

ANCHOR AND BRIDGE: A THREE-LAYER ARCHITECTURE FOR UNIVERSAL DEPLOYMENT OF THE MEANS/VIEWS DISTINCTION IN DESTINATIONS OF CONVENTIONAL EXTREMISM

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ABSTRACT

This Article supplies the analytical architecture that connects two prior contributions — the constitutional distinction between radicalism and extremism in *Means, Not Views*¹ and the axiomatic principles articulated in *The Fundamental Laws of Supremacism and Egalitarianism*² — into a unified framework for universal constitutional deployment. *Means, Not Views* Part VIII proposed portability of the means/views distinction across democratic constitutional systems by "substituting local controlling authority." That mechanism works in healthy constitutional democracies, where local doctrine instantiates the distinction directly. It breaks in destinations of *conventional extremism* — polities where the destination's own constitutional apparatus is itself the supremacist actor — because there is no clean local authority to substitute *to*. The Article supplies the missing architecture: a three-layer system in which (1) the Laws of Supremacism and Egalitarianism operate as an axiomatic *substrate* that does not require any local constitutional system to function; (2) the Means/Views

¹ Joseph D. Kirchner, *Means, Not Views: The Constitutional Distinction Between Radicalism and Extremism* (May 2026) [hereinafter *Means, Not Views*].

² Joseph D. Kirchner, *The Fundamental Laws of Supremacism and Egalitarianism* (May 2026) [hereinafter *Laws of S/E*].

distinction supplies the *operational* legal vocabulary; and (3) international and regional human-rights frameworks (ICCPR Articles 19 and 21, ECHR Article 10, ACHR Article 13, African Charter Article 9, and the various Special Rapporteur mandates) supply the *remedial* channel. The Article develops two analytic functions the architecture supports: a *survey instrument* for characterizing state action independent of local doctrine, and a *bridging function* for explaining why international standards bind analytically rather than merely treaty-mechanically. The Article then applies the architecture to three deployment cases — polities with ratified obligations but defected practice, polities without ratified obligations, and polities in transition — and to a suite of practical channels: UPR submissions, regional-court litigation, transitional-justice frameworks, constitutional drafting in post-transition polities, and predictive diagnosis for democratic backsliding. The Article concludes by naming the framework's limits and by situating the three-piece architecture as a unified intellectual program for civil-society organizations, regional courts, transitional-justice processes, and constitutional drafters confronting categorical predicates that target views rather than means.

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I. INTRODUCTION

This Article completes a three-piece intellectual architecture. The first piece — *Means, Not Views: The Constitutional Distinction Between Radicalism and Extremism* — argues that American First Amendment doctrine from *Brandenburg v. Ohio*³ through the modern canon draws a constitutional line between two categories of political-doctrinal disposition: *radicalism*, defined as challenge to conventional positions through constitutional means (speech, association, advocacy, petition, persuasion, peaceful protest, electoral mobilization, civil-society organization), and *extremism*, defined as the use of unconstitutional means (violence, true threats, incitement to imminent lawless action) to advance political views. The line is drawn at *means*, not at the radicality of the *view* advanced. The Article develops a structural corollary the existing literature had not articulated as such: *conventional dispositions may themselves be extremist while remaining conventional*, because the means analysis applies symmetrically to state action as to citizen action. Where a conventional state apparatus maintains a conventional political disposition through unconstitutional means against radical political challenge, the conventional apparatus satisfies the extremism criterion by means analysis, regardless of the disposition's status as politically conventional. Part VIII of that Article then proposes portability of the distinction across democratic constitutional systems by "substituting local controlling authority" — *Brandenburg* becomes *Handyside v. United Kingdom*⁴ in ECHR systems; the U.S. statutory inventory becomes the local equivalent; the U.S. historical inventory (slavery, Jim Crow, women's suffrage, civil rights, marriage equality) becomes the local historical analog.

The second piece — *The Fundamental Laws of Supremacism and Egalitarianism* — articulates two axiomatic principles that the means/views distinction implicitly rests on but that

³ *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969) (per curiam).

⁴ *Handyside v. United Kingdom*, App. No. 5493/72, Eur. Ct. H.R. ¶ 49 (Dec. 7, 1976).

the constitutional argument does not name. The Fundamental Law of Supremacism holds that in every system S , sustained conflict $SC(C)$ necessarily implies the existence of a supremacist claim $P(E_x, E_\gamma)$ between at least one pair of entities: $\forall S, \forall C \subset S, SC(C) \Rightarrow \exists P(E_x, E_\gamma)$. The Fundamental Law of Egalitarianism holds that wherever pairwise equality is fully maintained, sustained conflict cannot exist: $\forall S, (\forall E_x, E_\gamma \in S, EqI(E_x, E_\gamma)) \Rightarrow \neg SC(C)$. Both laws are demonstrated through proofs by contradiction. They are context-free: they hold independent of economic conditions, cultural factors, political structures, historical circumstances, technological development, and geographic location. They occupy an axiomatic position in social science analogous to the position foundational laws occupy in natural science: not theories to be tested but principles that define the terms of analysis.

The third piece — this Article — supplies the architecture that connects the substrate (the Laws) to the operational vocabulary (Means/Views) and to the remedial channel (international and regional human-rights frameworks). The architecture is designed for a specific deployment problem: applying the means/views distinction in destinations of *conventional extremism*, where the destination's own constitutional apparatus is itself the supremacist actor.

A. The Portability Problem

Means, Not Views Part VIII proposes a portability mechanism predicated on the availability of analogous local doctrine. The Article identifies the doctrinal substitutions required for deployment in various jurisdictions and supranational systems: *Handyside* and the Article 10 ECHR jurisprudence for European Convention systems; *A v. Secretary of State for the Home Department* for citizen-detention cases in the United Kingdom; Section 153A and the broader

Indian Penal Code framework for India;⁵ the *Kol Ha'am* doctrine for Israeli administrative-detention cases;⁶ the ICCPR Article 19 framework for international human-rights bodies;⁷ the Inter-American Convention Article 13 jurisprudence for IACtHR cases;⁸ the African Charter Article 9 framework for the African Commission.⁹ In each case, the Article identifies a doctrinal counterpart that the means/views distinction can attach to within the destination's own constitutional or international-legal system.

The mechanism is sound for healthy constitutional democracies — polities where domestic doctrine already instantiates some version of the means-based standard, even if the polity does not articulate it as such. In a healthy democracy, the means/views distinction operates as a doctrinal recognition exercise: the Article supplies the analytical vocabulary the doctrine has been applying implicitly, and the doctrinal counterpart provides the binding force.

The mechanism fails when the destination's own constitutional apparatus is the supremacist actor. In that case, the destination's "local controlling authority" is precisely what the framework analyzes as the conventional extremism in operation. There is no clean local doctrine to attach to — the local doctrine *is* the apparatus the framework would discipline. Substituting "controlling authority" yields the apparatus's own legitimating self-description: the destination's anti-terrorism statute, its administrative-detention authority, its national-security court doctrine, its emergency powers, its categorical surveillance regime. Each of these is the substantive target of the means/views analysis, not the doctrinal vehicle by which the analysis is deployed.

The conventional-extremism corollary that *Means, Not Views* Part V articulates names this category but does not specify how the framework attaches when the conventional apparatus

5 Indian Penal Code § 153A.

6 *Kol Ha'am Co. v. Minister of Interior*, HCJ 73/53, 7 P.D. 871 (Isr. 1953).

7 International Covenant on Civil and Political Rights, art. 19, Dec. 16, 1966, 999 U.N.T.S. 171.

8 American Convention on Human Rights, art. 13, Nov. 22, 1969, 1144 U.N.T.S. 123.

9 African Charter on Human and Peoples' Rights, art. 9, June 27, 1981, 1520 U.N.T.S. 217.

is itself the analytic target. This Article supplies that attachment by routing the analysis through a layer above local doctrine.

B. The Article's Contribution

The framework articulated here is a three-layer architecture.

The *substrate layer* is the Laws of Supremacism and Egalitarianism. Because the Laws are axiomatic claims about the structural relation between means and sustained conflict, they do not require any local constitutional system to apply. They produce a binary determination on *conduct* — supremacist means or egalitarian means — through the observation of a sufficiently rigorous observer. The observer can be an international human-rights body, transnational civil-society organizations, exile journalism, scholarly analysis, or domestic constitutional actors operating in a permissive moment. The Laws bind whatever they characterize because the binding is structural, not jurisdictional.

The *operational layer* is the Means/Views distinction. It translates the substrate's axiomatic determination into legal and constitutional vocabulary that lawyers, courts, civil servants, and reformers can work with. Where the substrate says "this state action operates on supremacist means," the operational vocabulary says "this state action targets the radicality of the view rather than the means deployed; under *Brandenburg*, *Watts*,¹⁰ *Counterman*,¹¹ *Claiborne*,¹² *Holder v. HLP*,¹³ and the modern canon (or their local counterparts), the action is doctrinally indefensible." The operational layer is where the doctrinal substitution mechanism of *Means*, *Not*

10 *Watts v. United States*, 394 U.S. 705 (1969) (per curiam).

11 *Counterman v. Colorado*, 600 U.S. 66 (2023).

12 *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886 (1982).

13 *Holder v. Humanitarian Law Project*, 561 U.S. 1 (2010).

Views Part VIII operates — but it operates against the analytical fixity supplied by the substrate, not independently.

The *remedial layer* is international and regional human-rights frameworks. ICCPR Article 19 and Article 21,¹⁴ ECHR Article 10,¹⁵ ACHR Article 13, the African Charter Article 9, and the various Special Rapporteur mandates each independently codify some version of the egalitarian invariant the substrate articulates. They constitute the institutional remedy mechanisms — the channels through which civil-society organizations, scholars, journalists, and litigants can press the analytic findings against destination states.

The architecture supports two analytic functions. A *survey instrument* function: applying the Laws to the destination's enumerated state-action categories (categorical predicates, surveillance regimes, criminal definitions of "extremism," administrative-detention authority, security-court jurisdiction, civil-society restrictions, media-licensing regimes, counter-radicalization programs) produces a topology of supremacist state-action loci. The topology is axiomatically derived, not treaty-derived — it does not depend on what the destination has ratified or how the destination's domestic courts interpret its own constitution. A *bridging function*: the Laws supply the analytical anchor between domestic state action and international remedial standards. The bridge runs from (1) the destination's state action permitted under local law, through (2) the Laws' characterization of that action as operating on supremacist means, to (3) the international or regional framework's remedial standard, to (4) the substrate-layer explanation of why the international standard binds analytically (not merely treaty-mechanically) and why the destination's defection is doctrinally indefensible.

¹⁴ International Covenant on Civil and Political Rights, art. 21, Dec. 16, 1966, 999 U.N.T.S. 171.

¹⁵ Convention for the Protection of Human Rights and Fundamental Freedoms, art. 10, Nov. 4, 1950, 213 U.N.T.S. 221.

The Article applies the architecture to three deployment cases: polities with ratified international obligations but defected practice (India, Israel, Russia, Egypt, Turkey illustrate); polities without ratified obligations (the People's Republic of China, Saudi Arabia and Gulf monarchies, North Korea illustrate); and polities in transition (the South African transition, the Spanish post-Franco transition, the Tunisian post-Arab Spring transition, the Colombian FARC peace process, the Northern Ireland Good Friday Agreement). The Article then maps practical channels — UPR submissions, Special Rapporteur communications, treaty-body shadow reports, strategic litigation in regional courts (IACtHR, ECtHR, ACHPR), transitional-justice frameworks, constitutional drafting in post-transition polities, and predictive diagnosis for democratic backsliding — and names the framework's limits.

C. Roadmap

The Article proceeds in nine parts. Part II recalls the two anchors — *Means, Not Views* and the Laws — at the level of synopsis sufficient for readers unfamiliar with either piece; the synopses are accompanied by cross-references to the full treatments. Part III articulates the three-layer architecture, develops each layer in turn, and explains why the layering is adaptive: in healthy constitutional democracies, the operational layer suffices; in destinations of conventional extremism, the analysis must fall back to the substrate and route through the remedial channel. Part IV develops the survey-instrument function. Part V develops the bridging function. Part VI applies the architecture to three deployment cases. Part VII maps the practical channels. Part VIII names the framework's limits. Part IX concludes by situating the three-piece architecture as a unified intellectual program for the constitutional actors whose work sustains the constitutional immune system.

The Article does not duplicate the doctrinal arguments of *Means, Not Views* or the axiomatic arguments of the Laws. It assumes both as background — accessible through cross-reference where needed — and develops the connecting architecture. The contribution is structural: the Article supplies the deployment framework that the two companion pieces, taken together, require but neither separately articulates.

II. RECALLING THE TWO ANCHORS

This Part recalls the two pieces the Article connects: *Means, Not Views* (the operational layer) and *The Fundamental Laws of Supremacism and Egalitarianism* (the substrate layer). The recall is synoptic and is intended for readers unfamiliar with either piece. Readers who have read the full treatments may skip to Part III; the synopses below state only what is necessary for the architecture in Part III to make sense.

A. The Means/Views Distinction

Means, Not Views identifies a constitutional line that American First Amendment doctrine has long carried as an implicit thread but has not articulated as a unified analytical framework: the distinction between *radicalism* and *extremism*, drawn at *means*, not *views*.

Radicalism is a political-doctrinal disposition that challenges conventional political positions through constitutional means: speech, association, advocacy, petition, dissent, persuasion, peaceful boycott, electoral mobilization, civil-society organization, scholarly critique, public protest, legal challenge, and the full range of communicative and associational activity the First Amendment protects. The defining feature of radicalism is not the radicality of the view advanced — radical views run the full ideological spectrum, from libertarian to socialist

to anarchist to communitarian to abolitionist to suffragist to civil-rights — but the constitutional nature of the means deployed.

Extremism is the use of unconstitutional means to advance a political view. The means catalog is well-defined: violence; true threats under *Watts v. United States* and *Counterman v. Colorado*; incitement to imminent lawless action under *Brandenburg v. Ohio* and *Hess v. Indiana*;¹⁶ fighting words under *Chaplinsky v. New Hampshire*¹⁷ (now narrowly construed); speech integral to criminal conduct under *Giboney v. Empire Storage & Ice Co.*;¹⁸ coordination with designated foreign terrorist organizations under *Holder v. Humanitarian Law Project*; and the narrow categories of speech the modern Court has recognized as unprotected. The defining feature is the means deployed, not the radicality of the view advanced.

The doctrinal substrate the Court has built — from *Schenck* through *Whitney*, *Brandenburg*, *Hess*, *Watts*, *NAACP v. Claiborne Hardware Co.*, *Snyder v. Phelps*,¹⁹ *Cohen v. California*,²⁰ *Texas v. Johnson*,²¹ *Holder v. Humanitarian Law Project*, *Counterman v. Colorado*, and the contemporary canon — describes precisely this distinction, line by line, case by case. The doctrinal line is means, not views: government may proscribe speech that crosses into incitement of imminent lawless action, true threats, or speech integral to criminal conduct, but it may not proscribe speech because of the radicality of the view expressed.

1. The Conventional-Extremism Corollary

The framework generates a structural corollary the existing literature had not articulated as such.

Because the distinction operates on *means* rather than *views*, two consequences follow.

¹⁶ *Hess v. Indiana*, 414 U.S. 105 (1973) (per curiam).

¹⁷ *Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942).

¹⁸ *Giboney v. Empire Storage & Ice Co.*, 336 U.S. 490 (1949).

¹⁹ *Snyder v. Phelps*, 562 U.S. 443 (2011).

²⁰ *Cohen v. California*, 403 U.S. 15 (1971).

²¹ *Texas v. Johnson*, 491 U.S. 397 (1989).

First, the radicality of a view is doctrinally irrelevant to its constitutional treatment. Radicalism as a constitutional category exists by its means, not by the content of its political position.

Second, and crucially: *conventional dispositions may themselves be extremist while remaining conventional*. Convention does not insulate a position from extremist characterization on the means analysis. If a conventional disposition is maintained by violent means — by lynching, by patrol violence, by force-feeding political dissidents, by mass extrajudicial state action — the conventional disposition's means satisfy the extremism criterion, regardless of the disposition's status as politically conventional in the contemporary moment.

The asymmetry between radicalism and convention is, accordingly, structural and inverse to the contemporary administrative framing. Radicalism, defined by constitutional means, is always protected. Convention, defined by reference to the contemporary political mainstream, may or may not be extremist depending on the means by which it is maintained. The corollary supplies the analytical framework for recognizing when conventional state action itself satisfies the extremism criterion.

2. The Five Codified Principles

Means, Not Views Part IX codifies five democratic constitutional principles into a single operational test. *Legality*: no state action against citizens without statutory predicate. *Specificity*: predicates for state action must be defined with ascertainable conduct, not invocations of identity. *Means-not-views*: the constitutional line runs through conduct, not through ideas. *Self-correction*: radical political challenge is the constitutional mechanism by which the polity identifies conventional extremism and reforms itself. *Reciprocity*: the same standard applies to state means as to citizen means. The principles are not new — the doctrinal substrate in every

democratic constitutional tradition recognizes some or all of them. The Article's contribution is the unified operational test: the claim that the means/views distinction is the single criterion that codifies all five principles into a single analytical move.

3. Why Part VIII's Portability Is Incomplete

Means, Not Views Part VIII proposes portability of the framework across democratic constitutional systems by "substituting local controlling authority." For each jurisdiction or supranational system, the Article identifies the doctrinal counterpart: *Handyside v. United Kingdom* for ECHR systems; the various ECtHR Article 10 cases (*Sunday Times*,²² *Lingens*,²³ *Castells*,²⁴ *Karatas*,²⁵ *Sürek*,²⁶ *Erdogdu*²⁷) for the European framework; *A v. Secretary of State for the Home Department* for U.K. citizen-detention cases; the Indian *S. Rangarajan v. P. Jagjivan Ram*,²⁸ *Shreya Singhal v. Union of India*,²⁹ and *Kedar Nath Singh v. State of Bihar*³⁰ line for the Indian context; the *Kol Ha'am Co. v. Minister of Interior* doctrine for Israeli administrative-detention cases; the ICCPR Article 19 framework with General Comment 34³¹ for international human-rights bodies; the IACtHR jurisprudence for Inter-American cases; the African Commission for African-Charter cases.

The mechanism is sound where local controlling authority exists and is operating. It breaks where the destination's controlling authority is precisely the supremacist apparatus the

22 *Sunday Times v. United Kingdom* (No. 1), App. No. 6538/74, Eur. Ct. H.R. (Apr. 26, 1979).

23 *Lingens v. Austria*, App. No. 9815/82, Eur. Ct. H.R. (July 8, 1986).

24 *Castells v. Spain*, App. No. 11798/85, Eur. Ct. H.R. (Apr. 23, 1992).

25 *Karatas v. Turkey*, App. No. 23168/94, Eur. Ct. H.R. (Grand Chamber, July 8, 1999).

26 *Sürek v. Turkey* (No. 1), App. No. 26682/95, Eur. Ct. H.R. (Grand Chamber, July 8, 1999).

27 *Erdogdu v. Turkey*, App. No. 25723/94, Eur. Ct. H.R. (June 15, 2000).

28 *S. Rangarajan v. P. Jagjivan Ram*, (1989) 2 SCC 574 (Sup. Ct. India).

29 *Shreya Singhal v. Union of India*, AIR 2015 SC 1523 (Sup. Ct. India).

30 *Kedar Nath Singh v. State of Bihar*, AIR 1962 SC 955 (Sup. Ct. India).

31 U.N. Hum. Rts. Comm., General Comment No. 34, Article 19: Freedoms of Opinion and Expression, U.N. Doc. CCPR/C/GC/34 (Sept. 12, 2011) [hereinafter General Comment 34].

framework would analyze. The substitution operation has no destination to attach to. This is the gap the present Article fills.

B. The Fundamental Laws of Supremacism and Egalitarianism

The Fundamental Laws of Supremacism and Egalitarianism articulate two axiomatic principles of social science that the means/views distinction implicitly rests on but that the constitutional argument does not name. The laws are stated as theorems and demonstrated through proofs by contradiction.

1. The Law of Supremacism

Sustained conflict in any system necessarily implies the existence of a supremacist claim between at least one pair of entities: $\forall S, \forall C \subset S, SC(C) \Rightarrow \exists P(E_x, E_y)$. The proof proceeds by assuming the negation — that sustained conflict can exist without any supremacist elements — and showing that this assumption contradicts two prior axioms: that sustained conflict requires hierarchical differentiation among entities, and that hierarchical differentiation implies a supremacist assertion by at least one entity. The contradiction establishes that sustained conflict cannot exist without a supremacist claim.

The Law's empirical reach is comprehensive. Every sustained conflict in human history — wars of conquest (territorial supremacy), religious conflicts (theological supremacy), class struggles (economic supremacy), ethnic conflicts (racial or ethnic supremacy), ideological wars (ideological supremacy) — involves supremacist claims. No counterexample exists because the concept of sustained conflict without supremacy is logically incoherent: for conflict to persist, parties must believe their position is worth fighting for, which implies that their position is superior to alternatives.

2. The Law of Egalitarianism

Wherever pairwise equality among all entities in a system is fully maintained, sustained conflict cannot exist: $\forall S, (\forall E_x, E_y \in S, \text{Eq}(E_x, E_y)) \Rightarrow \neg \text{SC}(C)$. The proof proceeds by assuming the negation — that a system can be fully egalitarian and yet experience sustained conflict — and showing that this assumption contradicts the requirement (from the Law of Supremacism's proof structure) that sustained conflict requires hierarchical differentiation. If all entities are equal, no hierarchical differentiation obtains; therefore no sustained conflict can exist.

The Law's reach is similarly comprehensive. Wherever lasting peace exists, egalitarian principles are actively maintained: stable democracies (equal political rights), peaceful communities (mutual respect and equality), functional international orders (sovereign equality of states). Wherever peace fails, supremacist claims have reasserted themselves: the Weimar Republic (democratic equality undermined by fascist supremacism), post-colonial states (formal independence without substantive equality), failed peace agreements (surface compromises without addressing supremacist ideologies).

3. Context-Free Standing

Both laws are *context-free*: they hold independent of economic conditions, cultural factors, political structures, historical circumstances, technological development, and geographic location. The principles operate as axioms in social science analogous to the position foundational principles occupy in natural science: not theories to be tested against new evidence but principles that define the terms of analysis. As Newton's laws describe universal principles governing physical motion, the Fundamental Laws describe universal principles governing social conflict and peace. They are universal (applying across all contexts), necessary (admitting no exceptions), and foundational (underlying all particular theories).

The context-free standing matters for the architecture because it means the Laws apply to *conduct* regardless of the political legitimacy claimed by the state in its conventional self-presentation. A state apparatus that operates on supremacist means is doctrinally identical to a citizen actor that operates on supremacist means, regardless of whether the state characterizes its operation as "constitutional," "legitimate," or "necessary."

C. The Companion Architecture

The two pieces are independently published. *Means, Not Views* is a doctrinal article grounded in American First Amendment jurisprudence; it carries the operational weight of the framework. *The Fundamental Laws* is an axiomatic article grounded in social-science methodology; it carries the substrate weight. Neither piece is incomplete without the other — each can be read and applied on its own. But the architecture they jointly support is more powerful than the sum of the parts because the substrate layer extends the operational layer's reach beyond the constitutional systems the operational layer can natively attach to.

The present Article supplies the architecture that names this connection and demonstrates its deployment.

III. THE THREE-LAYER ARCHITECTURE

The architecture this Article supplies has three layers: the *substrate* (the Laws of Supremacism and Egalitarianism), the *operational* (the Means/Views distinction), and the *remedial* (international and regional human-rights frameworks). This Part develops each layer in turn and explains why the layering is *adaptive*: in healthy constitutional democracies, the operational

layer suffices to apply the framework; in destinations of conventional extremism, the analysis must fall back to the substrate and route through the remedial channel.

A. The Substrate Layer: The Laws of Supremacism and Egalitarianism

The substrate layer is the axiomatic claim that sustained conflict requires supremacist means and that pairwise equality precludes sustained conflict. It operates above any local constitutional doctrine because the claim is structural — it describes how means and sustained conflict relate, not how a particular polity articulates its constitutional commitments.

Three features of the substrate matter for deployment.

First, the substrate produces a *binary determination on conduct*. For any given state action, the substrate's analytic move is to ask whether the state's hand operates on supremacist means ($P(E_x, E_y)$: the state treats one entity's claim as superior to another's) or on egalitarian means ($Eq(E_x, E_y)$: the state treats entities as pairwise equal). The determination is binary in the sense that an action either operates on supremacist means or it does not; it is not interpretively malleable in the sense that a particular conduct cannot be re-described as egalitarian when its structural function is supremacist. A statute that subjects political dissenters to administrative detention without trial because of the views they express is operating on supremacist means regardless of how the statute is captioned.

Second, the substrate is *claim-independent*. It applies regardless of treaty ratification, constitutional adoption, or political legitimacy claimed by the state. A polity that has not ratified the ICCPR is still subject to the substrate's analytic determination. A polity that has signed but defected from international human-rights instruments is similarly subject. A polity that has crafted a constitutional self-description claiming substantive legitimacy for its supremacist

apparatus is similarly subject. The substrate does not require the destination's consent or recognition to operate; it requires only a sufficiently rigorous observer.

Third, the substrate requires *an observer*. Someone must apply the means analysis to the state's conduct and produce the analytic determination. The observer can be an international human-rights body (the Human Rights Committee, the Inter-American Commission on Human Rights, the African Commission on Human and Peoples' Rights, the European Court of Human Rights, the relevant Special Rapporteurs), a transnational civil-society organization (Human Rights Watch, Amnesty International, the International Commission of Jurists),³² exile journalism applying the framework from outside the captured system, scholarly analysis applying it in academic literature, or domestic constitutional actors operating in a permissive moment (judges retaining independence, civil-rights officers, inspectors general, dissident civil servants). The observer's authority comes from the rigor of the analysis, not from a juridical position within the destination's system.

The substrate's relationship to the operational layer is one of analytical priority. The means analysis at the substrate level produces the determination that the destination is operating on supremacist means; the operational vocabulary then translates that determination into the legal and constitutional categories that lawyers, courts, and reformers can work with.

B. The Operational Layer: The Means/Views Distinction

The operational layer is the legal and constitutional vocabulary that translates the substrate's binary determination into the categories practitioners use. It is the layer at which doctrinal argumentation happens.

³² See, e.g., HUMAN RIGHTS WATCH, WORLD REPORT (annual editions); AMNESTY INT'L, AMNESTY INTERNATIONAL REPORT (annual editions); INT'L COMM'N OF JURISTS, GLOBAL REDRESS FOR HUMAN RIGHTS VIOLATIONS (annual editions).

The operational layer's core distinction is between *radicalism* (political challenge through constitutional means) and *extremism* (use of unconstitutional means). The distinction's doctrinal apparatus — *Brandenburg's* imminent-and-likely incitement test, *Watts's* true-threats test, *Counterman's* recklessness mens rea requirement, *Chaplinsky's* narrowly construed fighting-words category, *Giboney's* speech-integral-to-criminal-conduct doctrine, *Holder v. HLP's* coordination test, the constellation of First Amendment cases — provides the vocabulary for characterizing specific state action.

In practical application, the operational layer asks: does the state's action operate on means (the regulated conduct) or on views (the regulated speaker's position)? The doctrinal apparatus then supplies the test for whether the means-based predicate is constitutionally permissible (does the speech satisfy *Brandenburg's* imminence and likelihood prongs?) or whether the predicate has crossed into view-based territory the framework forbids (does the predicate target the speaker's anarchism, anti-fascism, anti-Zionism, or other view-based identity?).

For deployment outside the U.S. constitutional system, *Means, Not Views* Part VIII supplies the local-doctrine substitutions. *Brandenburg* becomes *Handyside* for ECHR systems; the U.S. statutory inventory of "international terrorism," "domestic terrorism," "federal crime of terrorism," and "terrorist activity" becomes the local statutory equivalent. The substitution mechanism translates the operational vocabulary across constitutional systems.

The operational layer's limitation, as Part I.A noted, is that it requires available local doctrine to attach to. Where the destination's controlling authority is the supremacist apparatus, the substitution mechanism has no target. The substrate layer compensates for this limitation by supplying the analytical fixity that the operational layer needs to deploy meaningfully.

C. The Remedial Layer: International and Regional Human-Rights Frameworks

The remedial layer is the institutional channel through which the framework's analytic findings produce binding constraint on destination state conduct. It consists of international and regional human-rights frameworks that have, independently of one another, codified the egalitarian invariant the substrate layer articulates.

The principal frameworks include the following.

ICCPR Article 19 and Article 21. Article 19 protects freedom of opinion and expression, subject to restrictions that "shall only be such as are provided by law and are necessary" for specified legitimate aims. Article 21 protects freedom of peaceful assembly subject to analogous restrictions. General Comment 34, adopted by the Human Rights Committee in 2011, articulates the necessity-and-proportionality requirement and confirms that restrictions must operate on means (specific conduct) rather than on views (categorical political identity).

ECHR Article 10. Article 10 of the European Convention on Human Rights protects freedom of expression, subject to "such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society." The Article 10 jurisprudence — *Handyside v. United Kingdom*, *Sunday Times v. United Kingdom*, *Lingens v. Austria*, *Castells v. Spain*, *Karatas v. Turkey*, *Sürek v. Turkey*, *Erdogdu v. Turkey*, and the broader line — distinguishes political advocacy from incitement to violence even where the speech is radical and aligned with banned political movements. The "necessary in a democratic society" standard operates as a means analysis.

ACHR Article 13. Article 13 of the American Convention on Human Rights prohibits prior censorship and permits restrictions only through "subsequent imposition of liability, which shall be expressly established by law" for specified legitimate aims. The Inter-American

Commission's *Inter-American Legal Framework Regarding the Right to Freedom of Expression*³³ elaborates the means-based standard. The Inter-American Court of Human Rights jurisprudence applies the framework across Inter-American states.

African Charter Article 9. Article 9 of the African Charter on Human and Peoples' Rights protects the right to receive information and to express and disseminate opinions within the law. The African Commission's jurisprudence and the *Declaration of Principles on Freedom of Expression and Access to Information in Africa* (2019)³⁴ elaborate the means-based standard.

UN Special Rapporteur mandates. The Special Rapporteur on Freedom of Opinion and Expression, the Special Rapporteur on Counter-Terrorism and Human Rights, the Special Rapporteur on the Situation of Human Rights Defenders, the Special Rapporteur on Peaceful Assembly and Association, and analogous mandate-holders each apply the means-based standard in their country reports, communications, and thematic reports.³⁵

Each of these frameworks, drafted independently and operating through distinct institutional channels, draws the line at means. The convergence is not coincidence. Each framework codifies the egalitarian invariant that the substrate articulates because each framework, separately, encodes the proposition that state action against citizens must operate on conduct rather than on identity. The Laws explain why the frameworks converge: they are each downstream codifications of the same axiomatic principle.

33 INTER-AM. COMM'N H.R., INTER-AMERICAN LEGAL FRAMEWORK REGARDING THE RIGHT TO FREEDOM OF EXPRESSION, OEA/Ser.L/V/II CIDH/RELE/INF.2/09 (Dec. 30, 2009).

34 African Commission on Human and Peoples' Rights, *Declaration of Principles on Freedom of Expression and Access to Information in Africa* (2019).

35 See Office of the U.N. High Commissioner for Human Rights, Special Procedures of the Human Rights Council, <https://www.ohchr.org/en/special-procedures-human-rights-council> (last visited May 2026) (listing thematic and country mandate-holders).

D. Why the Layering Matters

The three-layer architecture is *adaptive*: the framework operates at different depths depending on the destination's constitutional health.

In a *healthy constitutional democracy*, the operational layer suffices to apply the framework. Local doctrine instantiates the means-based standard directly. *Means, Not Views*'s analytical vocabulary attaches to local doctrine through Part VIII's substitution mechanism. The substrate's analytic determination is implicit in the operational analysis but does not need to be invoked explicitly. The remedial channel exists as a backstop but is rarely required because domestic doctrine produces the corrective response.

In a *destination of conventional extremism*, the operational layer's substitution mechanism has no clean attachment point because local doctrine is itself the supremacist apparatus. The framework must fall back to the substrate to produce the analytical determination, then route through the operational layer to translate the determination into legal vocabulary (using the doctrinal counterpart in the international or regional system where appropriate), then route through the remedial channel to produce binding constraint. The substrate-layer argument is structurally different from the operational-layer argument: it does not depend on doctrinal interpretation but on the axiomatic relation between means and sustained conflict.

In a *destination in transition*, the framework operates as a *guide* for the constitutional restoration project. The substrate articulates the principle the new constitutional order should encode; the operational layer supplies the doctrinal vocabulary the new constitutional charter should adopt; the remedial channel supplies the international-law obligations the new state should assume (or, where already assumed, should honor). The South African, Spanish, Tunisian, and Colombian transitions retrospectively demonstrate this dynamic: each implicitly

deployed the framework's means/views distinction without naming it as such. The architecture supplies the explicit naming.

The architecture's structural function is to make the framework portable to destinations that the operational layer alone cannot reach. The substrate is what travels; the operational layer translates; the remedial channel discharges. The architecture is the routing instructions.

IV. THE SURVEY INSTRUMENT

The first analytic function the architecture supports is a *survey instrument*: using the Laws as substrate to characterize the destination's state-action categories independent of local doctrine. This Part develops the screening question, the categories to which it applies, the topology that emerges, and the contrast with existing methodologies.

A. The Screening Question

The screening question is single and structural: for the state action under examination, does the state's hand operate on supremacist means ($P(E_x, E_\gamma)$) or on egalitarian means ($E_{ql}(E_x, E_\gamma)$)? The question asks whether the state's regulatory operation treats one entity's claim, status, identity, or political position as superior to another's, or whether the state's regulatory operation treats entities as pairwise equal subject only to means-based limits.

The screening produces an axiomatic determination on the conduct, not an interpretive determination on the destination's self-description. The destination may characterize its anti-terrorism statute as a "necessary security measure," its administrative-detention authority as "consistent with international law," its national-security court doctrine as "appropriate for sensitive matters." The screening asks not how the destination characterizes its conduct but what

the conduct's structural operation is. If the statute, the authority, or the doctrine treats specific political identities (anti-government dissenters, journalists critical of state policy, members of disfavored ethnic or religious minorities, civil-society organizers) as triggering categorical state action distinct from what would apply to others engaging in identical conduct, the operation is supremacist by means analysis.

The screening's axiomatic anchoring is what gives it analytical purchase. A treaty-based assessment runs through the destination's interpretation of its own treaty obligations and is interpretively contestable at every stage. A constitutional-law assessment runs through the destination's interpretation of its own constitution and is similarly contestable. The substrate-based screening runs through the structural relation between means and sustained conflict; the relation is not interpretively contestable in the same way because it is not a doctrinal claim but an axiomatic one.

B. Categories of State Action to Screen

The screening applies to enumerated categories of state action that operate on the population.

Categorical predicates for state action. Citizenship, political identity, religious affiliation, ideological classification, ethnic identification — each can serve as a categorical predicate that triggers state action of a particular kind. The screening asks whether the categorical predicate operates on a view-based identity (the speaker holds anarchist views, anti-Zionist views, anti-state views) or on a means-based identity (the speaker has engaged in violence, true threats, or imminent incitement). View-based categorical predicates fail the screening; means-based predicates pass.

Surveillance regimes. The screening distinguishes categorical surveillance (surveillance triggered by category membership) from predicated surveillance (surveillance triggered by specific conduct). Categorical surveillance fails the screening because it operates on supremacist means: the state treats the category as warranting suspicion, which is a hierarchical claim about the category's relation to the rest of the population.

Criminal definitions of "extremism," "subversion," "anti-state activity," "terrorism," "incitement." These definitions are themselves the products of legislative and administrative drafting. The screening asks whether the definitions operate on conduct (means-based) or on category (view-based). A statute that proscribes "advocacy of any view contrary to state ideology" operates on view-based predicate; a statute that proscribes "incitement to imminent lawless action" operates on means-based predicate.

Administrative-detention authority. The screening asks the predicate of detention. Administrative detention based on the detainee's specific conduct (participation in a specific act of violence) operates on means; administrative detention based on the detainee's category membership ("presents a danger to public order by virtue of his political associations") operates on supremacist means.

Security-court jurisdiction. The screening asks whether the security-court system applies the same procedural and substantive standards as the regular judiciary to defendants similarly situated, or whether the security-court system applies disfavored standards by virtue of the political characterization of the defendant. A separate-and-disfavored procedure for defendants in security cases operates on supremacist means.

Civil-society restriction laws. The screening applies to NGO-registration regimes, "foreign agent" laws, association limits, funding restrictions, and the broader inventory of civil-

society regulation. The question is whether the regulation operates on conduct (financial reporting requirements that apply to all NGOs) or on identity (burdens that apply only to NGOs holding disfavored political views).

Media-licensing regimes. The screening distinguishes prior censorship (operating on identity) from subsequent liability for specific publication-based torts or crimes (operating on means). Prior censorship — even where dressed in regulatory neutrality — operates on supremacist means because it treats publication categorically as requiring permission, and permission is granted or withheld based on the publication's anticipated content.

Counter-radicalization programs. The United Kingdom's Prevent program,³⁶ the European DVE (Domestic Violent Extremism) and HVE (Homegrown Violent Extremists) framework cluster, and the U.S. radicalization-pipeline cluster all operate on view-based predicates by treating particular ideological identifications as predicate for state intervention.³⁷ The screening characterizes the entire counter-radicalization cluster as supremacist by means analysis because it treats the regulated ideology as the predicate rather than specific conduct.

C. Output: A Topology of Supremacist State-Action Loci

The screening produces a topology of the destination's state-action categories sorted by means analysis. For each category, the topology records (1) the analytic determination (supremacist or egalitarian means), (2) the specific conduct that the category operates on, (3) the predicate that

³⁶ See INDEPENDENT REVIEW OF PREVENT (Shawcross Review, Feb. 2023); ARUN KUNDNANI, *THE MUSLIMS ARE COMING! ISLAMOPHOBIA, EXTREMISM, AND THE DOMESTIC WAR ON TERROR* (Verso 2014).

³⁷ See Arun Kundnani, *Radicalisation: The Journey of a Concept*, 54 RACE & CLASS 3 (2012); MARC SAGEMAN, *LEADERLESS JIHAD: TERROR NETWORKS IN THE TWENTY-FIRST CENTURY* (Univ. of Pa. Press 2008); Clark McCauley & Sophia Moskalenko, *Mechanisms of Political Radicalization: Pathways Toward Terrorism*, 20 TERRORISM & POL. VIOLENCE 415 (2008).

the category invokes, and (4) the international or regional human-rights framework that supplies the remedial standard.

The topology can be presented as a structured assessment usable for country reports, civil-society advocacy, comparative analysis, strategic litigation, and constitutional-drafting guidance. It supplies the analytic content that existing methodologies have applied implicitly without naming.

The topology is also empirically verifiable. Each entry in the topology rests on specific conduct that the destination's state apparatus has carried out: a particular prosecution, a particular detention, a particular surveillance program, a particular restriction. The empirical record supports the analytic characterization; the characterization in turn organizes the empirical record into doctrinally significant categories.

D. Comparison to Existing Methodologies

Existing methodologies for assessing destination-state conduct produce findings that overlap substantially with the survey instrument's output but differ in analytical anchoring.

Human Rights Watch's *World Report*,³⁸ Amnesty International's annual reports,³⁹ and Freedom House's *Freedom in the World* index⁴⁰ each apply criteria that include some version of the means-based standard. They produce country assessments that note which destinations engage in arbitrary detention, political prosecutions, restrictions on speech and assembly, and analogous categorical state action. The methodologies are well-developed; the assessments are widely cited.

38 HUMAN RIGHTS WATCH, *WORLD REPORT* (annual editions).

39 AMNESTY INT'L, *AMNESTY INTERNATIONAL REPORT* (annual editions).

40 FREEDOM HOUSE, *FREEDOM IN THE WORLD* (annual editions).

Treaty-body shadow reports, Special Rapporteur communications, and Universal Periodic Review submissions apply the international human-rights frameworks (ICCPR, ICESCR, CAT, ICERD, CEDAW, CRC, CRPD, ICRMW) to specific destination-state conduct.⁴¹ The methodologies are juridically rigorous and have institutional standing.

The survey instrument the architecture supplies adds four features to these methodologies.

First, *axiomatic anchoring*. The screening does not depend on what the destination has ratified or how the destination's domestic courts interpret its constitution. The anchoring is structural: the Laws supply the analytic determination regardless of treaty regime.

Second, *doctrinal characterization*. The output is not merely a violation tally (the destination engaged in N arbitrary detentions; M political prosecutions; X restrictions on speech) but a doctrinal characterization (the destination operates a categorical predicate that targets views rather than means; the destination's administrative-detention authority applies a view-based identity test). The characterization supplies the analytical content for further doctrinal argument.

Third, *priority to treaty obligations*. The screening produces a determination that is prior to the destination's treaty obligations and that explains why those obligations bind analytically rather than merely mechanically. The destination cannot interpretively narrow the means-based standard while remaining doctrinally honest because the standard is not a treaty-interpretation question — it is an axiomatic determination about the structural relation between means and sustained conflict.

⁴¹ See OFFICE OF THE U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS, U.N. HUMAN RIGHTS TREATY BODIES, <https://www.ohchr.org/en/treaty-bodies> (last visited May 2026); ICJ, PRACTITIONERS GUIDE NO. 7: INTERNATIONAL HUMAN RIGHTS LAW AND THE FIGHT AGAINST TERRORISM (2015).

Fourth, *vocabulary for comparison*. The screening produces output in a vocabulary that is portable across destinations, treaty regimes, and historical moments. The comparative work that the methodology supports does not require renegotiating the analytical framework for each new context — the framework's structural features are not culturally contingent.

The methodologies are complementary. The survey instrument the architecture supplies does not displace HRW, Amnesty International, Freedom House, treaty-body shadow reports, or Special Rapporteur communications. It supplies the analytical infrastructure that these methodologies have been applying implicitly, with axiomatic anchoring that simplifies cross-system comparison and that withstands the standard interpretive defenses destinations deploy at the operational layer.

V. THE BRIDGING FUNCTION

The second analytic function the architecture supports is a *bridging function*: using the Laws to explain why international standards bind analytically rather than merely treaty-mechanically. This Part develops the bridge in operation, what it preempts, why the substrate-layer argument differs from doctrinal argument, and the convergence demonstration that the principal international and regional frameworks each codify the same egalitarian invariant.

A. The Bridge in Operation

The bridge runs in four steps.

Step 1. The destination engages in state action permitted under local law. The action is, from the destination's perspective, a sovereign exercise of its constitutional or statutory authority. The action may take any of the forms enumerated in Part IV.B: categorical predicates,

surveillance regimes, criminal prosecutions, administrative detention, security-court jurisdiction, civil-society restrictions, media licensing, counter-radicalization programs.

Step 2. The Laws characterize the action as operating on supremacist means. The characterization is axiomatic. It does not depend on the destination's self-description or on the destination's domestic-law authorization. The Laws operate on the conduct's structural function: does the action treat one entity's claim as superior to another's? If so, the action operates on supremacist means.

Step 3. The relevant international or regional human-rights framework supplies the remedial standard. The framework's standard is itself an application of the egalitarian invariant. Where the destination is a state party to the relevant framework (ICCPR, ECHR, ACHR, African Charter), the framework's standard binds the destination through its consent to the framework. Where the destination is not a state party, the framework's standard binds analytically (as customary international law, as *jus cogens*, or as analytical convergence with the substrate).

Step 4. The Laws explain why the international standard binds analytically — not merely treaty-mechanically — and why the destination's defection is doctrinally indefensible. The explanation is that the international standard is itself a downstream codification of the same egalitarian invariant the substrate articulates. The destination cannot interpretively narrow the standard while accepting the framework; the standard's structural content is fixed by the underlying axiomatic principle, not by treaty interpretation.

B. What the Bridge Preempts

The bridge preempts the suite of operational-layer defenses destinations routinely deploy to evade international human-rights constraints. Each defense operates at the operational layer

(doctrinal interpretive contestation); the bridge's substrate-layer argument is structurally different.

The "treaty interpretation" defense. The destination disputes the meaning of treaty text, often by appeal to the drafting history, the subsequent state practice, or the destination's own reservations or interpretive declarations. The bridge preempts: the standard's binding force does not rest on the treaty text alone but on the underlying axiomatic principle that the treaty text codifies. Interpretive narrowing of the treaty text does not narrow the principle.

The "margin of appreciation" defense. The destination claims discretion within the treaty's permissive bounds, typically by arguing that local conditions warrant deference to state judgment. The bridge preempts: the margin of appreciation operates within the doctrinal frame and cannot override the structural relation between means and sustained conflict. A "margin" that authorizes view-based predicates is not a margin within the doctrinal frame — it is doctrinal defection.

The "national security exception" defense. The destination claims that the state action falls within a national-security exception to the treaty obligation. The bridge preempts: national-security exceptions operate on means (the state may take action against persons engaged in specific conduct threatening security) but do not operate on views (the state may not take action against persons by virtue of their political identity, regardless of how "national security" is characterized).

The "cultural relativism" defense. The destination claims that the international standard reflects a culturally specific (Western, liberal, modernist) framework that does not apply universally. The bridge preempts: the substrate is context-free. The principle that sustained conflict requires supremacist means is not a culturally specific claim — it is a structural claim

that operates across cultural contexts. The Laws' context-free standing is what makes the framework portable.

The "constitutional pluralism" defense. The destination claims that its own constitutional order articulates legitimate alternative standards that the international framework should respect. The bridge preempts: constitutional pluralism operates within the doctrinal frame. The destination's own constitutional order, to the extent it operates on view-based predicates, is itself the conventional extremism the framework would discipline. Constitutional pluralism cannot rescue an apparatus that is the analytic target.

The bridge's substrate-layer argument is harder to displace because it does not rest on doctrinal interpretation. A polity can reject the Laws (committed supremacist movements do — Part X.F of *Means, Not Views* names this); a polity cannot interpretively narrow them while accepting them. This asymmetry is what gives the framework doctrinal robustness against the standard suite of authoritarian counter-moves.

C. Why the Substrate-Layer Argument Differs from Doctrinal Argument

The substrate-layer argument and the doctrinal argument operate at different levels of analytical commitment.

Doctrinal claims are interpretively contestable. A judge applying *Brandenburg* may find that a particular speech does or does not satisfy the imminence prong; the determination requires application of the test to facts and is open to disagreement among reasonable judges. A court applying ECHR Article 10 may find that a restriction is or is not "necessary in a democratic society"; the determination involves balancing and is open to interpretive disagreement.

Axiomatic claims are not interpretively contestable in the same way. The claim that sustained conflict requires supremacist means is a structural claim about how conflict relates to means; it can be rejected wholesale (by denying that the structural relation holds) but cannot be interpretively narrowed (because the relation is not a balancing test). A polity that accepts the axiomatic claim cannot, while remaining doctrinally honest, characterize its supremacist-means apparatus as compliant with the principle.

This is why the framework is doctrinally robust against the standard suite of authoritarian counter-moves. The counter-moves operate on doctrinal interpretation: the polity refines, narrows, qualifies, balances. The substrate-layer argument is not refinable, narrowable, qualifiable, or balanceable in the same way. The polity faces a choice: accept the principle (and its implications) or reject the principle (and lose the cover of doctrinal compliance).

D. Convergence Demonstration

The principal international and regional human-rights frameworks each independently codify the egalitarian invariant the substrate articulates. The convergence is empirical: the frameworks were drafted at different times, by different bodies, applying different doctrinal traditions, and yet each draws the same means-based line.

ICCPR Article 19 General Comment 34 states that restrictions on freedom of expression must be "directly related to the specific need on which they are predicated" and must not be "overbroad." General Comment 34 elaborates that "permissible restrictions generally should be content-specific; generic bans on the operation of certain sites and systems are not compatible with paragraph 3." The standard operates on means: the content-specificity requirement, the

necessity-and-proportionality requirement, and the direct-relation requirement each require the restriction to attach to specific conduct rather than to categorical identity.

ECHR Article 10 and the *Handyside v. United Kingdom* line establish that freedom of expression "is applicable not only to 'information' or 'ideas' that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb." The "necessary in a democratic society" review applied in *Sunday Times v. United Kingdom*, *Lingens v. Austria*, *Castells v. Spain*, *Karatas v. Turkey*, *Sürek v. Turkey*, and *Erdogdu v. Turkey* distinguishes political advocacy from incitement to violence even where the speech is radical and aligned with banned political movements. The standard operates on means: the test is whether the speech crosses into incitement, not whether the underlying view is favored or disfavored.

ACHR Article 13 prohibits prior censorship and permits restrictions only through subsequent liability for specified legitimate aims. The Inter-American Commission's *Inter-American Legal Framework Regarding the Right to Freedom of Expression* elaborates that the standard prohibits "indirect mechanisms" of censorship and requires that any restriction be "necessary to ensure" the specified legitimate aim. The standard operates on means: the prohibition of prior censorship is itself a means-based standard (the state may not impose categorical prior restraint regardless of the speech's content), and the subsequent-liability standard requires liability to attach to specific publication rather than to categorical identity.

African Charter Article 9, as elaborated by the African Commission's jurisprudence and the *Declaration of Principles on Freedom of Expression and Access to Information in Africa*, similarly draws the line at means. The Declaration's Principle II states that "any restrictions on

freedom of expression shall be provided by law, serve a legitimate interest and be necessary in a democratic society."

The convergence is not coincidence. Each framework, drafted independently and operating through distinct institutional channels, arrived at the same means-based standard because each framework codifies the egalitarian invariant. The substrate explains why: the structural relation between means and sustained conflict is universal, and any framework that takes the protection of freedom seriously will arrive at the means-based standard as its operational core.

The Bridge's analytic move is to make the convergence explicit. When a destination invokes one framework's interpretation against the operational consequences of the means-based standard, the convergence demonstration shows that the destination's interpretation is in tension not just with one framework but with all of them — because all of them codify the same underlying principle.

VI. DEPLOYMENT IN DESTINATIONS OF CONVENTIONAL EXTREMISM

This Part applies the architecture to three deployment cases. Each case illustrates the architecture's operation in a destination type that is structurally distinct: polities with ratified international obligations but defected practice; polities without ratified obligations; and polities in transition.

A. Polities with Ratified Obligations but Defected Practice

These destinations have signed the relevant international human-rights instruments but routinely engage in supremacist state action against political dissent. The bridge runs through the ratified

obligations and the Laws' substrate-layer characterization. The destinations' defection is doctrinally indefensible because the substrate explains why the ratified obligations bind analytically, not merely mechanically.

1. India under UAPA and Section 153A

India is a state party to the ICCPR (ratified 1979). The Unlawful Activities (Prevention) Act ("UAPA"),⁴² India's principal counter-terrorism statute, has been used to prosecute journalists, academics, civil-society organizers, and political dissenters under categorical predicates that target views rather than means. Section 153A of the Indian Penal Code, criminalizing "promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony," has been similarly deployed.⁴³

The bridge analysis runs as follows. *Step 1:* The Indian state engages in UAPA and Section 153A prosecutions of dissenters whose conduct consists of speech and association. *Step 2:* The Laws characterize the prosecutions as operating on supremacist means because the predicate is view-based: the dissenter's anti-government position, communal critique, or political organizing triggers the prosecution, not specific conduct of imminent lawless action. *Step 3:* ICCPR Article 19, as elaborated by General Comment 34, supplies the remedial standard: restrictions on expression must be content-specific, necessary, and proportionate. *Step 4:* The Laws explain that India's defection is doctrinally indefensible because Article 19's means-based

42 Unlawful Activities (Prevention) Act, No. 37 of 1967, India Code (as amended through 2019); *see also* PEOPLE'S UNION FOR CIVIL LIBERTIES, UAPA: CRIMINALISING DISSENT AND STATE TERROR (2022).

43 *See* INTERNATIONAL COMMISSION OF JURISTS, ANTI-MINORITY LAWS AND PRACTICES IN INDIA (2024) (documenting Section 153A prosecutions of journalists, academics, and political dissenters).

standard is not narrowable by India's domestic interpretation of "national security" or "public order" — the standard's structural content is fixed by the underlying axiomatic principle.

The Indian Supreme Court has, at times, applied a *Brandenburg*-analogous imminent-lawless-action test (*S. Rangarajan v. P. Jagjivan Ram* established the "spark in a powder keg" requirement; *Shreya Singhal v. Union of India* struck down Section 66A of the Information Technology Act as vague and overbroad). The bridge's analysis aligns with these doctrinal moves: the Indian Court's own jurisprudence at times instantiates the means-based standard. The bridge supplies the analytical anchor for the Indian Court's existing doctrinal trajectory and for the international-level remedial channel where the domestic jurisprudence has been narrowed.

2. Israel: Administrative Detention and the IHRA Framework

Israel is a state party to the ICCPR (ratified 1991). Israeli administrative-detention authority, exercised under the Emergency Powers (Detentions) Law (1979) and the Internment of Unlawful Combatants Law (2002), permits prolonged detention without trial.⁴⁴ The International Holocaust Remembrance Alliance ("IHRA") working-definition framework, adopted by the United States and several U.S. states as analyzed in *Means, Not Views* Part VI.B–G, operates on view-based predicates targeting anti-Zionist political speech.

The bridge analysis. *Step 1*: Administrative detention applied to anti-occupation activists, Palestinian citizens of Israel engaged in political organizing, and conscientious objectors operates on a predicate that is view-based — the detainee's political associations or expressed views, not specific conduct of imminent lawless action. *Step 2*: The Laws characterize the apparatus as operating on supremacist means. *Step 3*: ICCPR Article 19 supplies the remedial

⁴⁴ Emergency Powers (Detentions) Law, 5739–1979 (Isr.); Internment of Unlawful Combatants Law, 5762–2002 (Isr.); *see also* B'TSELEM & HAMOKED, WITHOUT TRIAL: ADMINISTRATIVE DETENTION OF PALESTINIANS BY ISRAEL AND THE INTERNMENT OF UNLAWFUL COMBATANTS LAW (2009).

standard. *Step 4*: Israel's defection is doctrinally indefensible because the means-based standard is not narrowable by Israel's domestic interpretation of security exigency — the standard's structural content is fixed by the underlying axiomatic principle.

The Israeli Supreme Court has developed the *Kol Ha'am Co. v. Minister of Interior* doctrine, which protects political expression unless there is a "near certainty" of harm to public order. The bridge aligns with this doctrinal trajectory: the *Kol Ha'am* standard is itself a means-based standard. The bridge supplies the analytical anchor for the Israeli Court's existing doctrinal commitment and for the international-level remedial channel where the domestic application has been narrowed.

3. Russia: "Discrediting the Armed Forces" Prosecutions

Russia was a state party to the ECHR until its expulsion from the Council of Europe in March 2022; Russia remains a state party to the ICCPR. The Russian Federal Law No. 32-FZ (March 4, 2022) added Article 207.3 (public dissemination of knowingly false information about the Russian Armed Forces) and Article 280.3 (public actions discrediting the use of the Russian Armed Forces) to the Russian Criminal Code.⁴⁵ The provisions have been used to prosecute anti-war citizens for speech criticizing Russian conduct in Ukraine.⁴⁶

The bridge analysis. *Step 1*: The Russian state prosecutes anti-war citizens for speech and association. *Step 2*: The Laws characterize the prosecutions as operating on supremacist means because the predicate is view-based: the dissenter's anti-war position triggers the prosecution, not specific conduct of imminent lawless action. *Step 3*: ICCPR Article 19 supplies the remedial

⁴⁵ Federal Law No. 32-FZ (Russian Federation, Mar. 4, 2022) (amending the Russian Criminal Code to add Article 207.3 (public dissemination of knowingly false information about the Russian Armed Forces) and Article 280.3 (public actions discrediting the use of the Russian Armed Forces)).

⁴⁶ OVD-Info, *Anti-War Cases* (ongoing dataset documenting prosecutions under the discrediting provisions), <https://ovd.news/en>.

standard. *Step 4*: Russia's defection is doctrinally indefensible. While Russia is no longer subject to the ECtHR, ICCPR obligations persist; and the Laws' substrate-layer characterization stands regardless of treaty membership.

The Russia case illustrates the substrate's claim-independence: even where the destination has departed from a regional framework (the Council of Europe), the substrate continues to characterize the conduct, and the remaining international framework (ICCPR) continues to bind. The bridge's structural function persists across treaty exits and accessions.

4. Egypt: Anti-Terrorism Law and Emergency Powers

Egypt is a state party to the ICCPR (ratified 1982) and to the African Charter (ratified 1984). Egypt's Anti-Terrorism Law (Law No. 94 of 2015)⁴⁷ and the broader emergency-powers apparatus have been used to prosecute civil-society organizers, journalists, lawyers, and political dissenters under categorical predicates targeting "terrorism" defined broadly to include political activity adverse to state policy.

The bridge analysis. *Step 1*: Egypt prosecutes civil-society organizers and journalists under the Anti-Terrorism Law. *Step 2*: The Laws characterize the prosecutions as operating on supremacist means because the predicate is view-based: the defendant's political activity adverse to state policy triggers the prosecution. *Step 3*: ICCPR Article 19 and African Charter Article 9 supply the remedial standards. *Step 4*: Egypt's defection is doctrinally indefensible.

The Egypt case illustrates the architecture's operation in a polity where domestic courts are substantially captured. The remedial channel runs through the international and regional frameworks; the substrate's characterization stands regardless of the domestic court's posture.

⁴⁷ Anti-Terrorism Law No. 94 of 2015 (Egypt).

5. Turkey: Anti-Terror Prosecutions under State of Emergency

Turkey is a state party to the ICCPR (ratified 2003) and the ECHR (ratified 1954). Turkey's anti-terror legislation has been used extensively to prosecute journalists, academics, civil-society organizers, and political dissenters under categorical predicates targeting "terrorism" and "membership in a terrorist organization." The use intensified after the 2016 attempted coup and the subsequent state-of-emergency period.⁴⁸

The bridge analysis. *Step 1*: Turkey prosecutes journalists and academics under anti-terror legislation. *Step 2*: The Laws characterize the prosecutions as operating on supremacist means because the predicate is view-based: the defendant's political identification or association triggers the prosecution. *Step 3*: ICCPR Article 19 and ECHR Article 10 supply the remedial standards. *Step 4*: Turkey's defection is doctrinally indefensible.

The Turkey case illustrates the architecture's operation in a polity where the ECtHR has substantial jurisdictional reach. ECtHR judgments against Turkey on freedom-of-expression and freedom-of-association grounds have been numerous; the Court has at times applied the means-based standard explicitly. The bridge supplies the analytical anchor for the ECtHR's existing jurisprudence and the institutional infrastructure for continued enforcement.

6. The Pattern in Case A

Across the five illustrative destinations, the bridge operates the same way: ratified international obligations + Laws-based substrate characterization → indefensible defection. The destinations differ in domestic legal architecture, in regional framework membership, and in the relative

⁴⁸ See HUMAN RIGHTS WATCH, A BLANK CHECK: TURKEY'S POST-COUP SUSPENSION OF SAFEGUARDS AGAINST TORTURE (2016); EUROPEAN COMM'N FOR DEMOCRACY THROUGH LAW (VENICE COMM'N), OPINION ON THE LEGAL FRAMEWORK GOVERNING CURFEWS, Opinion No. 842/2016 (June 13, 2016).

strength of domestic courts; they share the structural feature that ratified obligations supply the binding force the substrate explains.

The United States in the contemporary moment, particularly under the 2026 *U.S. Counterterrorism Strategy* and the IHRA framework analyzed at length in *Means, Not Views* Part VI, presents an analogous case at the home jurisdiction of the operational layer. *Means, Not Views* treats the U.S. case as the operational layer's home application; the present Article cross-references that treatment rather than duplicating it. The U.S. case illustrates that the architecture applies symmetrically to the operational layer's home jurisdiction — the analytical machinery does not depend on the destination being elsewhere.

B. Politics Without Ratified Obligations

These destinations have either not ratified key international human-rights instruments or have entered reservations that materially limit the obligations' reach. The Laws still characterize state conduct at the substrate level; the remedial channel uses customary international law, *jus cogens* norms, third-party state pressure, and international civil-society advocacy.

1. The People's Republic of China

The PRC is a signatory to the ICCPR but has not ratified. The PRC is a state party to the ICESCR (since 2001). The PRC's domestic apparatus — the 2020 Hong Kong National Security Law,⁴⁹ the systematic mass-detention apparatus targeting Uyghurs in Xinjiang,⁵⁰ the suppression

49 Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (June 30, 2020); *see also* HONG KONG WATCH, PROSECUTING DISSENT: ANNUAL REPORT ON NATIONAL SECURITY LAW PROSECUTIONS (annual editions, 2021–present).

50 Office of the U.N. High Commissioner for Human Rights, OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (Aug. 31, 2022).

of dissident lawyers exemplified by the July 2015 "709 Crackdown,"⁵¹ the disappearance of dissidents including PRC citizens detained in third countries and forcibly returned — operates on view-based predicates targeting political and ethnic identities.

The bridge analysis. *Step 1*: The PRC operates a systematic apparatus of view-based state action against political and ethnic identities. *Step 2*: The Laws characterize the apparatus as operating on supremacist means at scale; the characterization stands regardless of treaty membership. *Step 3*: Customary international law and *jus cogens* norms (the prohibitions on arbitrary detention, on systematic discrimination on grounds of ethnicity, on enforced disappearance, on torture, and — in the Xinjiang case — on conduct meeting the elements of crimes against humanity or genocide) supply the remedial standards. *Step 4*: The PRC's defection from the substrate is structural rather than treaty-mechanical: the customary norms bind regardless of the PRC's ICCPR posture.

The PRC case illustrates the architecture's operation where domestic constitutional channels do not exist or have been captured. The bridge's institutional remedy mechanisms are the OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region (August 2022), the Independent Tribunal into the Crimes Against Humanity and Genocide of the Uyghur, Turkic and Other Turkic-Muslim Peoples (Judgment, December 2021),⁵² the various UN treaty-monitoring bodies' reports, and the transnational civil-society network (Human Rights Watch, Amnesty International, the China Human Rights Lawyers Concern Group, Hong Kong Watch, the Uyghur Human Rights Project).

⁵¹ CHINA HUMAN RIGHTS LAWYERS CONCERN GROUP, REPORT ON THE 709 CRACKDOWN (2016); *see also* EVA PILS, CHINA'S HUMAN RIGHTS LAWYERS: ADVOCACY AND RESISTANCE (2014).

⁵² INDEPENDENT TRIBUNAL INTO THE CRIMES AGAINST HUMANITY AND GENOCIDE OF THE UYGHUR, TURKIC AND OTHER TURKIC-MUSLIM PEOPLES BY THE PEOPLE'S REPUBLIC OF CHINA, JUDGMENT (Dec. 9, 2021).

2. Saudi Arabia and the Gulf Monarchies

Saudi Arabia and most Gulf monarchies have not ratified the ICCPR. The religious-establishment apparatus, the absolute-monarchy constitutional order, and the systematic prosecution of political dissent (the Sahwa movement; the 2017–2018 "anti-corruption" purge; the prosecution of women's-rights activists; the murder of journalist Jamal Khashoggi in 2018) operate on view-based predicates targeting political and religious identities.⁵³

The bridge analysis. *Step 1*: The Gulf monarchies prosecute political and religious dissenters under view-based predicates. *Step 2*: The Laws characterize the prosecutions as operating on supremacist means. *Step 3*: Customary international law (prohibitions on arbitrary detention, on extrajudicial killing) supplies the remedial standards; the African Charter where applicable (Mauritania, for example) supplies the regional framework. *Step 4*: The Gulf monarchies' defection is structural.

The Gulf case illustrates the architecture's operation where treaty membership is partial or absent. The remedial channel operates through customary norms, through transnational civil society, and through bilateral state-to-state diplomatic pressure.

3. North Korea

North Korea is a state party to the ICCPR (ratified 1981) but has effectively foreclosed all constitutional channels for political dissent. The DPRK apparatus — political prison camps, systematic information control, the *songbun* classification system, and the prosecution of "anti-state" activity — operates on view-based predicates at total scale.

⁵³ See generally HUMAN RIGHTS WATCH, WORLD REPORT (annual country chapters on Saudi Arabia, the United Arab Emirates, and Egypt); ICJ, *Egypt: New Anti-Terrorism Law Erodes Basic Rights* (Aug. 2015).

The bridge analysis. *Step 1*: The DPRK operates a totalizing apparatus of view-based state action. *Step 2*: The Laws characterize the apparatus as operating on supremacist means at maximum scope. *Step 3*: ICCPR Article 19, customary international law, and the various UN treaty bodies' jurisdictions supply the remedial standards. The UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (Report, February 2014)⁵⁴ constitutes an institutional finding of crimes against humanity. *Step 4*: The DPRK's defection is structural and total.

The DPRK case illustrates the framework's operation entirely from outside the captured system. The remedial channel operates through UN treaty bodies, through transnational civil society (defector testimony, the International Coalition to Stop Crimes Against Humanity in North Korea, the Citizens' Alliance for North Korean Human Rights), and through bilateral and multilateral diplomatic pressure.

4. The Pattern in Case B

Across the illustrative destinations, the architecture's substrate continues to characterize state conduct regardless of treaty regime. The remedial channels shift toward customary international law, *jus cogens* norms, and transnational civil-society mechanisms. The architecture's structural function persists across the treaty/non-treaty boundary.

C. Politics in Transition (Retrospective Application)

The framework retrospectively explains successful transitions where the means/views distinction operated implicitly. In each case, the parties (or the surrounding international system) accepted

⁵⁴ Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, U.N. Doc. A/HRC/25/63 (Feb. 7, 2014).

the distinction at the level of practice without naming it as such. The framework supplies the explicit naming and the doctrinal vocabulary that future transitions can deploy.

1. South Africa (1990–1996)

The African National Congress was unbanned on February 2, 1990, ending the apartheid government's categorical prohibition of the ANC's political activity. The Truth and Reconciliation Commission, established under the Promotion of National Unity and Reconciliation Act 34 of 1995, distinguished "gross violations of human rights" (means analysis) from political-ideological position (view analysis, not by itself criminal).⁵⁵ The 1996 Constitution institutionalized constitutional channels for radical political reform.⁵⁶

The TRC's distinction is the framework's distinction in institutional operation. Conventional extremism (apartheid-era state violence, including the Sharpeville Massacre [1960], the Soweto Uprising suppression [1976], the death of Steve Biko in police custody [1977], and the apartheid-era security apparatus's systematic detention, torture, and assassination program) was named as such by the TRC's findings. Radical challenge (the ANC, the United Democratic Front, the trade-union movement, the South African Communist Party, the international anti-apartheid solidarity movement) was re-incorporated into the constitutional system. The 1996 Constitution institutionalized the channels.

2. Spain (1975–1978)

The Communist Party of Spain was legalized on April 9, 1977. The *Pacto del Olvido* drew the line at means rather than at views. The 1978 Constitution institutionalized constitutional

⁵⁵ Promotion of National Unity and Reconciliation Act 34 of 1995 (S. Afr.); TRUTH AND RECONCILIATION COMMISSION OF SOUTH AFRICA, REPORT (vols. 1–7, 1998–2003); *see also* AZAPO v. *President of the Republic of South Africa*, 1996 (4) SA 671 (CC).

⁵⁶ CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996.

channels for political change, including substantial regional autonomy for previously suppressed national identities (Catalan, Basque, Galician).⁵⁷

The Spanish transition operationalized the framework's distinction at the level of an explicit political pact. Franco's state violence (the postwar political executions; the operation of concentration camps; the systematic suppression of regional languages and cultures) and ETA terrorism (means analysis) were distinguished from broader political ideologies (views). The transition was politically difficult and contested but structurally tracked the framework's distinction.

3. Tunisia (2011–2014)

Ennahda was legalized after Ben Ali's fall in March 2011. The movement participated in the National Constituent Assembly election of October 2011 and in the constitutional drafting process that produced the 2014 Constitution.⁵⁸ The transition operationalized the framework's distinction at the level of political-Islamist movements: previously proscribed political activity (radicalism by constitutional means) was re-incorporated into the constitutional system without requiring the movement to abandon its political-ideological orientation.

The Tunisian case illustrates the framework's deployment in a context where the substantive ideological orientation of the radical movement (political Islam) is structurally distinct from the substantive ideological orientation of secular liberal constitutionalism. The framework does not require the radical movement to abandon its ideology — it requires only that the movement adopt constitutional means and that the constitutional order recognize the movement's political activity as legitimate.

⁵⁷ SPANISH CONSTITUTION, 1978; *see also* OMAR G. ENCARNACIÓN, *DEMOCRACY WITHOUT JUSTICE IN SPAIN: THE POLITICS OF FORGETTING* (Univ. of Pa. Press 2014).

⁵⁸ TUNISIAN CONSTITUTION (Jan. 27, 2014); *see also* Duncan Pickard, *Tunisia's Constitution: Drafting Process and Conclusions*, 56 ARAB STUD. J. 36 (2014).

4. Colombia FARC Peace Process (2012–2016)

The Havana negotiations between the Colombian government and the FARC produced the November 2016 Final Agreement, which distinguished combatant means from political objectives.⁵⁹ FARC's political views — the agrarian-reform and land-tenure positions that had originated the conflict — were preserved. The means (armed insurgency) were renounced. Political reintegration was permitted through the formation of the Comunes party and protected congressional seats in the transitional period. The Special Jurisdiction for Peace operationalized the means analysis through transitional-justice procedures that distinguished combat-related conduct from political activity.

The Colombian case illustrates the framework's deployment to terminate an armed conflict. The distinction between combatant means (which were renounced) and political objectives (which were preserved) is precisely the framework's distinction. The Special Jurisdiction for Peace's procedural architecture instantiates the distinction at the institutional level.

5. Northern Ireland Good Friday Agreement (1998)

The April 1998 Belfast Agreement (the "Good Friday Agreement") concluded the Northern Ireland Troubles.⁶⁰ Sinn Féin was recognized as a political actor once IRA decommissioning began. Means analysis was applied to the violent wing; the radical political view (a united

⁵⁹ Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera (Final Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace), Nov. 24, 2016 (Colombia–FARC-EP); JURISDICCIÓN ESPECIAL PARA LA PAZ, MARCO JURÍDICO Y MANDATO (2017).

⁶⁰ Agreement Reached in the Multi-Party Negotiations (Belfast Agreement / Good Friday Agreement), Apr. 10, 1998, U.K.–Ir.–N. Ir., art. 1 (Constitutional Issues); *see also* JONATHAN POWELL, GREAT HATRED, LITTLE ROOM: MAKING PEACE IN NORTHERN IRELAND (Bodley Head 2008).

Ireland) was preserved as a legitimate political position. The Agreement's Article 1 institutionalized the constitutional channels for political change through the principle of consent.

The Good Friday Agreement is pedagogically the most-discussed transition because it concluded a sustained low-intensity armed conflict in a context of two competing national identities, two contested constitutional orders (United Kingdom, Republic of Ireland), and a complex sectarian political landscape. The framework's distinction operated at multiple levels: between violent and political means within each community; between the constitutional posture of the United Kingdom and the constitutional posture of the Republic of Ireland; between the institutional architecture of the new Northern Ireland Assembly and the prior constitutional structure.

6. The Pattern Across Cases

In each transition that succeeded, the parties (or the surrounding international system) implicitly accepted the means/views distinction. Where the distinction was rejected, resolution failed; where it was accepted, resolution became possible even between parties who remained radically disagreed about the underlying political question. The framework supplies the doctrinal vocabulary the transitions deployed implicitly; future transitions can deploy the vocabulary explicitly, with the framework's structural guidance and the architecture's institutional mechanisms.

VII. PRACTICAL CHANNELS

The architecture supports deployment through a suite of practical channels. This Part maps the principal channels: UPR submissions, Special Rapporteur communications, and treaty-body

shadow reports; strategic litigation in regional courts; transitional-justice frameworks; constitutional drafting in post-transition polities; and predictive diagnosis for democratic backsliding.

A. UPR Submissions, Special Rapporteur Communications, and Treaty-Body Shadow Reports

The UN Human Rights Council's Universal Periodic Review reviews each UN member state's human-rights record every four to five years. UPR submissions by civil-society organizations supply the factual record and the doctrinal characterization that the Council and other states deploy in the review.

The Special Rapporteur mandates — particularly the Special Rapporteur on Freedom of Opinion and Expression, the Special Rapporteur on Counter-Terrorism and Human Rights, the Special Rapporteur on the Situation of Human Rights Defenders, and the Special Rapporteur on Peaceful Assembly and Association — operate through country visits, communications with states, and thematic reports.

The treaty-monitoring bodies (the Human Rights Committee for the ICCPR, the Committee on Economic, Social and Cultural Rights, the Committee Against Torture, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination Against Women, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities, and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families) review state-party reports and produce concluding observations.

In each of these mechanisms, the architecture supplies the analytical vocabulary for country-specific assessments. The substrate's characterization (the destination operates a

categorical predicate that targets views rather than means) is more analytically rigorous than a violation tally; the operational vocabulary (the predicate fails the means-based standard articulated in General Comment 34 paragraphs 22–35) supplies the doctrinal anchor; the remedial channel's institutional consequence (UPR recommendations, Special Rapporteur communications, treaty-body concluding observations) supplies the binding force.

B. Strategic Litigation in Regional Courts

The Inter-American Court of Human Rights, the European Court of Human Rights, and the African Commission on Human and Peoples' Rights each provide forums for strategic litigation against destination states. The architecture's deployment in regional courts involves three moves.

First, the litigant invokes the regional framework's relevant Article (ACHR Article 13, ECHR Article 10, African Charter Article 9). The Article supplies the doctrinal vehicle for the claim.

Second, the litigant deploys the means/views distinction as the analytical content of the Article's standard. The Article's "necessary in a democratic society" or "necessity and proportionality" requirement operates as a means analysis; the litigant argues that the destination's measure fails the means analysis because it operates on view-based predicates rather than on means-based conduct.

Third, the litigant deploys the Laws as the substrate-layer explanation of why the regional Article's standard binds analytically. The Laws explain why the standard is not narrowable by destination-state interpretation: the structural relation between means and sustained conflict is universal, and any framework that takes the protection of freedom seriously will arrive at the means-based standard.

The architecture's analytical layering makes the litigation more robust than either the doctrinal argument or the axiomatic argument alone. The doctrinal argument (Article 10 jurisprudence; Article 13 jurisprudence) supplies the binding precedent; the axiomatic argument (the Laws) supplies the analytical anchor that withstands the destination's interpretive counter-moves; the operational vocabulary (Means/Views) supplies the categorical framework for characterizing the destination's measure.

C. Transitional-Justice Frameworks

Transitional-justice processes — truth commissions, special tribunals, lustration programs, reparations programs — operationalize the framework's means/views distinction as an institutional criterion. The South African Truth and Reconciliation Commission's distinction between "gross violations of human rights" (means) and political-ideological position (view) is the framework's distinction in institutional operation.

The architecture supplies the distinction as an axiomatic foundation rather than as institutional improvisation. Transitional-justice processes can deploy the distinction with explicit doctrinal anchoring rather than discovering it through political negotiation. The framework's predictive guidance — what kinds of distinctions tend to produce sustainable transitions versus what kinds tend to fail — is available through the comparative analysis of the cases in Part VI.C.

For active and prospective transitional-justice processes, the architecture supplies institutional design guidance: the special tribunal's jurisdiction should be defined by means (specific conduct constituting the relevant violations) rather than by view (categorical political identification); the truth commission's findings should distinguish conduct from ideology; the lustration program should target proven conduct rather than political identification.

D. Constitutional Drafting in Post-Transition Polities

New constitutional charters in post-transition polities can build the means/views distinction into the foundational text. The 1996 South African Constitution and the 2014 Tunisian Constitution are positive examples; the 1978 Spanish Constitution is the structural model.

The architecture supplies guidance for constitutional drafters: the bill of rights should articulate freedom-of-expression and freedom-of-association protections grounded in means-based predicates; the limitation clauses should require necessity and proportionality on means analysis; the constitutional-review mechanism should be empowered to strike down legislation that operates on view-based predicates; the preambular structure should anchor the constitutional order in the egalitarian invariant.

The Laws can operate as a preambular anchor: a constitutional preamble that articulates the polity's commitment to the egalitarian invariant supplies the interpretive guide for the bill of rights and the limitation clauses. The substrate operates as the interpretive frame rather than as a directly justiciable provision.

E. Predictive Diagnosis for Democratic Backsliding

Means, Not Views Part V.F articulates the framework's predictive function: a polity that begins to deploy view-based categorical predicates against radical political challenge is on a trajectory toward conventional extremism, regardless of its conventional self-presentation as a constitutional democracy. The architecture operationalizes the predictive function through the survey instrument: identifying in real time which categorical predicates are being deployed against which view-based targets, asymmetrically.

The predictive function applies to active cases: Hungary (the Fidesz period); Poland (the PiS period, now in restoration under the Tusk government); Turkey (the AKP-era judicial and journalistic crackdowns); India (the BJP-era prosecutions under UAPA and Section 153A); the Philippines (the Duterte-era drug-war extrajudicial killings; ongoing assessment under Marcos); Brazil (the Bolsonaro period, now in transition under Lula); and the United States (the 2026 CT Strategy and the apparatus it codifies, analyzed at length in *Means, Not Views* Part VI).⁶¹

Early-stage intervention by constitutional actors — judges (especially constitutional and supreme courts retaining independence), civil-society organizations, journalists, scholars, and the electorate — is the polity's mechanism for self-correction. The framework's diagnostic clarity is what permits the intervention to be analytic rather than ad hoc.

The architecture's predictive function is itself an institutional product: regular country surveys conducted by civil-society organizations using the architecture's analytical apparatus produce a real-time map of backsliding trajectories. The map can inform diplomatic action, civil-society advocacy, strategic litigation, and electoral mobilization.

VIII. THE LIMITS

The framework has limits. This Part names them: what the framework doesn't compel, how political force gets supplied, what the framework does compel, and what the framework does not replace.

⁶¹ See AZIZ HUQ & TOM GINSBURG, *HOW TO SAVE A CONSTITUTIONAL DEMOCRACY* (Univ. of Chi. Press 2018); STEVEN LEVITSKY & DANIEL ZIBLATT, *HOW DEMOCRACIES DIE* (Crown 2018); Nancy Bermeo, *On Democratic Backsliding*, 27 J. DEMOCRACY 5 (2016); Kim Lane Scheppele, *Autocratic Legalism*, 85 U. CHI. L. REV. 545 (2018).

A. What the Framework Doesn't Compel

The framework does not compel acceptance by polities committed to the underlying supremacist position. *Means, Not Views* Part X.F names this directly: authoritarian movements actively reject the framework because it constrains their categorical-predicate apparatus. The framework's analytic rigor is not politically self-enforcing.

The Laws bind the destination only through three mechanisms: (1) the consent already encoded in the destination's existing treaty obligations; (2) the political pressure international and civil-society actors can bring using the analytical engine the framework supplies; and (3) the eventual constitutional-immune-system response of domestic actors during or after transition.

None of these mechanisms is automatic. The framework does not assume that destinations will accept the analytic determination; it assumes that destinations are subject to it analytically and that, where political force is sufficient, the analytic determination produces binding constraint.

B. How Political Force Gets Supplied

The institutional mechanisms through which political force gets supplied include the following.

International institutions: the UN Human Rights Council, the UN treaty-monitoring bodies, the Special Rapporteur mandates, the IACtHR, the ECtHR, the African Commission on Human and Peoples' Rights, the International Criminal Court, the International Court of Justice, and the various ad hoc tribunals. Each of these institutions deploys the framework in its operations to the extent it has institutional authority.

Civil-society organizations: Human Rights Watch, Amnesty International, the International Commission of Jurists, Article 19, and the various country-specific organizations

(the China Human Rights Lawyers Concern Group, Hong Kong Watch, the Uyghur Human Rights Project, the Citizens' Alliance for North Korean Human Rights, the Centre for the Study of Violence and Reconciliation in South Africa, the People's Union for Civil Liberties in India, B'Tselem and Adalah in Israel, OVD-Info in Russia, the Tunisian Human Rights League). The civil-society network applies the framework in its advocacy, research, and litigation.

Transnational journalism: independent journalists, international press organizations, and exile journalism applying the framework from outside captured systems. Journalistic application of the framework supplies the public-record characterization that informs international and domestic political processes.

Academic analysis: scholarly research applying the framework to specific destinations, comparative analyses, and theoretical refinement. Academic analysis supplies the analytical infrastructure that institutional and civil-society applications build on.

Domestic constitutional-immune-system response: judges, civil servants, military lawyers, civil-rights officers, intelligence-community inspectors general, and dissenting officials within the destination's own institutional apparatus. The domestic response is often what produces actual change; the framework's clarity is what supplies the analytical guide for officials operating in permissive moments.

The political-force question is partly about *which* institutional mechanism is available in the particular destination at the particular moment. In some destinations, international institutions are the principal channel; in others, civil-society organizations; in others, domestic constitutional actors. The framework's institutional flexibility — its operability across the substrate, operational, and remedial layers — supplies the analytical infrastructure regardless of which mechanism is institutionally available.

C. What the Framework Does Compel

The framework compels three things at the analytical level, regardless of political enforcement.

First, *doctrinal indefensibility of view-based predicates* in destinations that have ratified the relevant treaties. The destination cannot interpretively narrow the means standard while remaining doctrinally honest. The destination can defect from the standard (which the framework characterizes as such) or accept it (in which case the view-based apparatus is unsustainable); the destination cannot maintain both compliance and the apparatus.

Second, *analytical clarity* that organizes the survey and bridging functions across destinations, treaty regimes, and historical moments. The framework supplies a single test that produces comparable analytic outputs in radically different contexts. The cross-system comparability is what supports human-rights reporting, comparative constitutional scholarship, and international civil-society advocacy.

Third, *a shared vocabulary* for cross-jurisdictional and cross-temporal comparison. The framework's portability is its structural feature, not a separate claim. The means/views distinction operates the same way in 1969 *Brandenburg* as in 2023 *Counterman* as in a hypothetical 2030 IACtHR application; the same way in U.S. constitutional doctrine as in ICCPR Article 19 jurisprudence as in African Charter Article 9. The shared vocabulary is what makes the framework deployable.

D. What the Framework Does Not Replace

The framework does not replace substantive moral and political argument about the underlying political questions. Whether the destination's foreign-policy alignment with a particular state is correct; whether a particular dissident position is true; whether the appropriate level of state

regulation of speech is greater or lesser in a particular context — these are substantive questions the framework does not resolve. The framework operates on the procedural distinction between means and views; substantive disagreements about the desirability of particular policy outcomes continue.

The framework does not eliminate hard cases at the *Brandenburg* line, the true-threats line, the material-support coordination line, or analogous lines in other systems. Specific applications continue to generate genuine doctrinal difficulty. What the framework does is organize the inquiries under a unified analytical heading and supply the structural vocabulary for resolving them.

The framework does not supply political will. Polities that are committed to the supremacist position will reject the framework. The framework's analytical clarity is necessary but not sufficient for political change. The political will to deploy the framework — by international institutions, by civil society, by domestic constitutional actors — must be supplied by the institutions, organizations, and individuals themselves.

The framework does not displace existing doctrinal apparatus. The framework's structural features supplement existing apparatus by supplying the analytical anchor that withstands authoritarian counter-moves at the operational layer. The existing apparatus — the doctrinal trajectories of the ECtHR, the IACtHR, the Human Rights Committee, the African Commission, and the various domestic constitutional courts — continues to operate. The framework supplies the analytical infrastructure that organizes the existing apparatus into a unified deployment architecture.

IX. CONCLUSION

The Article supplies the analytical architecture that connects two prior contributions — the constitutional distinction in *Means, Not Views* and the axiomatic principles in *The Fundamental Laws of Supremacism and Egalitarianism* — into a unified framework for universal constitutional deployment. The three-layer architecture (substrate, operational, remedial) extends the means/views distinction beyond the U.S. constitutional system to which *Means, Not Views* Part VIII's portability mechanism was natively attached. The extension is structural: the substrate layer does not require any local constitutional system to function, and the remedial layer supplies institutional mechanisms for binding constraint regardless of the destination's domestic legal architecture.

The framework supports two analytic functions. The *survey instrument* function applies the substrate to the destination's enumerated state-action categories and produces a topology of supremacist state-action loci. The output is axiomatically anchored rather than treaty-mechanically anchored; the determination is prior to and explains the destination's treaty obligations. The *bridging function* uses the substrate to explain why international standards bind analytically rather than merely treaty-mechanically. The bridge preempts the suite of authoritarian counter-moves at the operational layer (treaty interpretation, margin of appreciation, national security exception, cultural relativism, constitutional pluralism) by anchoring the analytical argument above doctrinal interpretation.

The architecture deploys across three case types. *Polities with ratified obligations but defected practice* (India, Israel, Russia, Egypt, Turkey illustrate): the bridge runs through the ratified obligations and the substrate's characterization; the destination's defection is doctrinally indefensible. *Polities without ratified obligations* (the People's Republic of China, Saudi Arabia

and Gulf monarchies, North Korea illustrate): the substrate continues to characterize state conduct; the remedial channel runs through customary international law and transnational civil-society mechanisms. *Polities in transition* (South Africa, Spain, Tunisia, Colombia, Northern Ireland illustrate): the framework retrospectively explains the transitions' success and supplies institutional-design guidance for active and prospective transitions.

The architecture maps to practical channels: UPR submissions, Special Rapporteur communications, and treaty-body shadow reports; strategic litigation in regional courts (IACtHR, ECtHR, ACHPR); transitional-justice frameworks; constitutional drafting in post-transition polities; and predictive diagnosis for democratic backsliding. Each channel deploys the architecture's analytical machinery to produce institutional constraint on destination-state conduct.

The framework has limits. It does not compel acceptance by polities committed to the supremacist position. It does not supply political will. It does not eliminate substantive disagreement about underlying policy questions. It does not resolve hard cases at the doctrinal margins. What it compels is doctrinal indefensibility of view-based predicates in destinations that have ratified the relevant treaties, analytical clarity that organizes the survey and bridging functions, and a shared vocabulary for cross-jurisdictional and cross-temporal comparison.

The three-piece architecture — *The Fundamental Laws of Supremacism and Egalitarianism* (substrate), *Means, Not Views* (operational), the present Article (architecture) — coheres into a unified intellectual program. The program supplies analytic infrastructure for the constitutional actors whose work sustains the constitutional immune system: civil-society organizations, regional courts, transitional-justice processes, constitutional drafters, and the broader network of journalists, scholars, judges, and citizens who collectively perform the

immune-system function. The framework's structural function is making the immune system legible; the legibility is what enables early-stage intervention before institutional crystallization.

The doctrinal authorities the framework rests on are old, well-developed, and binding. The Laws are demonstrated through proofs by contradiction; the means/views distinction is encoded in over a half-century of First Amendment doctrine and in the analogous traditions of the principal international and regional human-rights frameworks; the international and regional frameworks themselves have decades of institutional operation. The framework is recognition, not invention. Its contribution is the synthesis.

The Article's deployment is available now. Civil-society organizations preparing UPR submissions or treaty-body shadow reports can use the survey instrument to produce axiomatically anchored characterizations of destination-state conduct. Strategic litigators preparing regional-court submissions can deploy the bridging function to anchor their doctrinal arguments against the suite of authoritarian counter-moves. Transitional-justice institutions can use the means/views distinction as an explicit institutional criterion. Constitutional drafters can build the distinction into new charters. Politics in early stages of democratic backsliding can apply the predictive diagnostic. The framework is not a future project; it is a present tool.

The doctrinal apparatus that the framework rests on, and the institutional mechanisms that the framework deploys through, are already in place. What the framework supplies is the analytical infrastructure that organizes the apparatus into a coherent deployment architecture. The infrastructure is portable, axiomatic, and empirically verifiable. The political force that activates the architecture must be supplied by the institutions and individuals who deploy it. The framework supplies the engine; the engine requires fuel.

BIBLIOGRAPHY

AGREEMENT REACHED IN THE MULTI-PARTY NEGOTIATIONS (Belfast Agreement / Good Friday Agreement), Apr. 10, 1998, U.K.–Ir.–N. Ir.

AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS, June 27, 1981, 1520 U.N.T.S. 217.

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS. *Declaration of Principles on Freedom of Expression and Access to Information in Africa* (2019).

AMERICAN CONVENTION ON HUMAN RIGHTS, Nov. 22, 1969, 1144 U.N.T.S. 123.

AMNESTY INT'L. AMNESTY INTERNATIONAL REPORT (annual editions).

ANTI-TERRORISM LAW NO. 94 of 2015 (Egypt).

B'TSELEM & HAMOKED. WITHOUT TRIAL: ADMINISTRATIVE DETENTION OF PALESTINIANS BY ISRAEL AND THE INTERNMENT OF UNLAWFUL COMBATANTS LAW (2009).

BERMEO, NANCY. *On Democratic Backsliding*, 27 J. DEMOCRACY 5 (2016).

Brandenburg v. Ohio, 395 U.S. 444 (1969).

Castells v. Spain, App. No. 11798/85, Eur. Ct. H.R. (Apr. 23, 1992).

Chaplinsky v. New Hampshire, 315 U.S. 568 (1942).

CHINA HUMAN RIGHTS LAWYERS CONCERN GROUP. REPORT ON THE 709 CRACKDOWN (2016).

Cohen v. California, 403 U.S. 15 (1971).

CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996.

CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS, Nov. 4, 1950, 213 U.N.T.S. 221.

Counterman v. Colorado, 600 U.S. 66 (2023).

ENCARNACIÓN, OMAR G. DEMOCRACY WITHOUT JUSTICE IN SPAIN: THE
POLITICS OF FORGETTING (Univ. of Pa. Press 2014).

Erdogdu v. Turkey, App. No. 25723/94, Eur. Ct. H.R. (June 15, 2000).

FEDERAL LAW NO. 32-FZ (Russian Federation, Mar. 4, 2022).

FREEDOM HOUSE. FREEDOM IN THE WORLD (annual editions).

Giboney v. Empire Storage & Ice Co., 336 U.S. 490 (1949).

Handyside v. United Kingdom, App. No. 5493/72, Eur. Ct. H.R. (Dec. 7, 1976).

Hess v. Indiana, 414 U.S. 105 (1973).

Holder v. Humanitarian Law Project, 561 U.S. 1 (2010).

HONG KONG WATCH. PROSECUTING DISSENT: ANNUAL REPORT ON
NATIONAL SECURITY LAW PROSECUTIONS (annual editions).

HUMAN RIGHTS WATCH. WORLD REPORT (annual editions).

HUQ, AZIZ & TOM GINSBURG. HOW TO SAVE A CONSTITUTIONAL
DEMOCRACY (Univ. of Chi. Press 2018).

INDEPENDENT REVIEW OF PREVENT (Shawcross Review, Feb. 2023).

INDEPENDENT TRIBUNAL INTO THE CRIMES AGAINST HUMANITY AND
GENOCIDE OF THE UYGHUR, TURKIC AND OTHER TURKIC-MUSLIM PEOPLES BY
THE PEOPLE'S REPUBLIC OF CHINA. JUDGMENT (Dec. 9, 2021).

INDIAN PENAL CODE § 153A.

INTER-AM. COMM'N H.R. INTER-AMERICAN LEGAL FRAMEWORK REGARDING THE RIGHT TO FREEDOM OF EXPRESSION, OEA/Ser.L/V/II CIDH/RELE/INF.2/09 (Dec. 30, 2009).

INTERNATIONAL COMMISSION OF JURISTS. ANTI-MINORITY LAWS AND PRACTICES IN INDIA (2024).

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, Dec. 16, 1966, 999 U.N.T.S. 171.

INTERNMENT OF UNLAWFUL COMBATANTS LAW, 5762–2002 (Isr.).

JURISDICCIÓN ESPECIAL PARA LA PAZ. MARCO JURÍDICO Y MANDATO (2017).

Karatas v. Turkey, App. No. 23168/94, Eur. Ct. H.R. (Grand Chamber, July 8, 1999).

Kedar Nath Singh v. State of Bihar, AIR 1962 SC 955 (Sup. Ct. India).

KIRCHNER, JOSEPH D. *The Fundamental Laws of Supremacism and Egalitarianism* (May 2026).

KIRCHNER, JOSEPH D. *Means, Not Views: The Constitutional Distinction Between Radicalism and Extremism* (May 2026).

Kol Ha'am Co. v. Minister of Interior, HCJ 73/53, 7 P.D. 871 (Isr. 1953).

KUNDNANI, ARUN. *Radicalisation: The Journey of a Concept*, 54 RACE & CLASS 3 (2012).

KUNDNANI, ARUN. THE MUSLIMS ARE COMING! ISLAMOPHOBIA, EXTREMISM, AND THE DOMESTIC WAR ON TERROR (Verso 2014).

LAW OF THE PEOPLE'S REPUBLIC OF CHINA ON SAFEGUARDING NATIONAL SECURITY IN THE HONG KONG SPECIAL ADMINISTRATIVE REGION (June 30, 2020).

LEVITSKY, STEVEN & DANIEL ZIBLATT. *HOW DEMOCRACIES DIE* (Crown 2018).

Lingens v. Austria, App. No. 9815/82, Eur. Ct. H.R. (July 8, 1986).

McCAULEY, CLARK & SOPHIA MOSKALENKO. *Mechanisms of Political Radicalization: Pathways Toward Terrorism*, 20 *TERRORISM & POL. VIOLENCE* 415 (2008).

NAACP v. Claiborne Hardware Co., 458 U.S. 886 (1982).

OFFICE OF THE U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS. OHCHR ASSESSMENT OF HUMAN RIGHTS CONCERNS IN THE XINJIANG UYGHUR AUTONOMOUS REGION, PEOPLE'S REPUBLIC OF CHINA (Aug. 31, 2022).

OVD-Info. *Anti-War Cases* (ongoing dataset), <https://ovd.news/en>.

PEOPLE'S UNION FOR CIVIL LIBERTIES. UAPA: CRIMINALISING DISSENT AND STATE TERROR (2022).

PICKARD, DUNCAN. *Tunisia's Constitution: Drafting Process and Conclusions*, 56 *ARAB STUD. J.* 36 (2014).

PILS, EVA. *CHINA'S HUMAN RIGHTS LAWYERS: ADVOCACY AND RESISTANCE* (Routledge 2014).

POWELL, JONATHAN. *GREAT HATRED, LITTLE ROOM: MAKING PEACE IN NORTHERN IRELAND* (Bodley Head 2008).

PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT 34 of 1995 (S. Afr.).

REPORT OF THE COMMISSION OF INQUIRY ON HUMAN RIGHTS IN THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, U.N. Doc. A/HRC/25/63 (Feb. 7, 2014).

S. Rangarajan v. P. Jagjivan Ram, (1989) 2 SCC 574 (Sup. Ct. India).

SAGEMAN, MARC. *LEADERLESS JIHAD: TERROR NETWORKS IN THE TWENTY-FIRST CENTURY* (Univ. of Pa. Press 2008).

SCHEPPELE, KIM LANE. *Autocratic Legalism*, 85 U. CHI. L. REV. 545 (2018).

Shreya Singhal v. Union of India, AIR 2015 SC 1523 (Sup. Ct. India).

SPANISH CONSTITUTION, 1978.

Sunday Times v. United Kingdom (No. 1), App. No. 6538/74, Eur. Ct. H.R. (Apr. 26, 1979).

Süreş v. Turkey (No. 1), App. No. 26682/95, Eur. Ct. H.R. (Grand Chamber, July 8, 1999).

Texas v. Johnson, 491 U.S. 397 (1989).

TRUTH AND RECONCILIATION COMMISSION OF SOUTH AFRICA. REPORT (vols. 1–7, 1998–2003).

TUNISIAN CONSTITUTION (Jan. 27, 2014).

U.N. HUM. RTS. COMM. General Comment No. 34, Article 19: Freedoms of Opinion and Expression, U.N. Doc. CCPR/C/GC/34 (Sept. 12, 2011).

UNLAWFUL ACTIVITIES (PREVENTION) ACT, No. 37 of 1967, India Code (as amended through 2019).

Watts v. United States, 394 U.S. 705 (1969).