw.org/news/2014/07/22/iraq-civilian-toll-government-airstrikes>

¹²⁵ O'Donnell, Kelly, Kathleen Newland, and Migration Policy Institute. "The Iraqi Refugee Crisis: The Need for Action." *Migration Policy Institute*, 2008. https://www.migrationpolicy.org/sites/default/files/publications/MPI-The_Iraqi_Refugee_Crisis_The_Need_for_Action_011808.pdf

¹²⁶ IMF. "Iraq and the IMF," March 26, 2025. <https://www.imf.org/en/Countries/IRQ>

¹²⁷ Nasir Ahmed Al Samaraie, "Humanitarian Implications of the Wars in Iraq," *International Review of the Red Cross* 89, no. 868 (December 2007): 929–942.

implications of military intervention, highlighting the need for greater accountability and adherence to international humanitarian law to minimize civilian suffering in future conflicts.¹²⁸

Subsequently, evaluating the balance of harm and gain in the Iraq War requires a critical analysis of its military, political, and humanitarian consequences. While the war achieved some short-term strategic objectives, the absence of WMDs, high civilian casualties, destruction of essential infrastructure, and long-term socio-economic and political instability raise serious questions about whether the strategic gains justify the human and social costs. Primarily, as noted, the justification for the U.S. invasion of Iraq stemmed from the pursuit of nuclear weapons; however, the failure to obtain these weapons revealed significant intelligence failures. These intelligence failures significantly weakened the legitimacy of the war and raised questions about whether the human cost of the invasion justified the strategic gains.¹²⁹

One of the short-term gains of the Iraq War was the removal of Saddam Hussein from his authoritarian regime. Saddam's rule, marked by human rights abuses, political repression, and aggression against neighboring countries, including the invasion of Kuwait in 1990, ended with a brutal dictator and a decade of political repression, and it created the opportunity for democratization. In 2003, Saddam faced capture by U.S. forces, and they later executed him after his conviction for crimes against humanity. Ultimately, the removal of Saddam brought celebration to many Iraqis who had suffered under his regime, and it ended the threat of Ba'athist militarism in the region.¹³⁰ On the other hand, the long-term political consequences of regime change remained far more complex and destabilizing than anticipated. The lack of post-war planning, the disbanding of the Iraqi army, and the de-Ba'athification policy created a power vacuum that led to sectarian violence, insurgency, and the rise of extremist groups.¹³¹ The removal of Saddam's regime disrupted the balance of power between Sunni and Shia communities, leading to sectarian conflict and political fragmentation. Moreover, the emergence of Al-Qaeda in Iraq and the eventual rise of ISIS also stemmed from the power vacuum and instability created by the Iraq War¹³². Ultimately, the sectarian violence and insurgency resulted in tens of thousands of civilian deaths, mass displacement, and long-term regional instability, further destabilizing the Middle East.

As aforementioned, the humanitarian cost of the Iraq War remained catastrophic and disproportionate to the strategic gains achieved. The high civilian death toll demonstrates that the anticipated harm to civilians remains significantly under predetermination, especially given the urban nature of the conflict and the use of heavy artillery and aerial bombardment in populated areas. The urban combat in cities such as Fallujah, Mosul, and Baghdad resulted in high civilian casualties and the destruction of homes, schools, hospitals, and mosques. Additionally, the socio-economic consequences of the Iraq War compounded the humanitarian impact on civilians. The destruction of civilian infrastructure, factories,

¹²⁸ Qureshi, Waseem Ahmad, Dr. "Applying the Principle of Proportionality to the War on Terror." *Richmond Public Interest Law Review*. Vol. 22, 2019. <https://scholarship.richmond.edu/cgi/viewcontent.cgi?article=1462&context=pilr>

¹²⁹ Joseph Betz, "Proportionality, Just War Theory, and America's 2003–2004 War Against Iraq," *Social Philosophy Today* 21 (2005): 137–156

¹³⁰ The Pulitzer Prizes. "The Fall of Saddam Hussein's Iraq," n.d. <https://www.pulitzer.org/article/fall-saddam-husseins-iraq>

¹³¹ Qureshi, Waseem Ahmad, Dr. "Applying the Principle of Proportionality to the War on Terror."

¹³² Yrashed. "How The War in Iraq Changed the World—and What Change Could Come Next - Atlantic Council." Atlantic Council, March 28, 2023. <https://www.atlanticcouncil.org/blogs/menasource/how-the-war-in-iraq-changed-the-world-and-what-change-could-come-next/>

and businesses led to mass unemployment, poverty, and economic collapse. The lack of economic opportunities contributed to social unrest, crime, and political instability, further undermining the reconstruction and democratization efforts. The financial collapse and loss of social cohesion disproportionately affected women, children, and minority communities, exacerbating social inequality. The long-term socio-economic impact reveals that the anticipated harm to civilians did not demonstrate adequate assessment or mitigation. Overall, the balance of harm and gain in the 2003 Iraq War revealed an overwhelming tipping toward harm as the strategic objectives of disarming WMDs and democratization did not occur, and the humanitarian costs remained high. The absence of WMDs, high civilian casualties, mass displacement, political fragmentation, and long-term socio-economic consequences reveal that the anticipated civilian harm remained significantly underestimated. The Iraq War reminds many about the ethical and strategic implications of military intervention, highlighting the need for greater accountability and adherence to international humanitarian law to minimize civilian suffering in future conflicts.¹³³

Lessons Learned

The historical case studies examined in this thesis reveal crucial lessons regarding the principle of proportionality in warfare. These failures and successes in adhering to proportionately highlight ethical, legal, and strategic considerations that continue to shape modern military practices. By examining past military engagements—ranging from large-scale aerial bombing campaigns to targeted modern interventions—this research identified recurring patterns in adherence to and violations of proportionality. These case studies demonstrate that the failure to balance military necessity with the protection of civilians leads to significant humanitarian crises, legal disputes, and long-term geopolitical instability. The lessons from these cases remain crucial for contemporary military strategy and international law, mainly as warfare evolves with new technologies and asymmetric conflicts. The principle of proportionately, as outlined in international humanitarian law and Just War Theory, demonstrates a moral obligation and a practical necessity for maintaining global stability, preventing cycles of violence, and ensuring adherence to the legal framework. This section synthesizes key takeaways from the analyzed conflicts, emphasizing the implications for contemporary warfare and the future of international humanitarian law. It addresses the devastating consequences of ignoring proportionately, the role of technological advancements in refining or complicating its application, the challenges posed by asymmetric warfare, and the broader political and strategic costs of disproportionate force. Furthermore, it explores how international law, military training, and policy decisions can evolve to strengthen adherence proportionately in an era of rapid technological and geopolitical change. Drawing from the aforementioned historical cases, this section provides a framework for ensuring that future conflicts focus on a more substantial commitment to humanitarian principles and ethical warfare.

One of the most evident patterns from the case studies remains the catastrophic impact of failing to adhere to proportionality. The firebombings of Japan, the bombing of Dresden, and the use of Agent Orange during Vietnam demonstrate how the excessive use of force, without a square regard for civilian protection, leads to long-term devastation. These failures led to significant humanitarian consequences, environmental and generational harm, and moral and legal legitimacy erosion. The indiscriminate nature of some bombing campaigns, particularly in World War II, killed hundreds of

¹³³ Human Rights Watch, *Off Target: The Conduct of the War and Civilian Casualties in Iraq* (New York: Human Rights Watch, 2003), 5–15.

thousands of civilians. The firebombing of Tokyo alone killed an estimated 100,000 people in a single night. At the same time, the destruction turned the city into ruins, raising enduring ethical and legal questions about whether military objectives could ever justify such widespread suffering.¹³⁴ The cases highlight the dangers of prioritizing short-term strategic gains over long-term humanitarian considerations. In many instances, military planners argued that these operations remained necessary to end the war; however, the sheer scale of civilian casualties and urban destruction prompted extensive debate regarding the limits of acceptable wartime conduct and the responsibilities of military decision-makers in mitigating harm.

Moreover, Agent Orange illustrated the dangers of chemical warfare and its long-lasting effects, thus demonstrating how violations of proportionality can have intergenerational consequences. As a chemical defoliant deployed to destroy enemy cover, Agent Orange inflicted irreversible harm on both the environment and human populations. Millions of Vietnamese civilians and American soldiers faced exposure to toxic dioxins, leading to severe health effects such as cancer, neurological disorders, and congenital disabilities. Even decades after the war, its devastating impact remains visible through genetic mutations and ecological degradation, demonstrating how violations of proportionality extend far beyond the battlefield.¹³⁵ The long-term repercussions of such decisions underscore the necessity of integrating ethical and legal considerations into military strategy, mainly when dealing with weapons that have lasting, indiscriminate effects.¹³⁶ Ultimately, these cases highlight how destruction caused by disproportionate attacks often provokes condemnation, reinforcing the necessity of proportionality in maintaining ethical warfare.

Additionally, while the physical destruction of war remains evident in the case studies, the long-term psychological and social effects of disproportionate force remain equally devastating. The firebombing of Japan, particularly Tokyo, and the Vietnam War's use of Agent Orange not only inflicted immediate civilian suffering but also led to generational trauma, mental health crises, and social destabilization. The sheer scale of civilian casualties and displacement from these operations created psychological scars that persisted for decades, particularly among veterans, survivors, and descendants.¹³⁷ In Vietnam, victims of Agent Orange exposure continue to suffer from neurological disorders, cancers, and congenital disabilities, illustrating how disproportionate warfare affects populations long after the conflict ends. Similarly, the mass destruction of urban centers in Dresden and Tokyo left survivors in devastated landscapes, struggling with PTSD and the psychological burden of collective trauma. Additionally, history demonstrates that corporate force can fuel resentment and radicalization, as seen in the aftermath of the Iraq War, where excessive civilian casualties contributed to anti-Western sentiment and the rise of insurgency movements.¹³⁸ These cases illustrate why proportionality remains a legal and moral concern and a fundamental factor in long-term conflict resolution. Disregarding proportionality often contributes to cycles of insurgency, prolonged instability, and lasting psychological harm that far outweigh any short-term strategic military advantage.

¹³⁴ Preston, Diana. "Book World: Wrestling with the strategy - and morality - of the firebombing of Japan."

¹³⁵ National Academies Press (US), "History of the Controversy Over the Use of Herbicides."

¹³⁶ Mageli, Paul D. "Ethics of the Vietnam War."

¹³⁷ Levy CJ. Agent Orange exposure and posttraumatic stress disorder. *J Nerv Ment Dis.* 1988 Apr;176(4):242-5. doi: 10.1097/00005053-198804000-00008. PMID: 2965215.

¹³⁸ Yrashed. "How The War in Iraq Changed the World—and What Change Could Come Next - Atlantic Council." Atlantic Council, March 28, 2023. <https://www.atlanticcouncil.org/blogs/menasource/how-the-war-in-iraq-changed-the-world-and-what-change-could-come-next/>

Another critical lesson from these cases remains the notion that excessive force in warfare undermines a state's moral standing and international credibility. Disproportionate military actions often provoke global condemnation, fuel resentment among affected populations, and set dangerous precedents that erode legal norms. The destruction caused by these campaigns weakened the perceived legitimacy of the countries that carried them out, fostering deep-seated grievances that sometimes contributed to future conflicts. Moreover, failure to adhere to proportionality risks emboldening other states or non-state actors to disregard humanitarian principles, further destabilizing the international system. These historical examples reaffirm the crucial role of proportionality in warfare, not just as a moral imperative but also as a necessity. Disproportionate use of force, especially against civilian populations, not only causes immediate devastation but also generates long-term instability, undermining efforts to achieve long-lasting peace. As modern warfare evolves, these lessons from past conflicts remain highly relevant. Upholding proportionately in military strategy remains essential to preventing humanitarian crises, maintaining global standards, and ensuring that military engagements align with ethical obligations and long-term strategic stability.¹³⁹

Furthermore, while past conflicts often struggled with indiscriminate targeting, modern technology offers greater precision when used responsibly, offering a more significant change to adhere to proportionality principles. Advanced intelligence gathering, precision-guided munitions, and real-time surveillance significantly improve the ability of armed forces to distinguish between military and civilian targets, thus reducing collateral damage.¹⁴⁰ These technological advancements can enhance proportionately and minimize unnecessary destruction when applied within ethical and legal frameworks. Notably, the NATO air campaign in Libya serves as a case study of proportionate targeting, demonstrating how precision-guided munitions and intelligence-driven strikes can minimize civilian casualties. The NATO intervention in Libya used extensive intelligence and precision-guided weaponry to limit harm to civilians while achieving strategic military objectives. The contrast between this campaign and historical mass bombings highlights the importance of proportional targeting. On the other hand, while technology offers improved accuracy, autonomous weapon systems raise concerns regarding proportionality, as machines cannot assess humanitarian factors in warfare. This increasing reliance on autonomous weapon systems, including drones and artificial intelligence-driven technology, raises concerns regarding proportionality and accountability.¹⁴¹ These considerations underscore the necessity of human oversight in military decision-making. Without human oversight, the risk of disproportionate force remains a critical concern, reinforcing the necessity of maintaining legal and ethical constraints on emerging technologies.¹⁴²

These considerations highlight the need for careful regulation, oversight, and international frameworks to ensure that technological advancements in warfare strengthen rather than undermine adherence proportionately. While modern precision weaponry previously demonstrated an ability to minimize

¹³⁹ Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 5th ed. (New York: Basic Books, 2015).

¹⁴⁰ Wilson, J. R. 2009. "The Future of Precision-Guided Munitions. (Cover Story)." *Military & Aerospace Electronics* 20 (12): 20–29. <https://search.ebscohost.com/login.aspx?direct=true&AuthType=ip,sso&db=aph&AN=45828512&site=ehost-live&scope=site>

¹⁴¹ North Atlantic Treaty Organization. "Air-to-Ground Precision Guided Munition (A2G-PGM)." *Www.Nato.Int/Factsheets*, October 2020. https://www.nato.int/nato_static_fl2014/assets/pdf/2020/10/pdf/2010-factsheet-a2g-pgm.pdf

¹⁴² Qureshi, Waseem Ahmad. 2020. "The Future of Just War Theory in the Age of Cyberwarfare." *Wisconsin International Law Journal* 38 (1): 1–38. <https://search.ebscohost.com/login.aspx?direct=true&AuthType=ip,sso&db=aph&AN=148834468&authtype=shib&site=ehost-live&scope=site>

civilian casualties when used responsibly, it also necessitates a reevaluation of military doctrines and international policies to prevent forms of disproportionate warfare. Ultimately, as military technology evolves, so must ethical and legal guidelines govern its use. A balanced approach incorporating technological advancements and human insight ensures that it proportionately remains a guiding principle in contemporary and future military engagements.¹⁴³

On the same note, the increasing prevalence of asymmetric warfare complicates the application of proportionality. The Case of NATO's intervention in Kosovo and the 2003 Iraq War highlight how modern conflicts involve non-state actors, civilian shields, and urban warfare, making proportionality assessments more difficult. These lessons demonstrate the vital nature of distinguishing between combatants and civilians. In asymmetric conflicts, non-state actors often embed themselves within civilian populations, making it harder for state actors to distinguish between legitimate military targets and protected civilians.¹⁴⁴ These situations create dilemmas in proportionality today, as military forces must balance eliminating threats with avoiding excessive harm. Moreover, beyond immediate civilian casualties, modern warfare disproportionately affects displaced populations, creating cycles of insurgency and leaving lasting economic and social devastation. Proportionality assessments should consider immediate destruction, post-conflict stability, and humanitarian consequences. Lastly, the evolving nature of warfare demonstrates how the Geneva Conventions and traditional war theory tend to cover cases only of conventional warfare; thus, international bodies must reevaluate their positions and documentation in contemporary military engagements.¹⁴⁵ As asymmetric warfare continues to evolve, understanding the role and significance of proportionality adherence remains vital to ensure the protection of civilians and infrastructure; thus, the lessons from these case studies call for an evolution to keep proportionality in modern approaches.¹⁴⁶

Moreover, the case studies examined in this thesis illustrate the devastating consequences of failing to adhere to proportionality and the challenge of enforcing accountability for violations of international humanitarian law. The Geneva Conventions and the Additional Protocols form the legal foundation for protecting civilians and proportionality in armed conflict, yet enforcement remains inconsistent. The firebombing of Dresden and the U.S. use of Agent Orange in Vietnam exemplify cases where states engaged in large-scale destruction without facing significant legal repercussions. While international law condemns such acts, enforcement often depends on the political will of powerful states, highlighting the selective nature of war crimes prosecutions. The International Criminal Court (ICC) and the International Court of Justice (ICJ) provide avenues for accountability, but their jurisdiction remains limited, and enforcement mechanisms often remain constrained by political considerations.¹⁴⁷ In these historical cases, the absence of meaningful legal consequences for disproportionate warfare demonstrates the urgent need for stronger international oversight, more robust accountability mechanisms, and increased pressure on states to comply with proportionality

¹⁴³ Hickey, J.E. (2012). *Precision-guided Munitions and Human Suffering in War* (1st ed.). Routledge. <https://doi-org.colorado.idm.oclc.org/10.4324/9781315602004>

¹⁴⁴ Grace, Rob. *Surmounting Contemporary Challenges to Humanitarian-Military Relations*. Providence, RI: Center for Human Rights and Humanitarian Studies, Watson Institute for International and Public Affairs, Brown University, 2020. https://watson.brown.edu/files/watson/imce/news/2020/CHRHS_HMR_Report_August2020_FINAL.pdf.

¹⁴⁵ Bassam Romaya, *The Iraq War: A Philosophical Analysis* (New York: Palgrave Macmillan, 2012).

¹⁴⁶ Halbertal, Moshe. "Moral Challenges in Asymmetric Warfare."

¹⁴⁷ Ehigialua, I.D. (2023). *The Future of the International Criminal Court: Reform, Consensus, and Relations with the USA* (1st ed.). Routledge. <https://doi-org.colorado.idm.oclc.org/10.4324/9781003371212>

principles.¹⁴⁸ By learning from these past failures, contemporary military and legal institutions must work toward ensuring that future conflicts remain governed by stricter adherence to proportionality, preventing states from engaging in indiscriminate destruction under the guise of military necessity.¹⁴⁹

Another essential lesson drawn from these case studies is the critical role of military leadership in determining the proportionality of force. For instance, the NATO air campaign in Libya highlights that strategic restraint, intelligence-driven targeting, and precision weaponry can limit civilian harm when military leaders prioritize proportionality in operational decisions. By contrast, the firebombing of Dresden and the U.S. nuclear strikes on Japan demonstrate how military leaders justify large-scale destruction under the rationale of war expediency, often without thoroughly weighing the humanitarian consequences. These cases underscore military leaders' ethical dilemmas in balancing strategic objectives with civilian protection. Legal advisers and ethical training within military structures ensure adherence to proportionality principles in modern warfare.¹⁵⁰ Additionally, internal resistance within institutions, such as officers refusing to carry out unjust orders or whistleblowers exposing disproportionate warfare, continues to limit excessive force. These historical cases reinforce the necessity of ethical leadership, transparency, and accountability in military decision-making. Without such measures, proportionality remains theoretical rather than practical in guiding real-world operations.¹⁵¹

Ultimately, the case studies examined in this thesis reveal that proportionality exists not just in a theoretical principle of warfare but also remains a crucial determinant of military legitimacy, ethical responsibility, and long-term global stability. From the firebombing of Tokyo and Dresden to the use of Agent Orange in Vietnam and the NATO air campaign in Libya, history demonstrates that when states fail to balance military necessity with civilian protection, the consequences extend far beyond immediate destruction. Widespread humanitarian crises, environmental devastation, political instability, and social trauma consistently followed instances of disproportionate force. Conversely, when military strategies are incorporated proportionately, as seen in NATO's Libya intervention, civilian casualties can remain limited while military objectives are achieved with greater international credibility. The development of precision-guided weaponry, intelligence-driven targeting, and adherence to humanitarian law proves that military effectiveness does not have to come at the cost of indiscriminate civilian harm. On the other hand, the emergence of asymmetric warfare, autonomous weapons, and cyber warfare continues to present new challenges that demand constant re-evaluation of proportionality principles. As warfare evolves, ensuring accountability, maintaining ethical leadership, and reinforcing international legal frameworks remain essential in preserving the integrity of proportionality as a guiding standard. The historical failures and successes in applying proportionality provide critical lessons for policymakers, military strategists, and international legal

¹⁴⁸ Bertrand G. Ramcharan, *Modernizing the Role of the International Court of Justice* (The Hague: T.M.C. Asser Press, 2022), <https://doi.org/10.1007/978-94-6265-519-5>

¹⁴⁹ Belfencha, Ismail and Hamdani, Manal Yale Journal of International Affairs. "The Legitimacy Trap: Balancing Enforcement and International Cooperation Within the International Criminal Court — Yale Journal of International Affairs," December 11, 2024. <https://www.yalejournal.org/publications/the-legitimacy-trap-balancing-enforcement-and-international-cooperation-within-the-international-criminal-court>

¹⁵⁰ Henderson, Ian, and Kate Reece. "Proportionality Under International Humanitarian Law: The 'Reasonable Military Commander' Standard and Reverberating Effects." *Vanderbilt Journal of Transnational Law*. Vol. 51, 2018. <https://scholarship.law.vanderbilt.edu/cgi/viewcontent.cgi?article=1101&context=vjtl>

¹⁵¹ Lucas, George R., Jr. "From Jus Ad Bellum to Jus Ad Pacem: Re-Thinking Just War Criteria for Irregular War." *The Moral Role of the Military Professional in International Relations*, n.d., 249–50. https://www.usna.edu/CoreEthics/Essays/Lucas_-_Jus_ad_pacem.pdf

bodies, emphasizing that adhering to proportionality is not just a moral obligation but a practical necessity to prevent cycles of violence and maintain global order.¹⁵² Ultimately, the past shows that disregarding proportionality leads to dire consequences; therefore, the future calls for the proactive adaption of military doctrines, legal frameworks, and technological regulations to uphold this fundamental principle in modern warfare.

Application to Modern Military Strategy

The principle of proportionality remains a defining element in military strategy and international law, guiding armed conflict's ethical and legal constraints. While historical case studies provide critical insights into the successes and failures of proportionality, the modern battlefield presents new challenges that demand a reevaluation of its application. Evolving technology, asymmetric warfare, and the increasing involvement of non-state actors create complex scenarios where traditional interpretations of proportionality may no longer suffice. The ongoing conflicts in Ukraine and between Israel and Palestine illustrate these difficulties, demonstrating both the necessity of adhering to proportionality and the devastating consequences of its violations. This section examines how historical lessons on proportionality can inform contemporary military strategy and evaluates the emerging challenges in maintaining proportionality in modern warfare. This section highlights the strategic, ethical, and humanitarian imperatives that must be addressed to ensure compliance with international law, prevent unnecessary civilian suffering, and maintain global stability by analyzing ongoing conflicts and their adherence to or failure to proportionality principles. The application of proportionality today extends beyond conventional warfare; it now encompasses issues such as precision targeting, cyberwarfare, artificial intelligence, and accountability for war crimes. As modern warfare becomes increasingly complex, so must the strategies for ensuring ethical military engagement. This section calls for a more significant international commitment to upholding proportionality standards, increasing accountability for violations, and developing more explicit guidelines for applying force in asymmetric and technologically advanced conflicts. Using historical lessons in contemporary warfare, military leaders, policymakers, and international institutions can work toward a future where proportionality transforms into a practical and enforceable guideline in military decision-making.

The Russia-Ukraine War

Applying proportionality in contemporary conflicts remains imperative to protect civilians from unnecessary destruction. The ongoing Russia- Ukraine conflict serves as a stark reminder of the devastating consequences of disregarding proportionality in warfare. Since Russia's full-scale invasion of Ukraine in February 2022, reports of indiscriminate attacks on civilian infrastructures, mass displacement, and widespread destruction continue to draw international attention. The conflict not only continues to result in significant civilian casualties and war crimes but also underscores the importance of adhering to international humanitarian law to prevent unnecessary harm and destruction. Violations of proportionality, such as the bombing of hospitals, residential areas, and energy facilities, exacerbate the humanitarian crisis, reinforcing the necessity of limiting military actions

¹⁵² James Kilcup, "Proportionality in Customary International Law: An Argument Against Aspirational Laws of War," *Chicago Journal of International Law* 24, no. 1 (Summer 2023): 159–204, <https://cjl.uchicago.edu/print-archive/proportionality-customary-international-law-argument-against-aspirational-laws-war>

to legitimate targets and minimizing harm to civilian populations. The Russia- Ukraine war proves not only as a regional crisis but as it continues to reshape global military strategy and influence the progression of modern conflicts. As nations assess their defense policies, rules of engagement, and military capabilities, the principle of proportionality remains central to ethical and practical warfare. The war highlights how failure to distinguish between military and civilian targets undermines legitimacy, provokes an international backlash, and fuels long-term instability. Conversely, adherence to proportionality in warfare can mitigate humanitarian disasters, uphold international law, and prevent cycles of violence.

As the ongoing Russia- Ukraine war demonstrates, disregard for proportionality leads to widespread suffering, humanitarian crises, and international condemnation. The lessons from past conflicts—from World War II and Vietnam to modern intervention in Libya and Syria reinforce that adherence to proportionality remains essential for maintaining legitimacy, minimizing civilian casualties, and ensuring strategic effectiveness. Throughout the Russia- Ukraine conflict, the Russian military strategy includes the indiscriminate bombing of civilian infrastructures and the targeting of energy grids, residential areas, and medical facilities, drawing widespread condemnation for violations of proportionality. The excessive damage to cities such as Mariupol, Kharkiv, and Bakhmut echoes historical cases in which disproportionate force led to massive humanitarian crises, long-term displacement, and global repercussions, calling for a reassessment of strategy and adherence to proportionality.¹⁵³ Ukraine, on the other hand, demonstrates a closer adherence to proportionality principles, particularly in its use of precision-guided munitions and strategic targeting of Russian military positions rather than civilian-populated areas. However, the realities of asymmetric warfare and urban combat make adherence to proportionality challenges difficult. Ukraine faces military necessity constraints, needing to repel Russia while also minimizing harm to civilians—a problematic balance seen throughout history.¹⁵⁴ Ultimately, the historical lessons examined in this thesis demonstrate that modern military strategy can effectively integrate proportionality while maintaining operational effectiveness with clear commitments, international legal enforcement, and strategic adaptations to modern warfare conditions.

In Ukraine, Russian missile strikes on power grids, water supplies, and residential buildings mirror historical cases where total war strategies resulted in prolonged instability and mass civilian displacement. The destruction of military infrastructure in Ukraine aligns with historical precedent where strategic bombing campaigns led to significant humanitarian consequences without delivering decisive military success.¹⁵⁵ However, NATO's 2011 intervention in Libya shows how attempts at adherence to proportionality, precision targeting, and real-time intelligence can minimize civilian harm while achieving military objectives. Unlike Russia's indiscriminate bombing, NATO used precision-guided munitions and intelligence-driven targeting to strike military assets, avoiding unnecessary collateral damage. Ukraine, with Western support, continues to increasingly utilize precision-strike capabilities to target Russian supply lines, command centers, and artillery batteries, reducing

¹⁵³ Amnesty International. "Russian Military Commits Indiscriminate Attacks During the Invasion of Ukraine," August 16, 2024. <https://www.amnesty.org/en/latest/news/2022/02/russian-military-commits-indiscriminate-attacks-during-the-invasion-of-ukraine/>

¹⁵⁴ Jensen, Benjamin, and Elizabeth Hoffman. "Victory in Ukraine Starts With Addressing Five Strategic Problems," November 4, 2024. <https://www.csis.org/analysis/victory-ukraine-starts-addressing-five-strategic-problems>

¹⁵⁵ "Escalating Attacks on Ukraine's Civilian, Energy Infrastructure Making Humanitarian Aid Delivery Even More Dangerous, Relief Chief Tells Security Council | Meetings Coverage and Press Releases," May 14, 2024. <https://press.un.org/en/2024/sc15695.doc.htm>

unnecessary destruction while maintaining military effectiveness. These adaptations demonstrate the attempts to successfully integrate proportionality into modern military operations with a commitment to ethical engagement and advanced technological support.¹⁵⁶

Furthermore, while Russia and Ukraine bear direct responsibility for proportionality in their military engagements, the global community must uphold international norms and prevent further violations. The Geneva Conventions, United Nations charters, and international war crime tribunals establish legal frameworks to enforce proportionality, yet accountability remains inconsistent, mainly when significant powers engage in disproportionate warfare. The lack of meaningful consequences for violations of proportionality in past conflicts, including chemical warfare in Vietnam and large-scale civilian bombings in World War II, set dangerous precedents, enabling states to operate with relative impunity. The international community must take stronger measures to ensure that proportionality remains upheld in Ukraine and beyond. The first of these measures entails stronger legal and political accountability. Namely, Russia's targeting of civilian areas and indiscriminate missile strikes calls for an investigation by international war crime tribunals, with clear legal consequences for violations of proportionality.¹⁵⁷ Subsequently, the International Criminal Court (ICC) and other legal bodies must strengthen their enforcement mechanisms to prevent further violations by any state, regardless of geopolitical influence.¹⁵⁸ Secondly, international bodies supporting proportionality can demonstrate their support through the continued supply of precision weaponry, intelligence-sharing systems, and ethical military training to ensure its operations remain within proportional standards while maintaining battlefield effectiveness. The success of previous precision-guided targeting in past interventions, such as Libya, highlights the necessity of continued support in this regard.¹⁵⁹ International bodies can thoroughly support Ukraine's adherence to proportionality and express their commitment to ethical warfare. Additionally, the international community must press for a solution to the conflict that prioritizes civilian protection, including stricter arms embargoes on Russia, economic sanctions, and increased humanitarian assistance for displaced Ukrainian civilians. These actions will aid in preventing further humanitarian catastrophes, thus requiring global coordination and commitment.

Ultimately, the Russia-Ukraine war continues to become a defining contemporary test case for applying proportionality in modern military strategy. The lessons from history suggest that wars fought with indiscriminate force create long-term instability and human suffering. At the same time, conflicts managed with precision, legal accountability, and strategic restraint offer a path to sustainable military success and post-war recovery. The war in Ukraine proves not only the defense of national sovereignty but also a chance to establish a global precedent in the choice to engage in disproportionate warfare with impunity or whether an international system will reinforce proportionality as a guiding norm.¹⁶⁰

¹⁵⁶ IISS. "Making Attrition Work: A Viable Theory of Victory for Ukraine," n.d. <https://www.iiss.org/online-analysis/survival-online/2024/01/making-attrition-work-a-viable-theory-of-victory-for-ukraine/>

¹⁵⁷ Foreign, Commonwealth & Development Office. "Russia Still Unaccountable for Its Indiscriminate Attacks Against Ukraine: UK Statement to the OSCE." GOV.UK, October 19, 2023. <https://www.gov.uk/government/speeches/russia-still-unaccountable-for-its-indiscriminate-attacks-against-ukraine-uk-statement-to-the-osce>

¹⁵⁸ Zubytska, Lidiya. 2024. "The Challenges and Efficacy of International Organizations in the Context of Russia's War in Ukraine." *Peace Review: A Journal of Social Justice* 36, no. 1 (February): 99–114. <https://doi.org/10.1080/10402659.2024.2321953>

¹⁵⁹ Czdefence. "Precision-guided Missiles and Their Importance." CZDEFENCE - Czech Army and Defence Magazine, n.d. <https://www.czdefence.com/article/precision-guided-missiles-and-their-importance>

¹⁶⁰ Harold Hongju Koh, "International Law in the Russian-Ukraine War," *Ohio State Law Journal* 84, no. 6 (2024): 991–1016.

For Ukraine, leveraging historical lessons and maintaining a commitment to proportionality will strengthen its global legitimacy and facilitate post-war reconstruction and reconciliation. For Russia, disregarding proportionality will continue to lead to international isolation, economic repercussions, and war crime investigations. This trajectory mirrors historical cases where disproportionate force led to geopolitical losses rather than gains. For the international community, this war represents a crucial moment to reinforce international humanitarian law, hold violators accountable, and strengthen ethical military strategy for the 21st century.¹⁶¹

Overall, the Russia- Ukraine conflict stands as a pivotal moment in the evolution of modern military strategy and the global enforcement of proportionality. The historical cases examined in this thesis provide a blueprint for understanding the consequences of disproportionate warfare and the benefits of ethical military engagement. The war in Ukraine highlights the urgent need for the international community to take more decisive action, ensuring that military strategy aligns with legal and humanitarian obligations. As warfare evolves, the proportionality principle must remain central to global security efforts, shaping how conflicts remain fought and how they find resolution. Failure to uphold these standards risks setting a dangerous precedent for future wars, where civilian lives become collateral in unchecked military aggression. Ultimately, the world must demand proportionality, enforce accountability, and redefine ethical warfare for future generations.

The Israel-Hamas Conflict

Another crucial example of proportionality in contemporary conflict remains the current conflict between Israel and Hamas. As contemporary conflicts increasingly involve urban warfare, non-state actors, and asymmetric engagements, the need to balance military necessity with the protection of civilians becomes increasingly urgent. The ongoing Israel- Palestine conflict, particularly the 2023-2024 escalation between Israel and Hamas, reignites global debates over proportionality, civilian protection, and the ethics of military engagements in densely populated areas. Ultimately, this section examines how past successes and failures in proportionality can inform modern military strategy during the Israel-Palestine conflict. The realities of this conflict highlight the urgent need for Israel, Hamas, and the international community to reinforce proportionality, accountability, and civilian protection in 21st-century warfare.

The Israel-Palestine conflict remains one of the longest-running disputes in modern history. Still, the most recent escalation between Israel and Hamas demonstrates an increasingly deadly direction of the tensions. Hamas's October 7, 2023, attack on Israel, which involved the killing of 1,200 civilians and military personnel, mass hostage-taking, and rocket strikes, triggered a large-scale Israeli army response in Gaza. The Israeli Defense Forces (IDF) retaliated with extensive airstrikes, artillery bombardments, and a ground invasion, aiming to neutralize Hamas's military capabilities and eliminate its leadership.¹⁶² However, as of the end of March 2025, the high civilian casualty toll of 50,000 civilians and extensive

¹⁶¹ Robert Lansing Institute. "Dangerous Precedents: How U.S. Policy Risks Undermining Global Security and NATO Stability - Robert Lansing." *Robert Lansing Institute*, March 25, 2025. <https://lansinginstitute.org/2025/03/25/dangerous-precedents-how-u-s-policy-risks-undermining-global-security-and-nato-stability/>

¹⁶² Reuters. "Israel-Gaza War: A Timeline of Key Events." *Reuters*, March 18, 2025. <https://www.reuters.com/world/middle-east/major-moments-israel-gaza-war-2025-01-15/>

destruction of Gaza's infrastructure continue to draw international condemnation, raising concerns over whether Israel's military response adheres to proportionality principles.¹⁶³

The complexity of this conflict lies in urban warfare and the involvement of non-state actors, a scenario that historically challenges the application of proportionality. Hamas operates within civilian areas, uses underground tunnels, and launches attacks from densely populated neighborhoods, making it difficult for Israel to target Hamas operatives without causing collateral damage. While Israel maintains that it follows international humanitarian law by warning civilians before airstrikes and targeting Hamas military assets, the scale of destruction and high civilian death toll has led to accusations of disproportional force.¹⁶⁴ Ultimately, it remains crucial to understand how military strategy can incorporate proportionality while addressing security threats in asymmetrical conflicts; thus, the historical lessons analyzed in this thesis provide insights into the consequences of disproportionality and the necessity of ethical engagement.

History demonstrates that failing to observe proportionality leads to severe humanitarian, geopolitical, and strategic consequences. The firebombing of Tokyo and Dresden during World War II and the U.S. use of Agent Orange in Vietnam illustrate how unrestricted military tactics often result in mass civilian suffering, environmental devastation, and long-term instability. In Gaza, the extensive use of airstrikes on civilian infrastructure—including apartment buildings, hospitals, and refugee camps—echoes historical cases where overwhelming force led to humanitarian crises rather than decisive military victories.¹⁶⁵ The destruction of Gaza's essential services, including water, electricity, and medical facilities, mirrors historical instances where strategic bombing campaigns inflicted more suffering on civilians than on enemy combatants, ultimately undermining long-term security goals.¹⁶⁶

On the other hand, NATO's Libya intervention and the Kosovo conflict provide examples of how modern military technology and intelligence-driven targeting can minimize civilian harm while achieving military objectives. NATO's use of precision-guided munitions and strategic targeting of military assets rather than civilian areas sharply contrasts with the indiscriminate bombings of past wars. Israel's Iron Dome missile defense system, which intercepts Hamas rocket attacks before they hit populated areas, highlights a modern example of proportionate defense, as it minimizes civilian casualties while reducing the need for massive retaliatory airstrikes.¹⁶⁷ However, the recent escalation in Gaza suggests that Israel's air and ground operations have exceeded the threshold of proportionality, causing destruction that outweighs the military advantage gained.¹⁶⁸ Ultimately, if

¹⁶³ Reuters. "Gaza Death Toll: How Many Palestinians Has Israel's Offensive Killed?," March 24, 2025.

<https://www.reuters.com/world/middle-east/how-many-palestinians-has-israels-gaza-offensive-killed-2025-01-15/>

¹⁶⁴ Abdullahi, Abdirizak Osman. 2024. "The Role of IHL for Civilian Protection in the Gaza Strip: Case Study of Israel-Hamas War." *Journal of East Asia and International Law* 17, no. 2: 447–460. <https://doi.org/10.14330/jeail.2024.17.2.10>

¹⁶⁵ OHCHR. "Gaza: Destroying Civilian Housing and Infrastructure Is an International Crime, Warns UN Expert," n.d. <https://www.ohchr.org/en/press-releases/2023/11/gaza-destroying-civilian-housing-and-infrastructure-international-crime>

¹⁶⁶ Santora, Marc, Iyad Abuheweila, and Patrick Kingsley. "Gaza Faces Humanitarian Catastrophe With Shortages of Water and Medicine." *The New York Times*, May 18, 2021.

<https://www.nytimes.com/2021/05/18/world/middleeast/gaza-humanitarian-disaster.html>

¹⁶⁷ Shelly Aviv Yeini, "Iron Dome and Jus ad Bellum Proportionality," *Harvard National Security Journal* 13, no. 1 (2022): 121-157.

¹⁶⁸ Inroads Contributors. 2023. "Self-Defence, Proportionality and the Israel-Hamas War."

Israel wants to combat Hamas while maintaining moral and legal legitimacy, it must integrate lessons from past conflicts that emphasize proportionality, precision targeting, and strategic restraint.¹⁶⁹

As with the Russia- Ukrainian War, the global community must uphold international humanitarian norms and prevent further violations. The Geneva Conventions, United Nations mandates, and war crime tribunals establish legal frameworks to enforce proportionality, yet enforcement remains inconsistent and highly politicized. Past failures to hold states accountable for indiscriminate wars, including the cases above, have set dangerous precedents, allowing actors in contemporary conflicts to operate with relative impunity. Again, both Israel and Hamas must remain accountable for violations of proportionality through independent war crime investigations, ICC proceedings, and international legal oversight. The indiscriminate killing of civilians, whether by airstrikes or rocket attacks, cannot face justification under international law.¹⁷⁰ Furthermore, the global community must press for temporary ceasefires, humanitarian corridors, and aid access to ensure civilians do not stay trapped in conflict zones. Ignoring civilian protection leads to mass displacement, starvation, and medical crises—outcomes that history shows prolong conflicts rather than resolve them; additionally, While Israel has a right to defend itself, past conflicts demonstrate that excessive force does not lead to lasting security; thus, focusing on Hamas leadership and weapons depots rather than civilian areas would align more closely with proportionality principles.^{171,172,173} Lastly, military force alone cannot resolve the Israel-Palestine conflict. The international community must push for a long-term diplomatic solution that addresses the root causes of instability, territorial disputes, and the humanitarian needs of Palestinians. The failure to achieve a political resolution leads to repeated cycles of violence, echoing the long-term instability seen in other disproportionate conflicts, such as Vietnam and Iraq.¹⁷⁴

Overall, the Israel-Palestine conflict represents a critical moment in the evolution of modern military strategy. The historical case studies examined in this thesis reveal that wars fought with indiscriminate force create long-term instability, radicalization, and deep-seated grievances. Conversely, conflicts managed with precision, adherence to international law, and strategic restraint offer paths toward sustainable security and post-war recovery. Israel's security concerns and Hamas's political ambitions cannot justify the ongoing civilian suffering, with history demonstrating that extreme responses often backfire, fueling further cycles of violence rather than achieving long-term peace.¹⁷⁵ For Israel, aligning

¹⁶⁹ Erlanger, Steven. "Under Rules of War, 'Proportionality' in Gaza Is Not About Evening the Score." *The New York Times*, December 13, 2023. <https://www.nytimes.com/2023/12/13/world/middleeast/israel-gaza-proportionality-law-of-war.html>

¹⁷⁰ Abdullahi, Abdirizak Osman. 2024. "The Role of IHL for Civilian Protection in the Gaza Strip: Case Study of Israel-Hamas War." *Journal of East Asia and International Law* 17, no. 2: 447–460. <https://doi.org/10.14330/jeail.2024.17.2.10>

¹⁷¹ Inroads Contributors. 2023. "Self-Defence, Proportionality and the Israel-Hamas War." *Inroads: The Canadian Journal of Opinion* 54: 102–125.

¹⁷² Erlanger, Steven. "Under Rules of War, 'Proportionality' in Gaza Is Not About Evening the Score."

¹⁷³ Arkin, William M. 2024. "Israel's War on Hamas: How Many Palestinian Deaths Is Too Many?" *Newsweek* 182, no. 1 (January 12). <https://www.newsweek.com/israels-war-hamas-how-many-palestinian-deaths-too-many-1836391>

¹⁷⁴ M.I. "Staggering Loss of Life in Gaza, Follow-on to Temporary Truce Dominate General Assembly Debate on Decades-Long Question of Palestine- Meeting Coverage - Question of Palestine." Question of Palestine, April 3, 2024. <https://www.un.org/unispal/document/staggering-loss-of-life-in-gaza-follow-on-to-temporary-truce-dominate-general-assembly-debate-on-decades-long-question-of-palestine-28nov-2023/>

¹⁷⁵ Dhojnacki. "Egyptian Senator: The Mass Displacement of Gazans Will Only Fuel Hamas's Extremist Ideology - Atlantic Council." Atlantic Council, February 28, 2025. <https://www.atlanticcouncil.org/blogs/new-atlanticist/egyptian-senator-the-mass-displacement-of-gazans-will-only-fuel-hamass-extremist-ideology/>



its military strategy with proportionality will strengthen its global legitimacy and ensure lasting security without alienating regional allies. For Hamas and Palestine, rejecting the use of civilians as shields and moving toward political solutions rather than armed conflict will foster better prospects for statehood and sovereignty.¹⁷⁶ This conflict represents a defining moment for the international community to reinforce international humanitarian law, hold violators accountable, and advocate for a sustainable peace process.

Ultimately, the Israel-Palestine conflict underscores the urgent need for a renewed commitment to proportionality in modern warfare. The historical lessons in this thesis clearly warn about the dangers of disproportionate force and the necessity of ethical military engagement. The international community must act decisively to prevent further escalation, ensuring that military operations remain within legal and humanitarian boundaries. The world cannot afford to let history repeat itself—proportionality must be upheld, accountability must be enforced, and a path to peace must be pursued before innocent lives face devastating consequences.¹⁷⁷

In summary, applying proportionality in modern military strategy remains one of the most pressing challenges in contemporary warfare. As evidenced by historical case studies, when ignored, the consequences of disproportionate force extend far beyond immediate battlefield outcomes—leading to humanitarian catastrophes, geopolitical instability, and the erosion of international legal norms. The ongoing conflicts in Ukraine and between Israel and Palestine illustrate how the principles of proportionality continue to face tests in real time, with both state and nonstate actors facing legal, ethical, and strategic dilemmas in their military operations. Ultimately, the lessons from past conflicts reinforce the necessity of integrating proportionality into modern warfare through technological advancements, accountability mechanisms, and straightforward legal guidelines. The global community must actively reinforce proportionality standards, ensuring that military engagements remain within ethical and legal constraints. Failure to create stricter guidelines risks normalizing indiscriminate warfare, undermining humanitarian protections, and setting a dangerous precedent for future conflict. For military leaders, political makers, and international institutions, the task remains clear: Proportionality does not exist as an afterthought but as a guiding principle in shaping the future of warfare, fostering accountability, and protecting civilian lives in an era of evolving conflict.

Conclusion

In analyzing the principle of proportionality through historical and contemporary conflict, this thesis demonstrates this doctrine's indispensable role in preserving human life and mitigating tragedy during war. From the devastation of the firebombings in World War II to the enduring consequences of Agent Orange, it remains clear that the failure to adhere to proportionality in wartime strategy leads to massive civilian suffering, long-term environmental damage, and lasting instability. On the other hand, instances such as NATO's Operation Unified Protector in Libya show that adherence to proportionality remains possible and strategically advantageous in achieving goals while maintaining

¹⁷⁶ Schmitt, Michael N., and Michael N. Schmitt. "Israel – Hamas 2023 Symposium – What Is and Is Not Human Shielding?" *Lieber Institute West Point*, September 6, 2024. <https://lieber.westpoint.edu/what-is-and-is-not-human-shielding/>

¹⁷⁷ "António Guterres (UN Secretary-General) on the Situation in the Middle East, Including the Palestinian Question - Security Council, 9451st Meeting," February 26, 2024. <https://news.un.org/en/story/2023/10/1142742>

civilian well-being. Ultimately, these cases reveal a spectrum of military conduct, illustrating how proportionality remains an active choice that can face neglect or ethical upholding.

Moreover, as military technology and asymmetric warfare frequently present themselves in today's warfare, proportionality's ethical and legal dimensions demand renewed attention to ensure protection for civilians, infrastructure, and global stability. Drones, precision-guided munitions, and autonomous weapons systems bring new opportunities to minimize civilian harm, yet they also introduce new challenges in ensuring accountability during decision-making. Similarly, the rise of non-state actors within civilian populations further complicates the original scope of proportionality. Thus, an adaptive application of the principle must be made to protect ethical wartime strategies. This thesis argues that proportionality is not a legal constraint but a critical consideration in upholding international humanitarian law. Its application protects noncombatants, limits destruction, and fosters post-conflict recovery and reconciliation.¹⁷⁸ The case studies explored in this research underscore the importance of ethical foresight, strategic discipline, and legal accountability in warfare. As international actors face increasing pressure to balance security interests with humanitarian obligations, proportionality protects against the unnecessary consequences of modern conflict.

Looking ahead, applying proportionality in warfare must evolve alongside the changing nature of conflict. States, international organizations, and civil society must ensure legal oversight by embedding advisors within military operations to assess proportionality in real time and ensure accountability through transparent investigations and judicial processes. Alongside these adaptations, nations must invest in ethical military technologies when assessing their military strategy. Nations must commit to developing and deploying weapon systems that enhance precision and reduce civilian harm while rejecting technologies that lack sufficient human oversight. Equally important is the promotion of education and training in the ethical dimensions of warfare. Military personnel, policymakers, and civilian leaders should understand the depths of Just War Theory, international humanitarian law, and the advantageous application of proportionality. This knowledge must exist within strategic decision-making to cultivate norms of restraint and accountability within contemporary warfare.^{179,180} To support these efforts, global institutions must strengthen international cooperation by reinforcing proportionality through binding agreements, shared operational standards, and collective responsibility. Collaborative frameworks can serve as deterrents against violations and encourage adherence to ethical principles across diverse conflict settings, thus securing the moral imperative to protect noncombatants and infrastructure in the most instances achievable.

Finally, it remains essential to elevate the voices of civilian victims—the heart of the consequences of disproportionate warfare. Post-conflict justice must prioritize recognition and remedy the damage caused by disproportionate actions. Reparations, environmental restoration, and inclusive peacebuilding initiatives act not solely as restitution but are essential to restoring dignity and rebuilding trust. The international community must actively listen to and center the experiences of civilians who bear the brunt of conflict. Their testimonies should inform future policy decisions, peace negotiations,

¹⁷⁸ Patterson, Eric D.. *Ending Wars Well: Order, Justice, and Conciliation in Contemporary Post-Conflict*. New Haven: Yale University Press, 2012. <https://doi-org.colorado.idm.oclc.org/10.12987/9780300183528>

¹⁷⁹ Erwin, Edward. 2021. "Responsibility and Restraint: James Turner Johnson and the Just War Tradition, Edited by Eric Patterson and Marc LiVechhe: Foreword by George Weigel. Middletown, Stone Tower Press, 2020, 316 Pp., (Soft Cover), ISBN 978-1-7345859-6-4." *Journal of Military Ethics* 20 (1): 84–89. doi:10.1080/15027570.2021.1923339.

¹⁸⁰ Walzer, Michael. "Proportionality and Responsibility." *Philosophy and Society* 31, no. 3 (2020): 385–392. <https://doi.org/10.2298/FID2003385W>

and legal reforms, ensuring that their suffering does not repeat or remain overlooked. Including survivors in transition justice mechanisms not only validates their experiences as victims of war but also strengthens the legitimacy of post-conflict processes. Governments and international institutions should provide platforms for these voices to be heard—whether through public hearings, truth commissions, or participatory peace processes—ensuring that the lessons of past conflicts guide more humane approaches to warfare.¹⁸¹ Ultimately, civilian stories remain vital in shaping a collective historical memory that honors resilience, demands accountability, and fosters healing.

In conclusion, the future of warfare will remain shaped by how the international community responds to the ethical challenges of today's warfare, from evolving technologies to unconventional threats. Despite these challenges, proportionality offers a formidable framework for legal compliance and humane leadership in conflict. By learning from the past and committing to principled action, states can ensure that military power exercises restraint, respect, and responsibility. Ultimately, the path forward remains clear—proportionality must exist at the heart of all military strategy if the international community seeks to preserve human dignity amidst the chaos of war. In a world where the consequences of conflict expand far beyond the battlefield, the commitment to proportionality is a moral obligation that defines the character of the international community. Ultimately, the accurate measure of a nation's strength exists not in its capacity to wage war but in the courage to wage it justly. As William Ralph Emerson once wrote, "Not gold but only men can make a people great and strong; Men for truth and honor's sake Stand fast and suffer long."¹⁸² In that spirit, the ensuring strength of every nation remains not measured by its arsenal but by its unwavering commitment to justice, humanity, and the protection of the innocent—even in the face of war.

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¹⁸¹ Rinaldi, Jennifer. "Survivor Song: The Voice of Trauma and Its Echoes." *Electronic Theses and Dissertations*, 2011. <https://digitalcommons.du.edu/cgi/viewcontent.cgi?article=1551&context=etd>

¹⁸² Emerson, William Ralph Academy of American Poets. "A Nation's Strength." Poets.org, January 1, 1847. <https://poets.org/poem/nations-strength/print>

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