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## FOREWORD

Each spring, I have the distinct pleasure of writing a brief foreword for UBC's Journal of Political Studies. The Journal is an annual production done entirely by the Department's impressive undergraduate students. Students comprise the Editorial Board, solicit manuscripts, administer an evaluation process and supervise the journal's production. Manuscripts are submitted by students and then evaluated by faculty members. The journal receives many more submissions than it can publish.

This year's journal, like its predecessors, is impressive. It features nine interesting articles that range across a broad spectrum of issues, employ diverse methodologies and explore politics in many countries including United States, Canada and Israel. For example, an article analyzes the American debate around the use of drones. Another article examines competing interpretations of the 1986 Philippine People Power Revolution while another probes political corruption in Colombia. Two insightful articles use Indigenous Political Theory - one examines the 2000 Sydney and 2010 Vancouver Olympic Games. Readers will be impressed by the richness of the research undertaken and its vigorous presentation.

Sixteen faculty members assessed manuscripts this year. Their comments assisted the editors in their difficult work. Equally, their comments evoked another round of revisions and led to better articles overall. That said and to repeat, the journal is a student run activity in its entirety.

The Department is proud of its association with the UBC Journal of Political Studies. The journal is an impressive undertaking by any measure and a powerful statement to the serious commitment of our students. Congratulations to all involved. Readers will not be disappointed!

Best wishes,

Allan Tupper

*Professor and Head, UBC Department of Political Science*

## EDITOR-IN-CHIEF'S INTRODUCTION

Welcome to the 17th edition of the Journal of Political Studies! As this year's Editor-in-Chief, I had hoped to inform the 2015 Journal with an interdisciplinary understanding of political studies and to broaden the scope of what we at the Journal consider "political." I hope you'll agree that this was a success.

The Journal of Political Studies is known widely for its eclectic content, of which the subject matter is unpredictable but the quality is always superb. In this regard, the 2015 Journal is no exception. What does set this edition apart, however, is the unprecedented diversity of methodologies employed within its pages; from quantitative analysis, to legal research, to the theoretical interrogation of personal experience, this Journal shows both the multiplicity of forms political research can take and how amazingly driven students are to find new and dynamic ways of engaging with age-old questions about power.

There are many people without whom the 2015 Journal wouldn't have been possible. First and foremost, my immense gratitude goes out to our Managing Editor, Sarah King, who has been my partner and right hand throughout this process. Without you, both the Journal and I would have fallen apart long ago. Special thanks is due also to our Publishing Director, Oren Adamson, our Web Director, Stefan Kostic, and Dol Imnamkaho, our talented graphic designer. Next, thank you to the 2014-2015 Editorial Board: your hard work shows in the amazing output of this publication and it was an honour to work alongside such dedicated students. Further, thanks to everyone who submitted to the Journal and, in particular, the authors who worked so hard to polish their papers for publication - congratulations to you!

I must also express a massive thank you, on behalf of all the student editors and authors, to the UBC Political Science Department. We are so grateful for the critical eyes of our faculty referees, the generosity and kindness of Department head Allan Tupper, and the unwavering support and guidance of our faculty advisor Andrew Owen. Thank you all for your commitment to undergraduate research excellence both inside and outside the classroom at UBC. I think Dr. Richard Johnston had it right in his foreword to our 8th edition, when he wrote, "if our students are our mirror, I like what I see!" The papers that follow are a testament to the spirit of critical enquiry and the passion for political studies that you have all ignited in your students

Here's to the next seventeen years of the Journal of Political Studies!

# EDITORIAL STAFF

## ALEX MIERKE-ZATWARNICKI

*/ editor-in-chief*

Alex will graduate in May with an Honours degree in Political Science. Primarily interested in political psychology, political communication, and experimental research methods, Alex's Honours thesis uses a mixed-method approach to explore the effects of changing elite discourse on Canadian attitudes towards social spending. Outside of the JPS, Alex serves on the Board of Directors of the Coalition of Progressive Electors, is a founding member of *The Talon* editorial collective, and works as a research assistant for the UBC Department of Political Science. In Autumn, Alex will pursue graduate studies.

## SARAH KING

*/ managing editor*

Sarah is double-majoring in First Nations Studies and Political Science. As a white settler student of these disciplines, she is exploring how Western political theory might be productively engaged in building queer communities and activism in solidarity with Indigenous peoples' political struggles. Outside of class, Sarah strives to support and learn from others through her involvement with *The Talon*, the First Nations Studies Student Association, and the Pride Collective.

## OREN ADAMSON

*/ publishing director*

Oren is in his fourth and final year of the Honours Political Science Program. His interests in the discipline are mainly in institutional design, public opinion, and its influence on the policy making process. His honours thesis examines the relationship between presidential policy making and public opinion in the US during the Clinton, (G.W.) Bush, and Obama Administrations. After graduating he will begin his J.D. at UBC in September 2015.

## STEFAN KOSTIC

*/ web director*

Stefan is a fourth-year student in the Political Science Major Program. His primary interests within the discipline are security studies, political economy, and democratic

theory. After graduating he hopes to complete his J.D. or will continue his studies in political science.

### **DOL CHAYAROP IMNAMKHAO**

*/ designer*

Dol is Thai by birth, but spent many years living and attending international schools in Laos and Bangladesh. He currently resides in Vancouver, British Columbia, where he is a fourth year Communication Design student at Emily Carr University Of Art + Design. Having moved around a lot, Dol's work and design investigates social norms, cultural values and human connections. Hence, his work explores the idea of bridging social gaps, cultural restoration and representation, improving user experience and making complex information more understandable to a wider range of audiences. He also takes great interest in the potential wayfinding systems for behavior change.

## **EDITORIAL BOARD**

### **MITCHELL BOSLEY**

Mitchell is in the fourth year of his Honours Political Science degree at UBC, with a minor in History. Though he is more generally interested in security studies and political theory (and their placement in a historical context), Mitchell's Honours thesis is an investigation into the role of leadership in party mergers. After graduating, he hopes to pursue a master's degree in political science.

### **ERIK COATES**

Erik is a fourth-year student in the Honours Political Science with International Relations Program; he is also minoring in French. Erik's interests in political science involve political theory, political sociology, political anthropology, and international affairs. His Honour's thesis is a critical analysis of human-animal relations which examines the concept of personhood and practices of meat consumption. After graduation, Erik plans to continue his studies, be it in political science, law, or film.

### **MADDISEN DELLPLAIN**

Maddisen is an International Relations Major, minoring in Spanish. Although she is interested in many aspects of international politics, throughout the course of her undergraduate career she has focused mainly on US/Latin American relations with

a heavy focus on Latin American political history. After completing her B.A. at UBC, Maddi hopes to gain some experience in the work force before pursuing a graduate degree in Journalism. She has ambitions of eventually working as a foreign correspondent.

#### **PARMIDA ESMAELPOUR**

Parmida is a third year Political Science Honours and Statistics student, and serves as the Vice-President of the UBC Political Science Students Association. Her research interests predominantly fall at the intersection of comparative politics and international relations, but extend to theory and methodology. She is particularly interested in authoritarianism, censorship infrastructure and information-communication technologies. She intends to pursue a Ph.D in political science, with a subsequent J.D/LL.M.

#### **ROBERT GORWA**

Robert is a third year International Relations student. While he has a wide range of academic interests, he is particularly interested in the ways that political decision making and economic theory are intertwined. He remains somewhat uncertain about his future.

#### **LOTEM HALEVY**

Lotem is currently completing her last year at UBC with a Major in Political Science. She is primarily interested in political behaviour and public opinion, especially in intersection with the institutional design of advanced industrialized democracies. Also of thematic interest is the political representation of minorities. After graduation, Lotem intends to continue her studies in political science.

#### **MOHAMED JASSIM**

Mohamed is a Political Science Major and Economics Minor. His area of interest is the Middle-East and North-Africa (MENA) region. His analyses revolve around identifying the different parties in conflicts, establishing connections between them, as well as taking into consideration the global politics of oil. He publishes for MoroccoWorldNews.com, a North-African news website. Mohamed seeks to pursue a J.D. degree with a specialization in commercial law. A long-term goal of his is to find his way into the security sector.



### **SHIN-WON JUN**

Shin-Won Jun is in her fourth year in the Political Science and French programs. She is primarily interested in environmental policy and security studies. After graduation, Shin-Won plans to continue her studies through a graduate program or pursue a career in the Canadian foreign service.

### **AHMAD SOHAIL LUDIN**

Ahmad was a fourth-year student in the Political Science Honours program. His primary academic interests include state-building, democratic theory, critical theory, and genealogical analyses of the Western canon of political thought. At the time of publishing, he has decided to withdraw from UBC.

### **TAYLOR MCGINLEY**

Taylor is a third-year student majoring in Political Science. While she has yet to decide a specialization, her main interests in political science include comparative politics, state diplomacy, and international security studies. She intends to pursue a masters degree in political science upon graduation.

### **DEAN ROBINS**

Dean is a Political Science student at UBC in his fourth and final year. His primary interests include international comparative politics, Canadian political theory, and democratization. Dean is keeping his options open after graduation, which is just a polite way of saying “has no idea what he’s doing”.

### **EMMA SADDY**

Emma is a third-year student pursuing a major in Political Science and a minor in Economics. Her main interests include security studies, gendered economics, and the evolution of political thought. After graduation she currently intends to continue her education in Berlin, Germany, but as her post-grad plans change bi-monthly, she isn’t holding her breath.

**EMILIE THIBAUT**

Emilie is a fourth year student pursuing a major in Political Science and a minor in Commerce. Her main interests within the field of political science include international political economy, global governance and climate change politics. Emilie is also involved with the UBC Finance Club as Director of Administration and Academic Relations. After graduation, Emilie hopes to gain a few years of work experience within the field of finance in either Singapore or Hong Kong before pursuing an MBA.

**DOMINIC WAN**

Dominic is in his fourth and final year of the Combined Major Program in Economics and Political Science. His main interests in political science include state security issues, international political economy, and the impact of multinational corporations as political actors. After graduation, Dominic will pursue a J.D. degree en route to achieving his dream of being a successful lawyer.

# ADVICE, CONSENT, AND THE TWO PRESIDENCIES: TESTING CONFIRMATION DURATIONS DURING THE OBAMA PRESIDENCY

*/Daniel André Nilsson*

*Daniel is a fourth year political science student from Norway. His primary interests include US politics, political history, political economy and political philosophy. After completing his BA, he hopes to pursue graduate studies in political science.*

## ABSTRACT

This article examines the duration of US Senate confirmation votes of presidential nominees to the federal government during the presidency of Barack Obama as a new test of the two presidencies thesis. The two presidencies thesis proposes that Congress is more likely to defer to the president on matters of foreign policy compared to domestic policy. Comparing the average confirmation duration of foreign and domestic policy positions, the author finds that foreign policy positions generally have shorter confirmation duration. This suggests deference to the president, adding support to the two presidencies thesis.

## INTRODUCTION

This paper examines how the United States Senate makes use of their powers to confirm presidential nominations for government positions by investigating the Senate's confirmation of nominations by President Barack Obama from January of 2009 to September of 2014. By comparing the length of the confirmation process between foreign and domestic policy positions, this paper attempts to see whether they differ significantly and whether this difference can offer more evidence for the two presidencies thesis.

This paper shows that confirmation durations for foreign policy positions are shorter than the confirmation durations for domestic policy positions. This suggests that President Obama does in fact face less Senatorial opposition to his foreign policy preferences compared to domestic policy preferences per the two presidencies thesis. I argue that this difference stems from a lack of electoral pressure on legislators with regards to foreign policy issues compared to domestic policy issues. This is because foreign policy has fewer direct linkages with the constituencies of each senator, and

because there are fewer interest groups involved in foreign policy than there are in other policy areas. Fewer interest groups will lead to less legislator interest in the field, which will in turn lead to shorter confirmation durations as they are less likely to oppose the president. Positions nominated to the Committee on Foreign Relations have shorter duration than domestic policy positions in accordance with the theory. Positions nominated to the Select Committee on Intelligence tend to have too few observations to be able to draw significant conclusions. While I expected defence positions nominated to the Committee on Armed Services to act in a similar manner to positions nominated to the Committee of Foreign Relations, these positions behave much closer to domestic policy positions.

#### LITERATURE REVIEW

In “The Two Presidencies” Wildavsky argues that “The United States has one president, but it has two presidencies: one presidency is for domestic affairs, and the other is concerned with defence and foreign policy.”<sup>1</sup> Using Congressional votes on presidential initiatives, this author shows that presidents have a higher success rate in passing legislation they initiated in foreign and defence policy compared to domestic policy. He argues that presidents will tend to spend more time on foreign policy issues because world events move at a rapid pace and they have more possibilities and power to react to them. More importantly for this study, Wildavsky maintains that there is less congressional opposition to contend with, and fewer interest groups at work in the field, both of which serve to increase presidential influence over foreign policy.<sup>2</sup>

Upon reexamination, Wildavsky finds that the mechanics of foreign policy has shifted to become more similar to domestic policy. But for issues on which “positions do not fit neatly into opposing ideological frameworks,” or issues on which there are no clear partisan solutions, the president maintains more leeway in setting policy.<sup>3</sup> Fleisher, Bond, Krutz, and Hanna go further by arguing that the thesis is no longer applicable to American politics in an era of polarization, as the conditions which spurred the creation of the thesis no longer exist.<sup>4</sup>

Conversely, Lindsay and Steger call for research on the two presidencies thesis to shift away from legislative success rate to focus on presidential discretion and agenda setting, as a more accurate measure of presidential influence on foreign policy.<sup>5</sup>

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1 Wildavsky, “The Two Presidencies,” 23.

2 *Ibid.*, 24-26.

3 Oldfield and Wildavsky, “Reconsidering the Two Presidencies,” 59.

4 Fleisher et al., “The Demise of the Two Presidencies,” 21-23.

5 Lindsay and Steger, “The ‘Two Presidencies’ in Future Research.”

Picking up on the call of Lindsay and Steger, Canes-Wrone, Howell and Lewis argue that the two presidencies thesis is still valid, and add an institutional logic that helps explain why previous studies using presidents' legislative success rate "have found little evidence of a two presidencies effect even though such an effect still exists."<sup>6</sup>

They posit that "first-mover advantages, informational differences and electoral pressure" grant foreign policy influence to the president.<sup>7</sup> First-mover advantages refer to the president being able to react unilaterally to world events at a faster pace than legislators, while informational differences refer to the president having greater access to information than legislators on foreign policy issues. Finally, these authors argue that there are fewer electoral incentives for members of Congress with regards to foreign policy, because there are fewer interest groups in this policy domain, and individual legislators are not seen as responsible for foreign policy outcomes.

The present study will draw on Canes-Wrone et al.'s electoral pressure argument to explain why confirmation duration for foreign policy nominations is shorter than for domestic policy nominations. As first-mover advantages and informational differences refer to presidents' institutional advantage when reacting to world events, they do little to explain differences in confirmation durations by the Senate. Electoral pressure, however, can account for the decreased confirmation durations in foreign compared to domestic policy. Canes-Wrone et al. argue that the president appears as "most visibly responsible for national welfare," and is therefore more likely than members of Congress "to be rewarded or blamed for the state of foreign policy." Moreover, they claim that due to the lower number of interest groups active in the area of foreign policy, there is less political incentive for members of Congress to pay attention to it. Because of this perceived lack of responsibility in foreign policy outcomes and reduced political incentives, we can expect the duration of foreign policy confirmations to be shorter than domestic ones. In addition to the factors that affect electoral incentives set out by Canes-Wrone et al., I argue that the lack of linkages between Senators and their state constituencies within foreign policy also serves to decrease confirmation duration for foreign policy positions. This is because most foreign policy positions are based in Washington, DC and abroad in embassies, rather than in senators' jurisdictions. Conversely, as many domestic policy positions are stationed in the various regional offices of federal agencies all across America, senators will be voting on the confirmation of candidates who have the potential to directly impact the

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6 Canes-Wrone, Howell, and Lewis, "Toward a Broader Understanding of Presidential Power," 14.

7 *Ibid.*

affairs of their state. As a result, confirmation duration for domestic policy positions will tend to be longer than for foreign policy positions.

A survey of the literature shows a deficit of studies examining confirmation durations in terms of the two presidencies thesis. McCarty and Razaghian examine the confirmation duration of executive branch nominations from 1885 to 1996. They find that nominations are not rubber-stamped as often assumed, but rather that the process is highly affected by polarization during divided government.<sup>8</sup> While they do not examine foreign policy, their paper provides guidance for the present study in terms of method.

#### DATA AND METHOD

I use the “Nominations and Appointments” dataset provided by the White House website for this study.<sup>9</sup> The time period covered starts with the first session of the 111th Congress in January 2009, and ends two thirds of the way into the second session of the 113th Congress in September 2014. This period has no instances of divided government, with the Democrats enjoying a simple majority for the duration, except for one brief period during the 111th Congress (from September 25, 2009 to February 4, 2010) when they had a 60 seat supermajority with which they could invoke cloture and block filibusters.

It should be noted that this dataset does not include all of the confirmation votes undertaken during this time period. As the Senate is required to confirm nominations for more than a thousand positions, relatively uncontroversial nominations such as military promotions are confirmed en bloc with little drama or fanfare. As a result of this, the nominations that are included in this dataset are only those that pertain to the confirmation of individuals nominated for unique positions.

For a nominee to be confirmed, a simple majority of the Senate must vote yes to confirm a nominee. However, a 60 vote supermajority is required to invoke cloture and close the debate, so there is still ample opportunity for obstruction by the minority party unless the majority party has the required supermajority (which the Democrats enjoyed for approximately four months during the period studied in this paper). Due to this problem of obstruction, the Democrats invoked what is colloquially known as the “nuclear option” towards the end of the first session of the 113th Congress. The “nuclear option” represents a rule change wherein the previous requirement of 60 votes to invoke cloture on a confirmation debate is changed to requiring a simple majority of 50 votes. This gave the Democrats the option to swiftly end any

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8 McCarty and Razaghian, “Advice and Consent” 1141.

9 The White House, “Nominations and Appointments,” <http://1.usa.gov/1DjaUBv>.

Republican filibuster and force a confirmation vote on any nomination except for nominees to the Supreme Court bench.

As nominations are very rarely withdrawn or rejected outright the most common way for nominations to not go through is expiration due to Senate recess, at which point the president can choose to re-nominate the candidate. As such, the best way to quantify Senate resistance to a presidential nominee is to look at the length of time it takes from nomination to confirmation.<sup>10</sup> Therefore the dependent variable will be the confirmation duration in days, named Duration. The potential deference that the Senate would show the president with regards to foreign policy nominations can be illustrated by their effect on the duration in a regression. All variables besides duration are dummy variables. Therefore the regression constant represents average duration for domestic policy positions, when all dummy variables are equal to zero.

For the purposes of comparison, the independent variable of foreign policy positions is broken down into the three separate variables: Foreign, Intelligence and Defence. These correspond to positions that fall under the jurisdiction of the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Armed Services respectively. The foreign variable contains all State Department positions and is much larger than the other two with 316 observations. I examine defence as a foreign policy position, as defence is highly intertwined with foreign policy.<sup>11</sup> The defence variable has 56 observations. Intelligence agencies generally work outside of the United States and deal with potential foreign threats and I therefore include this as another variable of foreign policy positions. This variable only has 7 observations and is therefore subject to high uncertainties. These last two variables both have strong national security implications due to the effect their actions have on the perception of America abroad, and hence its diplomatic relations and future foreign policy.

**TABLE 1**  
**CONFIRMATION DURATION OF FEDERAL JUDGESHIPS**

VARIABLE	DURATION COEF. (IN DAYS)	STANDARD ERROR	P-VALUE
judge	41	6	0.000
constant	126	3	0.000

*note: duration coefficient and standard error are rounded to nearest whole day.*

10 McCarty and Razaghian, "Advice and Consent," 1132.

11 Canes-Wrone, Howell and Lewis, "Toward a Broader Understanding of Presidential Power," 7.

Domestic policy positions encompass the remainder of the individual nominations. 344 of these observations are federal judgeships, which tend to have greater political conflict attached to their confirmations because they are long term (often life) appointments, and can have very significant and long lasting impacts on American public policy. By running a regression on the data with the dependent variable duration and controlling for the independent variable judge, I find that federal judgeships have an average 41 days longer duration than the average duration of all other positions (see table 1). Furthermore, federal judgeships represent a unique category in that the president appoints them, but he has no further power over them unlike most other positions which fall under executive jurisdiction. While the president may nominate judges he tends to agree with, that is largely where his influence over them ends. As there is no immediate counterpart to federal judgeships in the foreign policy realm, I drop these observations so the unique political characteristics of this category does not skew the results.

Three observations were holdovers (unconfirmed nominees from the Bush presidency). These were not voted on and were allowed to expire. I drop these observations as they are not relevant to this study of confirmation votes during the Obama presidency. After dropping holdover and judge observations a total of 1201 observations remain. Of these, 1000 are confirmed and hence have confirmation durations. The remaining 201 observations are all pending, unconfirmed nominations from the 113th Congress' 2nd session. As they are not yet confirmed, they do not factor into the duration calculation. The distribution of nominations and confirmations is presented in table 2.

**TABLE 2**  
**NOMINATION AND CONFIRMATION DISTRIBUTION**

CONGRESSIONAL SESSION OF NOMINATION	CONGRESSIONAL SESSION OF CONFIRMATION							TOTAL
	111TH 1ST	111TH 2ND	112TH 1ST	112TH 2ND	113TH 1ST	113TH 2ND	UNCON- FIRMED	
111TH 1ST	109	68	0	0	0	0	0	177
111TH 2ND	0	149	0	0	0	0	0	149
112TH 1ST	0	0	129	90	0	0	0	219
112TH 2ND	0	0	0	98	0	0	0	98
113TH 1ST	0	0	0	0	171	1	0	172
113TH 2ND	0	0	0	0	0	185	0	386
<b>TOTAL</b>	109	217	129	188	171	186	201	1,201

*note: the first three digit number refers to the numbered Congress and the second one digit number refers to the Congressional Session.*



In an effort to control for the relative importance of various positions I create a tier system. Tier 1 contains cabinet-level positions such as secretaries of cabinet departments, the Attorney-General, the Administrator of the Environmental Protection Agency (EPA), the Director of National Intelligence (DNI), and the United States Ambassador to the United Nations. Tier 2 positions include deputy-secretaries, under-secretaries, and assistant-secretaries, as well as the equivalent for the Justice Department, the EPA, the DNI, and also the heads of major agencies such as the CIA. To control for the brief period of Democratic supermajority, I create the variable Supermajority which contains observations that were confirmed during this period.

To test whether the three foreign policy position durations differ from the durations of domestic policy positions I run three ordinary least squares (OLS) regressions for different time periods. The first regressions covers the whole time period, the second covers the 111th and 112th Congress and the third covers the 113th Congress. I do this to examine the effects of the rule change during the 113th Congress. I hypothesize that in accordance with the two presidencies thesis, foreign policy positions will have significantly shorter durations than domestic policy positions. I further hypothesize that supermajority confirmation durations will be significantly shorter than the confirmations during periods where obstruction was easier. Duration will generally decrease following the rules change due to less obstruction. Tier 1 nominations will be confirmed more quickly than tier 2 nominations due to Democratic priorities and the unwillingness of Republicans to leave large parts of the federal government without leadership.

## RESULTS AND ANALYSIS

The first regression includes all observations from the whole time period of the data set from January 2009 to September 2014 and is found in table 3. Confirmation votes in the foreign category are 28 days faster than domestic policy positions, with a low standard error and a p-value of 0.000. Intelligence positions are 63 days shorter than domestic policy positions, but fail to reach 0.05 statistical significance with a p-value of 0.054. This is likely due to the low number of observations. Defence has a duration that is 1 day longer than domestic policy positions, but the extremely high p-value of 0.945 make the results meaningless. Tier 1 positions have much lower durations than tier 2 positions, with both reaching 0.05 statistical significance with p-values of 0.001 and 0.011 respectively. This is likely due to the higher priority put on higher tier positions by the Democrats, as well the potential political cost to Republicans if they prevent the president from staffing the top positions of federal agencies. As predicted, nominations from the supermajority period have much shorter durations.

**TABLE 3**  
**CONFIRMATION DURATION OF DOMESTIC AND FOREIGN**  
**APPOINTMENTS, 111TH - 113TH CONGRESS**

VARIABLE	DURATION COEF. (IN DAYS)	STANDARD ERROR	P-VALUE
foreign	-28	6	0.000
intelligence	-63	33	0.054
defence	1	13	0.945
tier1	-79	23	0.001
tier2	-21	8	0.011
supermajority	-56	13	0.000
constant	140	3	0.000

*note: duration coefficient and standard error are rounded to nearest whole day.*

The second regression covers the 111th and 112th Congress and therefore does not include the “nuclear option” rules change during the 113th Congress, which should lead to longer durations than for the whole period. This bears out in the regression, indicated by the 9 day increase in domestic policy durations for the 111th and 112th Congress relative to the entire sample (see table 4). The foreign variable does not change much from the previous regression (1 day shorter). Intelligence duration is 12 days shorter, but still falls short of 0.05 statistical significance with a p-value of 0.086. Defence duration is 27 days shorter than domestic policy positions, but has a very high p-value of 0.202. Supermajority duration is 9 days shorter than in the previous regression, a product of the period of supermajority accounting for a greater portion of the time period accounted for in this regression. The p-values for tiers 1 and 2 are very high for this regression, which is likely caused by high variance, as the distribution of high tiered positions is fairly even across the sessions.

**TABLE 4**  
**CONFIRMATION DURATION OF DOMESTIC AND FOREIGN**  
**APPOINTMENTS, 111TH AND 112TH CONGRESS**

VARIABLE	DURATION COEF. (IN DAYS)	STANDARD ERROR	P-VALUE
foreign	-29	9	0.003
intelligence	-75	44	0.086
defence	-27	21	0.202
tier1	-53	58	0.358
tier2	-4	13	0.737
supermajority	-65	14	0.000
constant	149	5	0.000

*note: duration coefficient and standard error are rounded to nearest whole day.*

The third and final regression covers the 113th Congress where the rules were changed towards the end of the first session to allow the Democrats to invoke cloture through a simple majority (see table 5). This regression has a much lower average domestic policy duration of 117 days compared to 149 days and 140 days for the previous two regressions. While direct causality cannot be established, it seems likely that this is due to the rule change. Foreign deviates less from domestic policy positions in this regression, being 13 days shorter with a slightly higher p-value at 0.064. The intelligence variable still does not reach 0.05 statistical significance with a p-value of 0.265. Defence duration is 34 days longer than domestic policy positions, with a p-value of 0.015. This is contrary to what we would expect to see if defence behaved like a foreign policy position in accordance the two presidencies thesis. Confirmation durations of tier 1 positions are still shorter than for tier 2 positions.

**TABLE 5**  
**CONFIRMATION DURATION OF DOMESTIC AND FOREIGN APPOINTMENTS, 113TH CONGRESS**

VARIABLE	DURATION COEF. (IN DAYS)	STANDARD ERROR	P-VALUE
foreign	-13	7	0.064
intelligence	-50	45	0.265
defence	37	14	0.015
tier1	-66	19	0.000
tier2	-24	9	0.005
supermajority	omitted	omitted	omitted
constant	117	5	0.000

*note: duration coefficient and standard error are rounded to nearest whole day. supermajority is omitted due to collinearity because there was no instance of supermajority during the 113th congress.*

Across all the regressions there are several noteworthy trends. Foreign consistently displays shorter confirmation times than domestic policy positions (although the 0.064 p-value in the 113th Congress regression represents an edge case) which lends credence to the fact that the two presidencies thesis can help explain confirmation hearings. Intelligence does not have enough observations, which results in high p-values for all the regressions.

Across the whole period defence has virtually the same duration as the constant, indicating behavior closer to domestic policy positions and contrary to the hypothesis that it would be similar to foreign and intelligence. There are several reasons why defence might be closer to domestic policy positions. Because of the size and cost of the American military industry, defence has a relatively high number of very active

interest groups. Defence also has a very large amount of local linkages as there are military bases in every state which provides both jobs directly from the military, as well as contracting services and defence industries. Due to this, most Senators have local linkages through the Department of Defence. Lastly, defence also tends to be a policy area that the Republicans perceive themselves as having greater expertise in than the Democrats. Because of these factors, they may be extra attentive with regards to the president's choice of candidates in this policy field.

In the 113th Congress, defence exhibits a much higher duration than domestic policy positions. A qualitative look at the shortest and longest duration observations for this variable offers little explanation. At both ends of the duration spectrum the positions are very diverse, with a mix of positions ranging from Deputy Undersecretary for Acquisition and Technology to Assistant Secretary for Asian and Pacific Security Affairs. Given that foreign durations are also relatively longer during this Congress, it seems likely that the Democrats focused more on domestic policy positions that had been obstructed to a higher degree in previous Congresses.

## **CONCLUSION**

This paper finds evidence for Senate deference to the president with regards to foreign policy nominations in accordance with the two presidencies thesis. While the results from intelligence and defence positions are mixed, positions nominated to the Committee on Foreign Relations (State Department) are consistently shorter than domestic policy positions. Since the State Department is the cabinet department that is arguably most responsible for the formation of foreign policy, it is logical that this is where the strongest evidence would be. This policy area also does not have certain domestic policy factors (such as local linkages and a high number of interest groups) that are present in defence positions, which may help explain why defence positions are more similar to domestic policy positions.

While this study cannot be said to have proven in a conclusive manner that the thesis is accurate, the results seem to warrant further study into this largely unexplored area.

Given the decades long debate over the existence and significance of the two presidencies, further studies on advice and consent could breathe some fresh air into the debate by illuminating another way in which legislators show deference to the president. Further studies on the Obama presidency should be undertaken after its end, so the effects of the rules change can be fully realized. Since the Republicans seized majority control of the Senate for the first session of the final Congress of the Obama

presidency during the 2014 midterm election, this majority opposition period could produce interesting evidence for the two presidencies thesis.

Further studies should also be undertaken that expand the scope to look at other presidencies, to see if similar tendencies were present. This study uses OLS regression modeling, but further studies should employ survival analysis, which is a more appropriate model for this type of analysis.<sup>12</sup> These studies could also benefit from being compared with other tests of the two presidencies such as budgeting or roll-call voting on policy to see if the changing rate of deference shown to the president runs parallel across multiple indicators. The promising results of this study indicates that further study is warranted.

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12      McCarty and Razaghian, "Advice and Consent," 12.

# STOP, LOOK, AND LISTEN: ORIENTALISM, MODERNITY, AND THE SHAH'S QUEST FOR THE WEST'S IMAGINATION

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## ABSTRACT

Many documentary filmmakers rely upon familiar tropes, which are entrenched in their audience's consciousness, to build a rapport with their viewers. This article examines the employment of documentary film by Shah Mohammad Reza Pahlavi's regime (1941-1979). Through the medium of documentary, this regime attempted to form a relationship with the American and Western public by appropriating the West's myths and affirming Western narratives in order to legitimize its rule. This case provides an insight into how repressive regimes and groups may apply similar tactics in an effort to capture support from the West and sympathetic populations.

## INTRODUCTION

Over the course of the 1960s and 1970s, reports about the violent and oppressive environment within Imperial Iran trickled into the American, Canadian, and European consciousness via news sources, such as newspapers. Kidnappings, demonstrations, insurgent attacks, anti-reform Islamic sects, population surveillance, and the regime's harsh reaction to opposition and dissent were among the common themes that entered the American and Western public discourse surrounding Iran.<sup>1</sup> In response

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1 "Iran Fights her Plague," Times (London), May 10, 1961, The Times Digital Archive; "IRAN: Shah's Reforms Provoke Mobs," Globe and Mail, June 8, 1963, ProQuest Historical Newspapers; Schmidt, "Iran's Shah an Isolated Leader As Reforms Alter Class Lines," The New York Times, January 30, 1965, ProQuest Historical Newspapers; "Guerillas active as Shah awaits guests," Times, Oct 8, 1971; Jonathan C. Randal, "The Shah's Iran: Problems of Success," Washington Post, October 10, 1971, ProQuest Historical Newspapers; Serge Rezani, "L'autre Iran," Le Monde Archive; "IRAN: The war against guerillas,"

to this negative exposure in the media, American policy makers began to target the Iranian regime's human rights records. A United States' State Department Report in 1976 gave a damning testimony of the human rights violations perpetrated by the Iranian state from this period and the Carter administration adopted a policy of encouraging Iran to respect human rights in 1977.<sup>2</sup> This constant onslaught of negative imagery and information endangered the Iranian regime's reputation within the United States, its greatest benefactor, and required a response. The Iranian regime, led by Shah Mohammad Reza Pahlavi, turned to the use of media, documentary film in particular, to persuade the American and Western publics of the glory and necessity of its rule.

Rather than reinventing Western notions of Iran, the Shah's regime sought to return the Western imagination of the country to older Orientalist stereotypes through a number of documentary films, three of which I will analyze. In their view, these films could be used to their benefit to eclipse the current stream of negative publicity. Romantic and Orientalist tropes, such as the depiction of the Middle East or Persia as exotic and mythical, are often employed in Western discourse and are, therefore, recognizable to the Western viewer.<sup>3</sup> For those who did not respond to the Orientalist message, the regime offered another familiar alternative: a narrative framework that illustrated a universal progression towards Western-style modernity.<sup>4</sup> The filmmakers employed by the Iranian state recycled recognizable Orientalist and Modern tropes to create a relationship with the Western viewer. The Shah's regime used the medium of documentary film to co-opt the West's myths of Iran and to affirm Western narratives, such as Iran's path to modernity, so as to capture the West's imagination and legitimize the regime's rule in the eyes of the West. The Shah's Western-centric propaganda machine is exemplified by Orson Welles' commentary in *The Flame of Persia*, and can be summed up with Welles' own words: "the Shah was determined to lead [Iran] into the 20th century . . . [and] he began by inviting the world to stop, look, and listen."<sup>5</sup>

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Globe and Mail, February 28, 1972, ProQuest Historical Newspapers; Jack Anderson and Les Whitten, "Torture, Terror in Iran," Washington Post, May 29, 1976, ProQuest Historical Newspapers; "Schah-Spitzel: Bohnen und Sauberfinger," Spiegel, September 6, 1976; Sale, "SAVAK: A Feared and Pervasive Force: The Shah's Secret Police," Washington Post, May 9, 1977, ProQuest Historical Newspapers; "Keine Mehrheit mehr für den Schah SPIEGEL-Report über Ursachen und Folgen der Unruhen im Iran," Spiegel, August 21, 1978.

2 "State Department Report on Human Rights in Iran (Pursuant to the Arms Export Control Act of 1976) to the House Committee on International Relations," December 31, 1976, 432; Beeman, *Great Satan*, 63.

3 Said, *Orientalism*, 51.

4 Mitchell, *Questions of Modernity*, 8-9.

5 Golestan, "Flame of Persia."

## HISTORICAL BACKGROUND, NECESSITY OF LEGITIMACY, AND PROPAGANDA APPARATUS

In 1925-26, Reza Pahlavi removed Iran's ancient Qajar dynasty, installed the Pahlavi dynasty (Iran's last imperial house), and his rule was marked by a series of reforms aimed at modernizing Iran.<sup>6</sup> The nature of these reforms, such as the centralization of government authority, the secularization of the judiciary, and the "Europeanizing of Iranian clothes" demonstrate that the authorities intended to place Iran within the European state model.<sup>7</sup> Despite initial opposition, Reza Pahlavi's son, Mohammad Reza, with American support, removed these impediments and consolidated his fledgling regime's hold on Iran.<sup>8</sup> Unsurprisingly, the younger Shah's early reliance upon American support facilitated the relationship between the United States and the Pahlavi state became a major American satellite in the Cold War dichotomy.<sup>9</sup> In order to fulfill the Shah's grandiose aspirations in the Persian Gulf and the United States' demand to maintain a friendly presence in the area, huge military subsidies were provided and, later, the United States sold advanced weaponry in substantial quantities to the Shah's regime.<sup>10</sup> Furthermore, much of this support was used to coerce Iran's population and maintain the Shah's authoritarian regime.<sup>11</sup> Understanding that this support relied upon the favour of the United States, a constant theme of the Pahlavi dynasty was to promulgate the modernization of Iran in order to bolster its legitimacy in the eyes of the American and Western publics.

The new Shah introduced various policies and reforms aimed at continuing the regime's efforts to modernize the state and society of Iran.<sup>12</sup> Due to the West's dependence on petroleum, Iran's oil revenues dramatically increased and enabled the funding of a series of reform programs, referred to as the White Revolution.<sup>13</sup> These programs lasted from 1963-73, and emphasized rapid industrial modernization; manufacturing output grew by over 100 percent in this period, and this expansion dramatically increased from 1973 onwards.<sup>14</sup> However, rather than mitigating income disparity, this boom increased the wealth of elites and undermined Iran's smaller and

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6 Abrahamian, *A History of Modern Iran*, 65; Dabashi, *A People Interrupted*, 116.

7 Atabaki and Zürcher, *Men of Order*, 149-50, 218-19.

8 Salehi, *Insurgency through Culture and Religion*, 95, 97-98.

9 Dabashi, *A People Interrupted*, 123.

10 Richards, "America's Shah Shahanshah's Iran," 9; Elton, *The History of Iran*, 159-60.

11 Milani, *Myth of the Great Satan*, 28-29.

12 Abrahamian, *A History of Modern Iran*, 124.

13 Keddie, *Modern Iran*, 145.

14 Clawson and Rubin, *Eternal Iran*, 76-77; Behnam, *Cultural Foundations*, 133.



traditional industries.<sup>15</sup> With American assistance, the Shah's regime established its internal security apparatus, the SAVAK, and proceeded to coerce its people and society to adhere to its policy of modernization by removing opposition and employing torture, public executions, and population surveillance.<sup>16</sup>

In order to limit the negative imagery and information stemming from this treatment of his people, and realizing that television and cinema were powerful propaganda tools, the Shah's regime cultivated a modern film industry with the aid of American institutions in order to influence American and Western public opinion. The Iranian authorities established Iran's National Film Board, administered by the Ministry of Culture, which had matured under American tutelage, and also regulated the National Iranian Radio and Television, which was incorporated in 1971.<sup>17</sup> The Shah's cultural program maintained significant control over the presentation of Iranian films in the West and mirrored his autocratic rule in its attempts to advance Iran's modernization.<sup>18</sup> Pursuing this policy of Western-centric representation, the regime's Ministry of Culture invited world-famous filmmakers and television personalities to Iran to produce films about Persia for dissemination in the West.<sup>19</sup> This was the Pahlavi regime's attempt to communicate the story of Iran abroad to mobilize and reconcile world opinion to its particular political, economic, and social transformation of Iranian society.<sup>20</sup>

#### WESTERN ORIENTALISM AND NARRATIVES OF MODERNITY

In order to engender the sympathy of the West's public, the regime's apparatus of propaganda relied on Euro-centric themes and narratives to illustrate Iran's modernization and to paint the country as familiar. For all intents and purposes, the regime relied upon both the West's fascination of the 'Other' in the Orient and its cultural glorification of modernization. As articulated by Edward Said, Western depictions of the Orient have often located the Middle East, Iran included, as an "exotic locale" with romantic themes of "sensuality" and "idyllic pleasure."<sup>21</sup> These depictions have simultaneously posited a perception of the Orient as antithetical to the West—a space of moral depravity and backwardness.<sup>22</sup> This set of invented portrayals and

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15 Keddie, *Modern Iran*, 158, 161.

16 Abrahamian, *A History of Modern Iran*, 126; Sharifi, *Imagining Iran*, 131-32.

17 Egan, *The Films of Makhmalbaf*, 28, 31; Issari, *Cinema in Iran*, 201; Sreberny-Mohammadi and Mohammadi, *Small Media*, 66.

18 Egan, *The Films of Makhmalbaf*, 31.

19 Issari, *Cinema in Iran*, 204.

20 *Ibid.*

21 Said, *Orientalism*, 40, 118.

22 *Ibid.*, 206.

values provided a point of reference and fixed characteristics for Westerners in their relationships with the Middle East.<sup>23</sup> In Western fictional film, these contrasting values remain consistent. Motion pictures, such as *Arabian Nights* (1942) and *Cleopatra* (1934 and 1963), have continually illustrated the Middle East as highly sexualised, degenerate and primitive.<sup>24</sup>

On the other hand, the West's narrative of modernity is based on a "particular paradigm of a particular narrative of happiness" or "progress" that is rooted in events and concepts such as secularism, capitalism, and the rise of the state.<sup>25</sup> In this framework, modernization, a process of modernity, is exhibited through increased industrialization, a centralized state, and political freedoms.<sup>26</sup> These narratives have often depicted non-Western cultures as passive, non-progressive, and in need of saving or modernization.<sup>27</sup> Thus, Western-produced documentaries, created under the auspices of the Pahlavi state, strove to provide a self-congratulatory representation of Iran's modern state through the universal Western model of modernization and recycled Orientalist stereotypes of Iran to position the unfamiliar as familiar for the viewer in the West.

#### DOCUMENTARY AND THE SHAH'S IRAN

Three documentaries demonstrate the Iranian attempts to capture American and Western public opinion: *Flames of Persia*, *Iran*, and *The Lover's Wind*. Each of these films employs different methodologies to harness the Orientalist and Modernist expectations surrounding Iran, which reside within the Western understanding of the region. The first film, *Flames of Persia*, employs dramatic spectacle and links the Shah to Iran's ancient empires. Iran uses the Western fairy-tale concept and manipulates the viewer's sense of reality. Finally, *The Lovers Wind* appropriates Iran's poetic tradition, highlights the West's dependence on Iranian energy products, and attempts to dehistoricize the country to provide a new narrative that accentuates the importance of the Shah's administration. The overarching aim of these documentaries was the legitimization of the Iranian regime, in the eyes of the American and Western publics, and the illustration of the co-dependent relationship between the United States, the West, and the Shah's Iran.

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23 Ibid., 41-42.

24 Sardar, *Orientalism*, 105.

25 Sabry, *Cultural Encounters*, 12-13.

26 Ibid., 13-14.

27 Mirsepassi, *Intellectual Discourse*, 52.

## FLAMES OF PERSIA: THE SPECTACLE AND CONTINUITY OF PERSIA'S EMPIRES

According to film theoretician Bill Nichols, documentaries attempt to establish a rapport between the audience and the documentary by utilizing viewers' "assumptions and expectations" to "enhance the effective power" of the director's message.<sup>28</sup> *Flames of Persia* is directed by Iranian filmmaker Shahrokh Golestan, and features Orson Welles narrating a script by Macdonald Hastings—a British author and journalist. A documentary film produced by the National Film Board, it served to commemorate, showcase, and document the 2500th Anniversary of the Persian Empire—a massive celebration with foreign elites and dignitaries in attendance<sup>29</sup> The film, and the sumptuous festivities that it documents, offers a legitimizing perspective of Pahlavi Iran as it serves to glorify, link, and identify the Shah's person and regime with the ancient Achaemenid Empire of Cyrus and the successive dynasties that have ruled Iran. Moreover, this film illustrates the Western narrative of modernity, demonstrated by the regime's use of modern Western-style architecture, and familiar Western tropes of the Persian people, such as exotic dancers and exultant feudalised peasants.

Orson Welles's baritone voice naturally lends itself to dramatic authority, evidenced by his panic-producing narration in the 1938 radio dramatization of H.G. Wells' fiction *The War of The Worlds* and the use of this familiar personality's voice adds an aura of authority to this account, which further legitimizes the Shah's regime.<sup>30</sup> His commentary of the festivities delivers a convincing and specifically Western point of view as the documentary maker, according to Nichols, hopes that the audience will subscribe to his "informing logic carried by the spoken word."<sup>31</sup> Furthermore, having participated in a number of Western-made documentaries, Welles' voice is already familiar to audiences of the West. This, in combination with the script's use of Orientalist tropes, adds to the rapport constructed by Golestan with his Western audience.<sup>32</sup> Describing Persian women's eyes like "a gazelle's" and the Shah's party as "[in]complete without the dancing girls," combined with the film's use of haunting Persian music interspersed with Western jingles, this documentary provides its Western audience with cues to both the familiar and the unfamiliar, the exotic and the recognizable, in its efforts to elicit an effective relationship.<sup>33</sup>

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28 Nichols, Introduction to Documentary, 97-98.

29 Naficy, *The Industrializing Years*, 138; Bodman, review of *Flame of Persia* (film).

30 Bartholomew, *Little Green Men*, 217.

31 Nichols, Introduction to Documentary, 74.

32 Rosenbaum, *Discovering Orson Welles*, 132-33.

33 Golestan, "Flame of Persia."

Flames of Persia uses modern film techniques such as split screens, and is full of contradictions as it merges imagery of modern infrastructure with ancient ruins, juxtaposes modern and ancient militaries, and contrasts Iran's traditions with Western-style modernization.<sup>34</sup> In the same manner as post-war European documentaries attempted to replace the image of fascism with modernization for foreign audiences, Golestan substitutes Western preconceptions of a backward Iran with a narrative of modernization.<sup>35</sup> Simultaneously, the film is laying claims to these same ancient Persian symbols of power and empire. By using imagery of ancient Persia with the new Iran, such as ancient statues of past dynastic rulers, the Shah's regime is explicitly linking its legitimacy to the empires of a bygone age for the Western viewer.<sup>36</sup> This contradiction serves to hit all the bases of the Western imagination so as to create a rapport between Golestan and the audience.

With massive resources behind him, Golestan documented the Iranian regime's spectacle in order to familiarize the Shah's rule, using Orientalist tropes, and his country's modernization to gain validation and sympathy from the Western public. This documentary displays the potential of spectacle to elicit support, through the portrayal of grandeur and power, from its audience.<sup>37</sup> Unsurprisingly, Flames of Persia makes no reference to Iran's deep relationship with Islam or to the dramatic increase in inequality caused by the Shah's obsession with modernization.

#### **IRAN: THE FAIRY-TALE MONARCH AND THE 'REAL IRAN'**

Claude Lelouch's *Iran* (1973), produced by a Canadian production studio under the sponsorship of the Iranian state, juxtaposes traditional and exotic Persia with the modern and progressive Iran to depict recognizable qualities for the Western viewer.<sup>38</sup> Additionally, this film employs and manipulates another trope from the corpus of Western preconceptions—the fairy-tale—in order to advance the legitimacy of the Shah for the Western audience. The use of the observational mode is significant in this film as it builds a relationship of trust between the filmmaker and viewer that indirectly legitimizes the Shah's regime. However, through these familiar tropes, the film, either inadvertently or intentionally, illustrates the complex contradictions produced by these representations.

As Nichols highlights, an important role of the observational mode in documentary film is to remove the presence of the filmmaker, so as to enable the viewer to take

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34 Naficy, *The Industrializing Years*, 138.

35 Bonifazio, "Narrating Modernization," 3.

36 Sreberny-Mohammadi and Mohammadi, *Small Media*, 68.

37 McLane, *A New History of Documentary Film*, 113-14.

38 Naficy, "Nonfiction Fiction," 230; Alexander, *Academic Films*, 117-18.

“a more active role in determining what is significan[ε].”<sup>39</sup> Additionally, the observational mode allows events and images to be portrayed as true-to-life by relying on an implicit understanding of non-intervention by the filmmaker. The sequences held within Iran, such as the zoom-out shot of a functional item—a modern radio tied onto traditional scaffolding—manipulates the viewer to form their own connections regarding the role of modernization in Iran as a necessary and inexorable process.<sup>40</sup> Furthermore, through the implicit understanding of a true-to-life representation that this mode delivers, Lelouch’s film infers that the flurry of images depicting the traditional and modern in Iran is an unadulterated insight into the Shah’s Iran and that this representation, with its traditional horsemen and mini-skirted schoolgirls, is the real Iran.<sup>41</sup> As a result, the film backs the legitimacy of the Shah as it omits the inequality caused by his reforms and instead asserts that the true Iran is the one flourishing under Pahlavi rule, and that any other representation is false.

Approximately ten minutes into this short film, imagery of the Iranian monarchy is introduced with diamond chandeliers, medal-festooned men, jewelled women, and polished guardsmen.<sup>42</sup> Instead of exotic wind instruments, the viewer is subjected to familiar European violins, as the monarchy is unveiled to the Western viewer. This is an attempt by the filmmaker to emphasize the monarchy as a viable and valuable structure for Iran. For the Western audience, the Shah’s legitimacy is derived from a “symbolic truth”—common myths and shared values—in the West of a fairy-tale monarch who gains legitimacy through great wealth, power, nobility, and benevolence.<sup>43</sup> In the case of Iran, this fairy-tale-derived-legitimacy or truth is vindicated by the Shah’s boundless fortune, dignity, tolerance, and wish to modernize his country.

Through this representation of Iran, Lelouch emphasizes the contradictions within Iran and exposes the country’s unique and complex society. For example, a sequence in the film shows a Muslim woman collecting water from a well while being filmed by a military helicopter.<sup>44</sup> Both the woman and the helicopter seem out of place in Iran’s representation of the country as one symbolizes the traditional Iran and the other, the modern. In line with the active role of the viewer in the observational mode, this scene could be construed by the audience as regarding modernization as either a positive or intrusive influence into Iran’s society. Another scene, early in Iran, depicts young secular-dressed girls playing in a mosque with the sound of laughing

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39 Nichols, *Introduction to Documentary*, 174, 177.

40 Lelouch, “Iran.”

41 *Ibid.*

42 *Ibid.*

43 Spence and Navarro, *Crafting Truth*, 22; Zipes, *Breaking the Magic Spell*, 35.

44 Lelouch, “Iran.”

and play echoing around the structure.<sup>45</sup> Lelouch, when portraying Islamic symbols and architecture in Iran, often uses this haunting sound. Is Iran mocking Islam or, more likely, is Lelouch alluding to how the Shah's secular Persia is antithetical to traditional and Islamic Iran?

Iran attempts to provide its patron, the Pahlavi dynasty, with the legitimacy that it seeks through recycled and Orientalist Western truths. Mode is especially important in this film as it is used to provide a sense of reality, and an aura of necessity to the Shah's rule. Finally, intentionally or not, Lelouch's documentary highlights the conflict between the traditional Iran and the Shah's modern vision. Despite these contradictions, the film is exquisite and is, unsurprisingly, profoundly evocative to the Western viewer.<sup>46</sup>

#### **THE LOVER'S WIND: POETRY, THE NEW HISTORY OF IRAN, AND MUTUAL DEPENDENCE.**

*The Lover's Wind* (1969, released in 1978), by Albert Lamorisse, was produced under the auspices of the Ministry of Culture. It employs the unique and inherently modern technique of helicopter-mounted cameras, 'Helivision', to shoot the vistas, ruins, infrastructure, and peoples of Iran.<sup>47</sup> Moreover, the central social actor, the narrator's voice, is the wind and its sibling winds. This feature places the narrator as a character that blurs the genres of travelogue and documentary, the descriptive and the expository, and employs the celebrated role of literature and poetry in Persian culture.<sup>48</sup> This method of distortion enables Lamorisse to expose Iran's tale of progression from antiquity to modernity, the universal Western narrative. The use of the poetic mode of documentary film is an important avenue of discussion. The poetic mode serves to remove the concept of continuity and "specific location in time and place."<sup>49</sup> Moreover, it enables the filmmaker to use raw material and create new "associations and patterns of their choosing," which does, in fact, allow for the invention of new narratives.<sup>50</sup> This mode allows Lamorisse to dehistoricize Iran in order to propagate a legitimized image of the Shah and to convince Western audiences of Iran's growing modernity.

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45 Ibid.

46 Despite my own inherent Occidental disposition, I also felt that this film was extremely beautiful. Also note that in titling his film *Iran*, Lelouch places his documentary as the authoritative representation of the entire country and culture of Iran.

47 Naficy, "Nonfiction Fiction," 229; Issari, *Cinema in Iran*, 205.

48 Lucy Raven and Tiffany Malakooti, "The Lovers' Wind," Bidoun, last modified April 5, 2014, <http://www.bidoun.org/magazine/19-noise/the-lovers-wind-by-lucy-raven-and-tiffany-malakooti/>; Katouzian, *Iran*, 119.

49 Nichols, *Introduction to Documentary*, 162.

50 Ibid.

The script, a poem read by Manuchehr Anvar, an Iranian actor and filmmaker, features a number of “narrators” that are the various winds, which according to folklore, inhabit Iran.<sup>51</sup> The film claims that these winds have a destructive and transformative capacity since they have “buried” empires and enabled the destructions of cities.<sup>52</sup> On the other hand, the documentary indicates that these winds can also be benevolent actors and the Lovers’ wind, in particular, has a beneficial role in Iran’s peoples’ destiny as this wind is depicted aiding two lovers to evade pursuers.<sup>53</sup> Therefore, it is the winds that hold agency, and have the capability, to stress change in Iran and its society. Halfway through this film’s portrayal of Iran’s oil infrastructure, the Wind of the Valley highlights the importance of Iran’s burgeoning petroleum industry: “These pipes bring fire to ships and to the rest of the world.”<sup>54</sup> Furthermore, this wind also states, “when you make use of gods, there are always drawbacks,” and the narrator muses that the answer to this “meant life or death to the earth.”<sup>55</sup> Through its reference to Zoroastrianism, an ancient Iranian religion whose practices involve fire, the filmmaker is illustrating the importance of Iran’s oil to the world economy and is subtly referencing the transformative, and often negative, effect that modernity is causing in Iranian society.<sup>56</sup> This is an effort by Lamorisse to transpose the familiar beauty of Persia’s traditional poetry onto Iran’s narrative of modernity as this serves to justify the importance, and inevitability, of Iran’s modernization by placing it into a romantic light for the Western viewer.

Lamorisse’s use of poetic mode, with its sense of timelessness, enables him to fashion a new and seamless portrayal of Iran’s history. The Lovers’ Wind amalgamates the ruins of ancient empires, Iran’s multiple identities, its traditional lifestyles, and the new modern infrastructure, such as oil pipelines, into a singular narrative.<sup>57</sup> Thus, the film creates an ahistorical representation of Iran—one that follows a steady line of progression. This approach gives the impression of continuity between the revered Persian Empire and the Shah’s new and modern Iran. This connection links the Shah’s legitimacy to past dynasties and, consequently, to challenge the Shah’s regime would mean denying the authority of the celebrated empires of antiquity. Furthermore, as this mode enables the removal of the notions of time and space, a vacuum is created in the Western perception of Iran and the only alternative presented in this documen-

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51 Naficy, *The Industrializing Years*, 134.

52 *Ibid.*; Lamorisse, “Lover’s Wind.”

53 Naficy, *The Industrializing Years*, 134-45.

54 Lamorisse, “Lover’s Wind.”

55 *Ibid.*

56 Malandra, *Introduction to Ancient Iranian Religion*, 13.

57 Lamorisse, “Lover’s Wind.”

tary is the Shah and his program of modernization. Essentially, by removing the film of historical context and using orientalist tropes to ground the viewer in the familiar, the audience is forced to fill the gaps in their knowledge with the modernist narratives endemic in the film and in the common Western perception of Iran.

The *Lovers' Wind* plays to the place of Iranian poetry in the West's knowledge of Iran and, using this association, stresses the importance of Iran's modernization program to the West's economy. Sadly, the Shah's obsession with this project caused Lamorisse to lose his life in a helicopter crash during the making of this documentary, after being instructed to further emphasize Iran's modernization by filming one of Iran's newly built dams.<sup>58</sup> Like the other two documentaries, orientalist tropes are used profusely by Lamorisse to establish an affinity between the filmmaker and the audience. Moreover, the use of the poetic mode, with its sense of timelessness, enables the film to create a new ahistorical narrative of Iran's past using the authority of the Ancients to legitimize the Pahlavi regime and to allow the audience member to create a new imagining of the Iranian narrative with the Shah's modernizing regime as an intrinsic component.

#### CONCLUSION AND AFTERTHOUGHTS

The Shah's regime aimed to capture the West's imagination through documentaries that emphasized and played to recognizable Orientalist tropes and a narrative of Western-style modernity, so as to engender support and sympathy for its rule. Furthermore, the use of mode in these documentaries enables the revision of Iranian history and the buttressing of the Pahlavi dynasty's legitimacy. The Shah's regime aimed to explain to Western audiences their stake in the survival of the Pahlavi's state and society by highlighting their real economic and an invented cultural relationship based upon Western tropes and narratives.

Iran's pre-1979 regime's employment of documentary film to reach foreign audiences provides a glimpse into, or a case study about, how repressive regimes and groups can use the media to marshal support outside of their immediate locales and bases of support. Unsurprisingly, the employment of the media, and documentary film in particular, by repressive regimes or groups, as a method to transnationally legitimize authority to the Western observer, is not uncommon. For example, South Africa's apartheid government sponsored films that aimed to counter the plethora of anti-apartheid documentaries, which were popular in the West. Films, such as *Land of Promise* (1975) mirrored the Shah's methodology as it used familiar representations, like South Africa's wildlife, and narratives, such as social Darwinism, to



harness concepts like white paternalism and to legitimize apartheid rule.<sup>59</sup> In terms of repressive or terrorist groups, *As-Sahab*, a media company affiliated with Al-Qaeda, produced documentary films, such as “Pyre for Americans in Khorasan [Afghanistan],” and employed advanced cinematography to reach receptive foreign audiences, to legitimize Al-Qaeda’s actions, and to place its message of resistance “within the context of Islamic history.”<sup>60</sup> Recently, the Islamic State has also collaborated with Western documentary filmmakers, such as *Vice News’ The Islamic State*, in an effort to spread its message to the wider Muslim community, to legitimize its narrative of resistance through the employment of tropes, and to position itself within its own specific understanding of history.

The documentary films produced by the Shah’s regime should act as a warning to Western audiences because they relied upon representations and narratives that are imbedded within Western discourse. Consequently, a new awareness of the dangers associated with the authority of the media and the use of this medium by repressive entities should be addressed. Due to the saturation of the orientalist and modernist tropes and representations in the West’s public discourse during the 20th century, it is unsurprising that the 1979 Islamic Revolution, with its Islamic overtones and imagery of mass movement against the Shah’s regime, was a shock to Western audiences, who at the time had imbibed the authenticity and authority created by the ‘exotic,’ ‘legitimate,’ ‘familiar,’ and ‘modern’ regime of Shah Mohammad Reza Pahlavi.<sup>61</sup>

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59 Cancel, “‘Come Back South Africa,’” 20-21.  
60 Rogan, “Abu Reuter and the E-Jihad,” 90-91.  
61 Mirsepassi, *Intellectual Discourse*, 17.

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# IF IT DIDN'T EXIST, THEY WOULD HAVE INVENTED IT:<sup>1</sup>CO-OPTING INDIGENOUS IMAGERY, CULTURE, AND INDIGENEITY AT THE SYDNEY 2000 AND VANCOUVER 2010 OLYMPIC GAMES

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## ABSTRACT

Take politics away from indigeneity, and what you end up with is an indigeneity devoid of its full meaning. This paper explores how states used the Sydney 2000 and Vancouver 2010 Olympic Games to subsume indigeneity into their respective national identities and political mainstreams through extensive use of indigeneity, indigenous symbols, and indigenous peoples during and before the Olympics by deploying generic indigenous imagery rather than specific indigenous symbols. By doing so, Canada and Australia blurred the line between indigenous peoples and the state, intertwining two different identities into a new indigenous-settler identity.

## INTRODUCTION

The Olympic Games are the most visible stage for states to showcase their prestige, power, wealth, and sporting prowess to international audiences.<sup>2</sup> As recent Olympics have shown, states compete to spend vast sums of money to build and host the Games in the hope of projecting their state in the best possible light. However, the media spotlight placed on the host city brings both the positives and negatives of a particular society to the fore. Among the themes brought to light in Vancouver and Sydney

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1 The title is based off remarks made by a Sydney Olympic official in regards to the importance of Cathy Freeman in the marketing of the Sydney Games as Indigenous. Bruce and Wensing "The Olympics and Indigenous People," 491.

2 For further reading, see: Jules Boykoff, *Celebration Capitalism and the Olympic Games*, Routledge: 2014.

were the presences of indigenous peoples; heavy emphasis was put on indigenous elements, from the organization of the games to their visual imagery.<sup>3</sup> Approaches to either dealing with, or working with indigenous issues vary greatly; indigenous peoples may be sidelined, or integrated into the games. Though the involvement of the Four Host First Nations (FHFN) led to greater indigenous involvement in Vancouver, Olympic organizers aimed to integrate a de-politicized indigenous culture and imagery within the political boundaries of the state. Simultaneously, the state appeared to the billions of viewers around the world to have reconciled itself with its indigenous citizens, a facade that hid the fact that the state was celebrating a theatrical and sanitized indigenous culture and imagery; that is to say an indigeneity stripped of its political meaning to reduce indigeneity to a cultural image palatable and amicable to the state. Sanitization of indigenous culture and imagery involves depoliticizing indigeneity; by stripping away indigenous politics from culture, states can shape indigenous narratives to suit their own needs.<sup>4</sup> This point applies equally to Australia; both Canada and Australia share not just a common British heritage, but common understandings of a multicultural and diverse citizenry, and a history of indigenous oppression.

The separation of indigenous culture from politics and subsequent sanitization of indigeneity to create picturesque impressions of Sydney and Vancouver during their Olympics is inherently problematic. The two cities differed in the level of indigenous involvement in the process of creating the indigenous imagery associated with the Olympics. Sydney can be seen as a case where indigeneity was co-opted with little consultation, while Vancouver was an example of co-option with more indigenous consultation and support. This does not fully describe Vancouver's deployment of indigenous imagery, but can serve as a rough framework from which the issue of political assimilation and self-determination can be further discussed and understood.

It is important to recognize that the indigenous culture and imagery was of a generic variety created by Olympic organizers that chose indigenous motifs that suited the needs of the state and Games. The deterritorialization of indigenous imagery stripped away meaning, allowing the state to substitute its own sanitized and generic indigeneity instead of a specific indigeneity that would have otherwise been presented, allowing the state to forward its own agenda of reconciliation or limited

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3 I specifically do not capitalize the word indigenous and its variants in this paper because I believe that capitalization of the term perpetuates a generalized understanding of indigeneity that misses out on the nuances of specificity. "Indigeneity" presumes universality, whereas I feel "indigeneity" does not. Others may choose to capitalize indigeneity as a form of respect to indigenous peoples.

4 Barman, "Erasing Indigenous Indigeneity in Vancouver," 26-28.

recognition acceptance.<sup>5</sup> Both processes lay on a trajectory towards political extinguishment of indigenous title in favour of the state, and aim to politically assimilate indigenous peoples within the state. The 2000 and 2010 Olympics served to further a process of political and cultural assimilation indigenous communities within the Australian and Canadian states and identity, while simultaneously co-opting indigenous imagery to reposition and sanitize indigenous presences.

#### DEPLOYING AND EMPLOYING INDIGENOUS IMAGERY

Sydney's deployment of indigenous imagery began as a program for reconciliation implemented in 2000 prior to the start of the Olympics. In the leadup to the Olympics, a cultural program that "celebrated the world's indigenous cultures, especially those of the Australian Aborigines and Torres Strait Islanders" was held as part of the Cultural Olympiad for the Sydney Olympics.<sup>6</sup> Aboriginal sprinter Cathy Freeman became the epitome of reconciliation between Aboriginal and settler Australians, as well as the face of the Olympics. Freeman gained prominence for her gold medal at the 1994 Commonwealth Games in Victoria and for the on-track celebration where she carried the Australian Aboriginal flag on a victory lap.<sup>7</sup> During the 2000 Olympics, she was chosen as the final torchbearer and lit the cauldron at the opening ceremony. Later in at the Sydney games, she won gold in her event, in what the Sydney Morning Herald called "The Race of Our Lives" (emphasis added).<sup>8</sup> The depiction of Australian identity as accepting of its indigenous peoples was further cemented in other elements of the opening ceremony: indigenous imagery was deployed extensively in the 'Awakening' segment of the ceremony, and Aboriginal performers emerged (both figuratively and literally) from the dust of the past into the present to "cleans[e] negativity from the air", symbolizing the meeting of the past and present.<sup>9</sup> Finally, the Sydney Olympic logo was designed to "invoke the unique

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5 A more directed term used in the study of indigenous politics (especially in the realm of indigenous international relations and state-indigenous relations) is the 'politics of recognition'. See: Glen Coulthard, "Subjects of Empire: Indigenous Peoples and the 'Politics of Recognition' in Canada," *Contemporary Political Theory* 6 (2007): 438-39.

6 "Sydney Olympic Games 2000" Australian Government. November 12, 2013. Accessed March 9, 2014. <http://australia.gov.au/about-australia/australian-story/sydney-olympic-games-2000>.

7 Morgan, "Aboriginal Protest," 33.

8 "Opening Ceremony - Sydney 2000 Olympics." Youtube. March 4, 2010. Accessed March 9, 2014. <http://www.youtube.com/watch?v=RtUZD-S7P5s4&list=PL8C561DDA05066BD3>. See also: "The Race of Our Lives." Sydney Morning Herald. September 26, 2000, Front page. Print. Note the word 'our' rather than 'her': the personification of reconciliation and the new Australian identity has been symbolized and affirmed by Freeman's gold medal.

9 "Sydney 2000 Opening Ceremony Part 03 Awakening." YouTube. April 07, 2011.

Australian landscape and its original inhabitants” through the use of red and yellow, and the use of stylized boomerangs forming a human form.<sup>10</sup>

The Vancouver Organizing Committee for the Olympic and Paralympic Games’ (VANOC) use of indigenous imagery was far more ingrained within its branding and imagery, touching every aspect of its branding and image. Indigenous involvement in the Olympics began prior to the election of Vancouver as host city, with memorandums of agreement signed between the organizers and the Musqueam, Squamish, Lil’wat, and Tsleil-waututh nations.<sup>11</sup> Over time, indigenous imagery became prevalent in everything from the medals, the torch relay personnel, the Aboriginal Pavillion in downtown Vancouver, to the Team Canada hockey jersey.<sup>12</sup> As with the Sydney Olympics, Vancouver’s logo used indigenous imagery, namely in a stylized inunnguaq. The mascots were also strongly influenced by indigenous legends, drawing inspiration from the ideas of the Sasquatch, the Thunderbird, and a Kermode/orca.<sup>13</sup> The opening ceremonies also employed a visible indigenous presence through the invitation of the FHFN to the world onto their traditional territories. VANOC’s deployment of indigenous imagery and presence blanketed the entire Olympics with a general sense of indigenous cultural involvement and acceptance. This served - in the same manner as Sydney - to mask the more complex social, economic, and cultural position and status of indigenous peoples within the state.

#### INVENTING SANITIZED INDIGENEITY

“In 2000, at the dawning of a new millennium Sydney invites the world to an historic Olympic Games ...Sydney promises to advance the Olympic Movement, bringing the world together in the spirit of friendly competition at the beginning of the second century of the modern Games [emphasis added].”<sup>14</sup>

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Accessed March 11, 2014. <http://www.youtube.com/watch?v=l2TZ8cw-e24>.

10 “Sydney 2000 Summer Olympics.” International Olympic Committee. Accessed March 10, 2014. <http://www.olympic.org/sydney-2000-summer-olympics>.

11 The World’s Biggest Potlatch: Aboriginal Participation in the Vancouver 2010 Olympic and Paralympic Winter Games (2010: Vancouver) Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games, 10, 16.

12 “Vancouver 2010 Winter Games Athletes Medals.” Youtube. October 15, 2009. Accessed March 9, 2014. <http://www.youtube.com/watch?v=KkQsXls7m0o>. See also: A Path of Northern Lights: The Story of the Vancouver 2010 Olympic Torch Relay/Une Traînée D’aurores Boréales: L’histoire Du Relais De La Flamme Olympique De Vancouver 2010. Mississauga, Ont.: John Wiley & Sons Canada, 2010.

13 Michael Murphy and Vicki Wong. Miga, Quatchi And/et Sumi: The Story of the Vancouver 2010 Mascots = L’histoire Des Mascottes De Vancouver 2010. Vancouver: Whitecap Books, 2008.

14 Official Report of the XXVII Olympiad: Volume One, Preparing for the Games. Fyshwick, ACT: Paragon Printers Australasia, 11.



Australia presented itself as a modern nation on the occasion of the Sydney Olympics, using the Games as a chance to unify Australian peoples of various multicultural backgrounds and, ultimately, the world as a whole.<sup>15</sup> Leading up to the Sydney Games, Australia embraced reconciliation with Aboriginal peoples for past injustices, culminating in Corroboree 2000, a conference that developed a proposal for moving towards reconciliation. The centerpiece of the conference was a march across the Sydney Harbour Bridge that saw between 200,000-300,000 Australians and indigenous peoples symbolically meeting at the bridge's midspan.<sup>16</sup> The Sydney Olympics became an opportunity to create a new Australian identity, one that welcomed indigenous culture while apologizing for its past injustices. Similarly, VANOC embraced indigeneity through imagery and FHFN involvement, using the Games as a chance to celebrate indigenous culture at "the world's biggest potlatch."<sup>17</sup>

However, both ideas and images presented above are problematized when considering indigenous peoples' political situation. In both the Canadian and Australian state, cultural elements of indigeneity were emphasized and separated from their political content in order to present a sanitized indigeneity that erased indigenous political assimilation into the mainstream. Generic indigeneity allowed the state to feign support of indigeneity and politically neutralize indigenous peoples by emphasizing their cultural roots, thus affirming the multicultural identity of the state and promoting indigenous political assimilation within the state's political framework. The generic indigeneity created by the state became a culture first among equals in the kaleidoscope of cultures that underlie Canadian and Australian multicultural identities. Though the true status of indigenous peoples within each state may not have reflected reality, the emphasis on indigenous imagery also created a veneer of indigenous importance, inclusion, and respect within these states.

In promoting the use of generic and cultural indigeneity in the Olympics, both Canada and Australia framed their states as welcoming and accepting of Indigenous populations, while maintaining ultimate control over discussions of indigenous

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15 By "modern," I refer to the loosest possible definition; I hint at a non-academic understanding of the word because it is this loose and non-academic definition that organizers sought to attain. Synonyms could include fresh, rejuvenated, new, or even inoffensive and welcoming.

16 "Marching for a Fresh Beginning." *The Sydney Morning Herald*. May 28, 2010. Accessed March 12, 2014. <http://www.smh.com.au/national/marching-for-a-fresh-beginning-20100527-whuu.html>.

17 By appropriating Indigenous terminology without acknowledging the history of subjugation involved in potlatches in Canada, a sanitized indigeneity is also developed. See: *The World's Biggest Potlatch: Aboriginal Participation in the Vancouver 2010 Olympic and Paralympic Winter Games*, 6.

peoples within the state. The political meaning inherent in indigeneity was stripped away in favour of indigenous presences that were little more than decorations for the world to see the state's progressiveness in welcoming and in integrating previously wronged indigenous peoples into mainstream society.<sup>18</sup> In examining the relocation of the indigenous settlement at Stanley Park, Jean Barman argues that the sanitization of indigenous indigeneity with a non-indigenous indigeneity furthered the Canadian government's goal "to create the illusion that Vancouver was indigenous-friendly, even as it rid itself of the real thing."<sup>19</sup> Barman found that the state removed indigenous indigeneity by burning down indigenous settlements in Brockton Point, while simultaneously installing a sanitized indigeneity without local significance by erecting Kwakwaka'wakw totem poles.<sup>20</sup> Taken away from their geographical context, the totem poles lost part of their inherent meaning, and became an artifact with indigenous overtones that served as window dressing for a seemingly indigenous-friendly Vancouver.

Similarly, writing of Australia's general tendency to commodify its indigenous imagery, Lisa Meekison agrees with Barman that "the marginal position of Aborigines in Australian society are sanitized for the benefit of the visitor into a 'safe' social and political reality"; Aboriginal presences with meaning are neutralized in favour of depoliticized Aborigines that are an important and welcomed part of Australian society.<sup>21</sup> This sanitized indigeneity provided visitors to the region with a romanticized and politically neutralized image of indigenous peoples that bore little similarity to real life, allowing the state to define indigeneity within its borders.<sup>22</sup>

This tendency was foreshadowed by an editorial written in 1928 about an exhibition of Emily Carr's paintings with indigenous themes, where Gerta Morin found that "no knowledge of [indigenous culture] is necessary to enjoy [it]"; in other words, indigenous imagery is best kept devoid of meaning to enjoy culture without raising political questions.<sup>23</sup> Understanding is neither necessary, nor desired when viewing indigenous imagery; non-understanding allows individuals residing within the state

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18 The narrative of "previously wronged" and restorative justice is relative; indigenous peoples are better off now in the state than when the state exercised almost arbitrary power in assimilationist and extermination policies, but both states still continued during the Olympics, and continue policies that seek to sanitize indigeneity of its political overtones.

19 Barman, "Erasing Indigenous Indigeneity in Vancouver," 4.

20 Ibid., 26.

21 Meekison, "Indigenous Presence," 112.

22 Barman, "Erasing Indigenous Indigeneity in Vancouver," 28.

23 Gerta Morin, *Unsettling Encounters: First Nations Imagery in the art of Emily Carr*. Vancouver: UBC Press (2006). 10.

to sidestep problematic political realities inherent in the colonial relations between the state and indigenous communities. Morin further emphasizes in her work on Emily Carr that “the specifics of native cultures are declared irrelevant, superseded by a purely aesthetic appreciation, and by the white viewer’s projected fantasies.”<sup>24</sup> State and societal projects that existed to reduce Indigeneity to token symbols predated both the Sydney and Vancouver Olympic games, but the Olympics served as another method of political assimilation.

#### LET THE GAME BEGIN

Barman, Meekison, and Morin both contribute elements to the idea that indigeneity, or indigenous symbols and culture, were necessarily decontextualized then necessarily re-politicized in their usage by the state. This was exemplified in Sydney by the case of Cathy Freeman, and in Vancouver through the FHFN, and also in both Canada and Australia’s use of indigeneity in securing the Olympics. Bruce and Wensing point out the reverential, joyous, and quasi-millenarianism that accompanied ‘Freemania’ because of her stature as a non-politicized indigenous person.<sup>25</sup> The emotion that surrounded Freeman’s gold medal was due largely in part to state-friendly forces rendering Freeman a symbol of reconciliation between the indigenous past and the settler present and future. Freeman’s low interview profile prior to the Olympics necessitated what Bruce and Wensing describe as “her construction as a symbol of reconciliation and the future of [Australia],” a construction so crucial to Sydney that an Olympic organizer remarked that “if [Freeman] didn’t [exist], we would have had to invent her.”<sup>26</sup>

After her gold medal in 2000, Freeman’s creation as a symbol of Australian-indigenous reconciliation continued in a vein similar to before, but became ingrained into the Australian narrative because of the emotion associated with winning an Olympic gold medal within a home state. A letter to the *Daily Telegraph* after Freeman’s medal remarked that Australia’s support for her “put to rest forever the lie that this is a racist country or a country that wants to be divided . . . Australia is one country where anyone can make it, no matter what the colour of their skin.”<sup>27</sup> The national narrative of reconciliation and acceptance in the Sydney Olympics relied on silence from indigenous voices. In this context, Freeman can be seen as used to portray the new Australian identity as welcoming to its indigenous populations.

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24 Ibid., 11.

25 Bruce and Wensing, “The Olympics and Indigenous People,” 490-92.

26 Ibid., 490-91.

27 Ibid., 494.

Similarly, VANOC's use of indigenous peoples at the 2010 Olympics saw the FHFN designated the "host First Nations" for the Olympics in order to create a veneer of acceptance and opportunity.<sup>28</sup> The FHFN became a counterpoint to the stereotypical image of indigenous peoples as state-reliant and confrontational against the state and its structures, constructing a new conception of indigeneity that was ideologically similar to the political mainstream. To differentiate the FHFN further from other indigenous groups, VANOC referenced their cultural uniqueness and right to the lands upon which the Olympics were staged. The construction of indigeneity in Vancouver occurred, as with Sydney, during the bid phase, when the Squamish and Lil'wat signed an agreement to support the Vancouver bid.<sup>29</sup> This agreement was later converted into support for the Vancouver Olympics, and the Squamish and Lil'wat were joined by the Musqueam and Tsleil-waututh.

This move served a number of purposes: the FHFN were now nominally involved in the Olympic project, thus lending their legitimacy to the Games; the agreements emphasized the cultural elements of the FHFN, thus substituting a politically problematic indigeneity with one devoid of significant indigenous political meaning; lastly, it reduced the level of indigenous opposition to the Olympics by integrating indigenous leaders within the process of the Olympics. Stephen Frawley and Daryl Adair argue that the partnership between VANOC and the FHFN was to "facilitate cooperation and overall relationships," which would decrease the chance that protests would erupt.<sup>30</sup> However, this relied upon indigenous leaders agreeing to continue their support of the partnership between VANOC and the FHFN.

The co-option of indigenous peoples within in the Olympic project to reduce the level of protest was a tactic employed in Sydney as well. Morgan noted that "dissent had become incorporated into the [Sydney] Games themselves", pointing to examples such as Freeman; the torch relay, where both the first and last torchbearers were indigenous, and which started from Uluru Rock; the 'Awakening' segment of the Opening Ceremony; and the continuation of the apology to indigenous peoples at the Closing Ceremony when a musical act sang a song about indigenous land rights while wearing t-shirts with the word 'Sorry' printed on them.<sup>31</sup> Morgan's conflation of dissent with indigenous peoples, though problematic, is interesting when examining individual acts of aboriginal co-operation. Equating indigeneity and dissent increased the dichotomy between unrecognized indigenous peoples and the state, heightening

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28 The World's Biggest Potlatch, 28.

29 *Ibid.*, 16.

30 Frawley and Adair, *Managing the Olympics*, 28.

31 Morgan, "Aboriginal Protest," 27-28.

emotion when indigenous groups or people participate within the Olympics. Indigenous identity was constructed to be in conflict with the state, thus when Freeman or other Aboriginal peoples/groups participated in the Olympics, an idea was subconsciously established that Indigenous peoples were no longer in conflict with the state. The theme of reconciliation at the time of the Olympics, and what Bruce and Wensing referred to as 'Freemania' both support this theory.<sup>32</sup> The use of general indigenous symbols, cultures, or indigeneity supported the Australian reconciliation agenda, which, when combined with the state's colonial impulses, served to further the state's ultimate goal of extinguishing indigenous political structures outside of its power.<sup>33</sup>

### APPEARANCES AND REALITY

Given the high level of indigenous imagery deployed during the Olympics, Olympic media and visitors would have believed in the host state's narrative of cultural diversity and indigenous inclusion. However, the extensive deployment of indigenous imagery masked the absence of treaty in both Australia and Canada, as well as the latent racism in society and legislation such as the Indian Act or the Aboriginal Protection Act. For example, while the police commissioner of Sydney sat down with indigenous groups in front of media groups to participate in a smoking ceremony, and called for reconciliation on the day of the Olympic opening ceremony, the spirit of reconciliation was not evident when the same indigenous groups staged a protest

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32 Bruce and Wensing, 490-5.

33 Sheryl Lightfoot explores international law in regards to rights for indigenous peoples, specifically at the United Nations and in the United Nations Declaration on the Rights of Indigenous People (UNDRIP). In her article on state overcompliance in implementing UNDRIP, she argues that overcompliance is in an effort to ensure states can define indigenous rights within the status quo international framework and domestic identity (see 95-6 for domesticating indigenous groups within Australian identity and existing political status quo). In her article on UNDRIP selective endorsement, Lightfoot argues that states selectively endorse instruments like UNDRIP so that they appear to be acting in accordance with such instruments while retaining status quo policy and action in an effort to localize their meaning and impact; interpretation is moved to a domestic realm. UNDRIP is important as it declares "indigenous peoples have the right to self-determination"; by reframing UNDRIP, states further reduce rights to self-determination in terms of sovereignty by defining UNDRIP's contents. See: Sheryl Lightfoot, "Indigenous Rights in International Politics: The Case of 'Overcompliant' Liberal States", *Alternatives: Global, Local, Political* 33.1 (2008), 95-96, 100; Lightfoot, "Selective Endorsement Without Intent to Implement: Indigenous Rights in the Anglosphere," *The International Journal of Human Rights* 16.1 (2012), 102, 104-13; UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples : resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295.

near the end of the Olympics and were confronted by police.<sup>34</sup> Similarly, the lack of apology to indigenous peoples given Corroboree 2000 challenged the language of reconciliation deployed throughout the Games, especially given the outright refusal to issue an apology, but rather only statements of regret by the Conservative government of John Howard.<sup>35</sup> The refusal to apologize impacted Sydney's Aboriginal face of the Olympics, as Freeman's grandmother had been one of the children taken away to Australian residential schools, schools which found their roots in the Aboriginal Protection Act.<sup>36</sup> Other acts of oppression and colonialism continued even as Sydney painted its Olympics with an indigenous brush, such as the lack of indigenous input into indigenous depictions (especially with visual elements such as the logo), and the general glossing over of political and social realities for indigenous peoples.<sup>37</sup> The lack of treaty between the state and its indigenous peoples perpetuated the colonial relationship between the state and its indigenous peoples.

Similarly, Vancouver's heavy application of indigenous imagery masked rampant poverty, lack of treaty, and Canada's push towards total assimilation through legislative means. One of the more publicized indigenous protests against the Canadian state was when Squamish Chief Bill Williams threatened to let media gathering in Vancouver "know the reality of the poverty we face," a threat that, while not carried out, temporarily removed the facade of indigeneity erected during the Vancouver Olympics.<sup>38</sup>

The lack of treaty and the push towards political assimilation can be understood through the framework of legitimacy and public perception. If Indigenous peoples accepted a sanitized, generic, and cultural identity created by the state during the Olympics, which would be broadcast to millions across Canada and the world, indigenous peoples could be established as a cultural faction rather than a political group. Once the extinguishment of political identities outside of the state and Aboriginal title has been fulfilled, treaty negotiations would devolve into protections of cultural

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34 Lenskyj, *The Best Olympics Ever?*, 210.

35 Morgan, "Aboriginal Protest," 29.

36 Lenskyj, *The Best Olympics Ever?*, 81.

37 By defining indigeneity without indigenous input, the state erases indigenous agency in favour of a state constructed narrative, continuing its colonial tendencies, but through different media. See also: Nick Squires "Aborigine fury as 'false image' sells Olympics," *The Telegraph*. Sep. 7, 2000. Accessed Mar. 11, 2014. <http://www.telegraph.co.uk/news/worldnews/australiaandthepacific/australia/1355784/Aborigine-fury-as-false-image-sells-Olympics.html>

38 Mark Hume "Natives to use Olympics to press poverty issues," *The Globe and Mail*. Jan. 6, 2010. Accessed March 8, 2014. <http://www.theglobeandmail.com/news/national/natives-to-use-olympics-to-press-poverty-issues/article4301069/>

rights, rather than collective political and land rights. The push back against the sanitization of indigeneity can be best seen in the emergence of “No Olympics on Stolen Native Land”, an activist group that protested holding the Olympics on unceded indigenous lands. However, newspaper articles noted that FHFN integration and implicit support of the Olympics as a large factor in negating the efficacy of this particular group.<sup>39</sup> In both Vancouver and Sydney, the prominence of indigenous imagery within the Olympics was irreconcilable with the political reality; the sanitized indigeneity on the ground allowed the state to mask the true indigeneity that remained subjected to colonial relations within the state.

### PICK AND CHOOSE

The co-option of the FHFN within the Olympic structure lended indigenous legitimacy to the Olympic project, insulating Vancouver against indigenous protest. It is difficult to determine, however, whether or not the chiefs of the FHFN willingly accepted membership within the Olympic project, and what they envisioned their participation in the project would entail. Indigenous participation within the Olympics can be viewed as exercise of indigenous agency; in the early days of the Vancouver Olympic bid, the late Squamish chief Joe Mathias voluntarily joined the bid effort, and submitted a letter of support for the Olympic bid, even after seeing the co-option of Indigenous identity in Sydney three years prior.<sup>40</sup> Additionally, the VANOC final report gave credit to the FHFN for their support of the Olympics, declaring that without indigenous support, the Olympics would not have occurred.<sup>41</sup> Morgan argues that in Sydney, indigenous communities sought a balance between exercising the politics of shame in order to address indigenous social and economic issues, and a desire to have indigenous achievements recognized. This duality was expressed by Morgan as a question of whether it was possible that a “society both frustrates ... ambitions and allows [indigenous peoples] to live out [their] dreams.”<sup>42</sup> This is reflective of a larger issue; whether or not indigenous peoples should participate in state-led projects, knowing full well that such participation is problematic due to indigenous support of a colonial regime, but balancing any concerns with the possible benefits of

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39 Charlie Smith “Did the anti-Olympic movement miss the mark by focusing on stolen aboriginal land?,” *The Georgia Straight*. February 21, 2010. Accessed March 12, 2014. <http://www.straight.com/blogra/did-anti-olympic-movement-miss-mark-focusing-stolen-aboriginal-land>

40 Official Report of the 2010 Olympic Winter Games: Bid Report. Vancouver: Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games (2009), 12.

41 Ibid.

42 Morgan, “Aboriginal Protest,” 32.

collaborating with the state.

Indigenous self-determination can roughly be defined as the right of indigenous peoples to “freely determine their political status and freely pursue their economic, social and cultural development”; an indigenous nation or peoples has the right to determine their future along a spectrum of possibilities from short term local to the unknown extreme that may or may not include the right to secession.<sup>43</sup> If Sydney and Vancouver are seen as a case of indigenous peoples willingly cooperating with Olympic organizers to project a new vision of indigeneity to the world, without the political realities that accompany indigenous social and political problems, the sanitization of indigenous imagery could be viewed as a state-led project that also served the interests of indigenous peoples. If indigenous peoples sought to reframe their identity not as victims, but as members of a global society by willfully sanitizing their depiction in the Olympics and by allowing Olympic organizers to use indigenous imagery in a public sphere without political context, such an action could be seen as an act of resistance against the state. Indigenous self-censorship could be then seen as an exercise of self-determination and an act of resistance against colonial power, as the state can only exercise a certain amount of power in relation to indigenous identity when indigenous peoples exercise their agency when they participate in the creation of their own identity.

Indigenous imagery and involvement in the Olympics are reflective of wider political themes within the state. Questions of self-determination, national and indigenous identities, colonialism, cultural appropriation, and political assimilation find salience and definition within the Olympic project. In the case of Sydney and Vancouver, the large-scale use of indigenous imagery was decoupled from its political origins and issues, losing some of its meaning and significance in order to present both Olympic Games, and by extension, Canada and Australia as indigenous-friendly. However, this drive towards co-opting indigenous imagery in an inherently nationalistic project can be understood as a way for a settler society to begin the process of indigenizing itself. By conflating indigenous imagery with Canadian or Australian imagery (and by extension, identity), indigenous culture becomes normalized and depoliticized. The normalization of indigeneity allows the state to equate indigenous culture with that of any other ethnic group within the state, and extinguish political differences. While the Olympics may offer indigenous communities a chance to challenge the state constructions of generic indigenous imagery by participating in



the process of state construction, they also offer the state a chance to further assimilate indigenous peoples within its structures. Though the Olympics are marketed as non-political by its organizers, the power dynamics that drive the Games forward render any action related to the Olympics inherently and deeply political.

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# YELLOW VELVET: AN ANALYSIS OF THE MAJOR THEORETICAL APPROACHES TO THE 1986 PHILIPPINE PEOPLE POWER REVOLUTION

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## ABSTRACT

The rationalist, ideational, and structural frameworks have been the dominant approaches to the academic study of revolutions. This paper examines the strength of each framework using the 1986 Philippine People Power Revolution as a case study. It concludes that the ideational framework is the most suited to understanding the Philippine Revolution, because unlike the other two theories, it accounts for the collective action problem inherent in the revolution. Further studies should question whether the strength of the ideational framework is limited to 1986 Philippines, or if it can be extended to other revolutions.

## INTRODUCTION

In 1986, millions of Filipinos flooded the streets of Epifanio de los Santos Avenue in Manila in peaceful protest against the regime of then-President Ferdinand Marcos, who had ruled since 1965. Marcos fled to the United States in response, and Corazon Aquino, widow of slain opposition senator Benigno Aquino, was democratically elected in his place. This event, now known as the People Power Revolution, or the Yellow Revolution, was the first instance of a non-violent movement successfully toppling an authoritarian regime and replacing it with a democratic government.<sup>12</sup> In analyzing this historic revolution, several major questions should come to mind. First, how did the revolution come about in the first place? Second, why was the

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1 Lejano, "Problematizing the People Power Revolution," 71.

2 In the case of the Philippines, it is more accurate to describe it as a restoration of democracy.

revolution non-violent (or “velvet”)? Third, why did the moderate and elite forces of Corazon Aquino succeed in being the main bulwark behind which the masses mobilized against Marcos, as opposed to the revolutionary, and violent, Communist forces? This last question can be reconstituted as, why was the 1986 revolution yellow (a political revolution) rather than red (a social revolution)?<sup>3</sup>

In this paper I analyze and critique four academic works that exemplify the dominant theoretical approaches in the study of revolutions,<sup>4</sup> all of which seek to answer the aforementioned questions about the People Power Revolution. These are: Misagh Parsa’s structuralist and state-centred *States, Ideologies, and Social Revolutions: A Comparative Analysis of Iran, Nicaragua, and the Philippines*; Patrick Inwegen’s rationalist “Velvet Revolution: An Actor Based Approach”; M.D. Litonjua’s structural-ideational “The 1986 Yellow Revolution of the Philippines: Why Not Red?”; and Dan Slater’s structural-cultural “Revolutions, Crackdowns, and Quiescence: Communal Elites and Democratic Mobilization in Southeast Asia.” The purpose of this paper is to interrogate the existing theoretical frameworks in the contemporary academic study of revolutions and the way in which they fit or do not fit the 1986 Philippine revolutionary context. It comes to one major conclusion: the ideational framework is the best theoretical approach to understand the Philippine revolution, while the structural and rationalist discourses are not capable of fully explaining the causes and processes of the Philippine revolution. Additionally, my paper makes a case for the strength of ideational theory to explain the Philippine revolution because of its power to mobilize cross-class collective action.

It is important to note that this paper’s exhortation to integrate ideology in theoretical frameworks of revolution is not unique. Past scholars, including Sharman (2003), have likewise pointed to the inadequacy of not incorporating ideology and culture when analyzing the process and cause of revolutions.<sup>5</sup> This paper’s contribution to the literature is its analysis of the major theoretical approaches to revolution by using the Philippines as a case study. Further research should question whether the strength of the ideational theory defended in this paper is particular to the Philippine case, or if it can be applied to revolutions as a whole.

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3 The Aquino dynasty has traditionally been represented by the colour yellow.  
4 Skocpol, *Social Revolutions in the Modern World*, 317-26; Sharman, “Culture, Strategy, and the State-Centered Explanations,” 6.  
5 Sharman, “Culture, Strategy, and the State-Centered Explanations,” 1.

## THE PHILIPPINE PUZZLE

As previously mentioned, there are three major questions to the 1986 Philippine Revolution: what was the cause of the revolution; why was it political revolution, rather than a social revolution; and why was it was peaceful revolution, rather than a violent one? The reason for asking the first question is obvious enough. It is a question that is asked of any revolution, and the question that has sparked the proliferation of various theories of revolution, including the structuralist, ideational, and rationalist frameworks. The second and third question's significance, however, should be underlined. The difference between a social revolution and a political revolution is that, in the former, the movement is one that is typically radical, populist, and transformative of basic class relations. A political revolution, in contrast, is typically moderate, elitist, and conservative. The puzzle of the Philippine Revolution is the fact that, despite the existence of a robust revolutionary Communist party, the revolution remained one that was peaceful and conservative. It was led by the wealthy wife of a slain senator, not a radical revolutionary.

## THE STRUCTURALIST APPROACH: STATE VULNERABILITY

I first turn to Misagh Parsa's *States, Ideologies, and Social Revolutions: A Comparative Analysis of Iran, Nicaragua, and the Philippines*. Parsa's main contention is that states become vulnerable to revolutionary conflict when they exhibit specific structural factors, namely centralization of power, exclusionary rule that represses dissent, and economic interventionism. The state becomes vulnerable because it gradually loses support from its traditional social base. Thus, the regime must rely on either external allies (e.g. the United States) or the armed forces. Additionally, significant structural factors, such as political or economic crises, also set the stage for revolutionary conflict.

The Philippines under Marcos by and large exhibited the structural factors that Parsa identifies. In 1972, Ferdinand Marcos imposed martial law, restricted opposition, and centralized power to himself and his cronies. The Philippines also suffered an economic crisis during Marcos's rule. Although Marcos managed to industrialize and diversify the economy during the first few years of his rule, by 1982 the Philippine economy was suffering from balance of payments problems, foreign investment and capital flight, and banking failures.<sup>6</sup> Thus, Marcos's regime became increasingly isolated and vulnerable to dissident groups, specifically Corazon Aquino's moderate political opposition, and the revolutionary New People's Army (NPA), the armed branch of the Communist Party of the Philippines. These dissident groups, according

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6 Parsa, *Ideologies, and Social Revolutions*, 83-85.

to Parsa, simply needed an opportunity to mobilize collective action against the state.<sup>7</sup> This opportunity was the assassination of main opposition senator Benigno Aquino in 1983. Thus, from 1983 to 1985 there were mass anti-government protests that steadily increased and involved different sectors of society, including farmers and peasants, professionals such as lawyers and doctors, students, etc. Parsa concedes that structural vulnerabilities are not enough to cause the occurrence of revolutions. He offers that coalition formations of opposition groups are also important, because these are the groups that will be reacting to the vulnerability of the state.<sup>8</sup> Unfortunately, his explanations for what causes successful coalition formations are also structural explanations. For example, he states that coalition formations are successful if opportunities emerge, and opportunities emerge if the state is vulnerable, a circular argument.<sup>9</sup>

Ultimately, Parsa's analysis is inadequate in explaining how Corazon Aquino succeeded in mobilizing collective action against Marcos. Why did Corazon Aquino succeed in mobilizing a broad cross-class coalition against Marcos, when the NPA did not? Parsa is silent on this question. Parsa's structural framework explains how Marcos's regime became vulnerable, but it does not explain how Corazon Aquino was able to mobilize a diverse and sizable number of Filipinos against Marcos. Furthermore, Parsa merely describes the various ideologies of the major opposition groups in the Philippines, but he does not, in fact, integrate the role of ideology in his theoretical framework. His discussion of Catholicism in the Philippines is limited to a structural discussion of the Catholic Church as an institution; nowhere does Parsa imply that Catholicism can actually be an ideology in itself. In the end, Parsa's dismissal of the role of ideology in the Philippine movement is a major flaw in his theoretical approach, and represents a shortcoming in the structural theoretical model in the 1986 Philippine revolutionary context. As my analysis of Litonjua and Slater will demonstrate, ideology in the 1986 Philippine revolution is the crucial variable that explains how Corazon Aquino could be exalted above other opposition groups as the main force behind which the masses opposed Marcos.

#### THE RATIONALIST APPROACH: PEACEFUL VS. VIOLENT REVOLUTIONS

In "Velvet Revolution: An Actor Based Approach" Patrick Van Inwegen develops a rationalist theoretical approach to understanding the 1986 Philippine Revolution. His paper is framed by a central inquiry as to why some revolutions are violent, while

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7            *Ibid.*, 89.

8            *Ibid.*, 21.

9            *Ibid.*

others are velvet (non-violent), using the 1986 Philippine People Power Revolution as a case study. Inwegen's theory is actor-based and rationalist. He specifically positions himself away from what he perceives to be a significant shortcoming in most of the academic literature of revolutions, namely the emphasis on "explicitly structural factors."<sup>10</sup> To this end, his is a process-oriented, contra structural, theoretical approach, which highlights the agents in a revolution. Under Inwegen's theoretical model, there are three main actors in a revolution: dissidents, the state, and the mass public. When a revolution occurs, and the particular character that it takes (velvet or violent), is therefore determined by the actions and interactions of these aforementioned actors/agents, and the specific choices and decisions that each actor makes.

The process of a revolution under Inwegen's theoretical framework is as follows. First, there is an issue or event that sparks a reaction from the mass public. The mass public then has two choices: react or not react. If it does not react, then the status quo is maintained, and no revolution occurs. If it does react, then what he calls a "revolutionary situation" will arise.<sup>11</sup> During a revolutionary situation, dissident groups (preexisting or new ones) emerge. These dissident groups then face two choices: negotiate with the state or provoke the state. Consequently, the state faces three choices: it can reform its policies, repress the opposition, or do nothing. If it does nothing, there is a possibility that it could outlast public outrage and hold onto power; at the same time, it could also go the Marie Antoinette route and suffer the "guillotine consequence."<sup>12</sup> If the state does decide to either repress or reform, then success in either case results in no revolution occurring. However, if it is not successful in its repression or reform, then a revolution occurs.<sup>13</sup>

In the case of the 1986 Philippine Revolution, the spark or issue was the assassination of Benigno Aquino, the opposition senator and close rival of Marcos. Inwegen identifies the mass public's reaction to this issue as the throngs of people who participated in Benigno Aquino's public funeral procession. Three main groups represented the dissidents: Senator Salvador Laurel, Corazon Aquino, and the New People's Army (NPA). Dissident groups are distinguished by their different ideologies. Whether a revolution becomes velvet or not largely depends on which of these

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10 Inwegen, "Velvet Revolution," 179.

11 *Ibid.*, 184.

12 *Ibid.*, 188.

13 Inwegen states: "The major conclusion of most state-centered revolution literature is that if a state is willing and able to significantly repress dissent, revolution is impossible. It is from this conclusion that I derive the state's role in shaping revolution." See: *Ibid.* This strikes me as more of a tautology than a conclusion.

groups gain support from the third actor in Inwegen's model, the mass public.

Under this theoretical model, then, Marcos tried to both reform and repress, and Inwegen contends he failed in both. In the case of reform, Marcos tried to pay lip service to democracy in a 1986 snap election, but was widely regarded to have used fraud; thus, this was a failed attempt to reform, and was rejected by the mass public. Meanwhile, Marcos's attempt to repress the opposition also failed because he did not quickly eliminate military defectors Juan Ponce Enrile and Fidel Ramos.

The primary problem with Inwegen's paper is its preponderance of tautologies or truisms. For instance, we find this passage in the abstract of his paper:

Successful velvet revolutions occur when (1) dissidents committed to nonviolence are (2) sufficiently organized to successfully provoke the state into (3) ineffectively repressing dissidents. I use the 1986 Philippine revolution to test this model and hypothesis.<sup>14</sup>

Why should one test a hypothesis that is constructed to be self-evidently true? Essentially, Inwegen's hypothesis is that a revolution occurs when the state is unable to stop a revolution from occurring. Indeed, Inwegen's actor-based model leaves much to be desired in both explanatory and predictive capability. For example, Inwegen states that the things that first spark a revolution and convinces people to oppose the status quo are "events and issues" such as "worldwide depression, a war with another country, the development or spread of a new ideology, drastic change in the domestic economy, a natural disaster," etc.<sup>15</sup> So far this mirrors Parsa's structural approach. Yet, there is a problem in what Inwegen states next, namely that "the event is less important than how the mass public reacts to that event."<sup>16</sup> This is a convenient explanation, but an unsatisfactory one. Clearly not every structural issue, such as a natural disaster or economic crisis will trigger a revolution. If I were to ask what kinds of events or issues (natural disaster, economic crisis, war, etc.) take hold in the mass public's consciousness convincing them to change the status quo and embark on a revolution, Inwegen's theoretical model would unhelpfully retort, the kind of event/issue where the mass public reacts and sparks a revolution in response.

Moreover, Inwegen concedes that it is ideology that shapes the kind of revolution that will occur.<sup>17</sup> As previously mentioned, Inwegen proposes that the velvet or violent character of a revolution is dependent on the choice of the mass public on who they will support. Indeed, Inwegen states "the mass public determines the winners

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14        *Ibid.*, 175.

15        *Ibid.*, 184.

16        *Ibid.*

17        *Ibid.*, 187.



of revolutionary conflict” because “mass reaction against the state supports the dissidents while inaction supports the state.”<sup>18</sup> In the Philippines, the mass public evidently chose to support the non-violent ideology of Corazon Aquino. Her ideology was rooted in her Catholic religion, instead of the ideology of the violent and radical New People’s Army. Indeed, according to Inwegen, “had the NPA attracted more popular support...they would have led a violent revolution.”<sup>19</sup> But nowhere does Inwegen explain why and how a particular ideology gains cachet in the minds of the public. Without this explanation, his theoretical framework is somewhat useless. Without an explanation for why and how the non-violent ideology of Corazon Aquino took hold, then Inwegen’s only real insight is that the Philippine Revolution was non-violent because the people chose to support a dissident who preached non-violence, which is not an insight at all.

Finally, Inwegen does not resolve the collective action problem to which he makes several references in his paper. He does not answer why Filipinos would react particularly in 1986 and risk their lives against the state. He states quite clearly that his own theory, like most rationalist choice theories, is individualistic, meaning “political outcomes are the collective product of individual choices.”<sup>20</sup> But in his choice to recognize the “mass public” as a particular actor in revolutions, he depicts the mass public as some sort of amorphous body that simply reacts to issues and events, with no explanation for what kinds of events or issues are more causal/provocative.

#### THE IDEATIONAL APPROACH: CATHOLICISM AS COLLECTIVE ACTION MOBILIZER

Inwegen concedes the role of ideology in mobilizing collective action against the state, but he does not explain how that ideology takes hold in the minds of the public. In “The 1986 Yellow Revolution of the Philippines: Why Not Red?” M.D. Litonjua makes a significant step towards answering this question.

Litonjua states that it is a specific kind of state that is vulnerable to revolution: “an exclusionary and repressive authoritarian” one.<sup>21</sup> Where Litonjua veers from an exclusively structural approach is in his integration of the specific Catholic culture of the Philippines as the explanatory variable for the People Power Revolution’s yellow velvet character. In other words, the Catholic religion, as an ideology, ensured that the revolution would be elitist and conservative; peaceful and non-revolutionary. Under Litonjua’s model, then, the sultanistic state under Marcos ensured that a revolution

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18        *Ibid.*, 190.

19        *Ibid.*, 194.

20        *Ibid.*, 180.

21        Litonjua, “The 1986 Yellow Revolution,” 183.

was going to occur, but the form that that revolution took was going to be mediated by the Catholic culture of the Philippines. Litonjua's theoretical model, then, is structural-ideational. He contends that there is a bias in most state-centered revolutionary literature because it does not consider religion capable of massive social change. To Litonjua, "three and a half centuries of Spanish colonization and [the Philippines's] heritage of Catholicism" should not be ignored when analyzing the Philippine revolution.<sup>22</sup>

According to Litonjua, it was not merely that there was a Catholic ideology; significantly, there was also a Catholic atmosphere that pervaded the 1986 People Power Revolution. When masses of people flooded the streets in protest against the Marcos regime, it was akin to a religious mass. There were "priests and seminarians in religious garb, nuns kneeling and praying, religious statues being carried in procession" and so on.<sup>23</sup> This religious atmosphere, Litonjua contends, prevented the revolution from descending to violence, and made possible a peaceful revolution. Not only this, but Litonjua also argues that Catholicism was rich in symbolic resources with which Corazon Aquino, whether actively or not, could sustain her political movement against Marcos. Benigno Aquino became transformed in the minds of Filipinos as a kind of amalgamation of Jesus Christ and Jose Rizal (the martyred national hero of the Philippines who was executed by the Spaniards for his alleged participation in the anti-colonial movement). Thus, what was a mobilization against Marcos became effectively, if not formally, a religious and nationalist, even anti-colonial, political movement.

Similarly to Litonjua's theory is the theoretical approach found in Dan Slater's "Revolutions, Crackdowns, and Quiescence: Communal Elites and Democratic Mobilization in Southeast Asia." Slater rejects traditional structuralist literature that emphasizes the "significance of economic grievances and demands for liberal political reforms" as the primary fuel to the fire of revolution.<sup>24</sup> Instead, Slater exalts the capability of ideology to both "spark and sustain popular collective action against dictatorship."<sup>25</sup> Specifically, he identifies communal elites—those in a society who manage to successfully channel religious or national authority—as the main agents of revolutions. Slater explicitly describes the puzzle of the 1986 Philippine People Power revolution as why "citizens from all social classes took such profound personal risks

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22        *Ibid.*, 192.

23        *Ibid.*

24        Slater, "Revolutions, Crackdowns, and Quiescence," 206.

25        *Ibid.*

for no obvious or immediate personal benefit.”<sup>26</sup> His theoretical approach, then, is a very conscious attempt to resolve the collective action problem inherent in revolutions. His answer is that religion and nationalism can act as the emotional motivators for revolutionary action.

Slater’s reading of the role of Catholicism in the 1986 Revolution is almost identical to Litonjua’s. He makes the same observation, for example, that the People Power movement resembled “a citywide Sunday Mass,” as well as in identifying Benigno Aquino as a Christ/Rizal figure, with the corollary notion that Corazon became the “Filipina Mary.”<sup>27</sup> It may thus seem redundant to include Slater in my analysis for he seems to be simply repeating Litonjua’s argument. However, I think it is useful to analyse Slater because he develops an entire structural-ideational theory around history as a determinant of pre-existing nationalist and religious ideology, whereas Litonjua merely makes a passing note of this.

For Slater, the particular religious or nationalist icons of which revolutionaries avail themselves are historically dependent/constrained. In particular, as a post-colonial state the Philippines Catholic culture is seen to be a result of the Spanish Catholic friars’ success in imposing a dominant national religion. Thus, the success of the moderate forces’ Catholic, non-violent ideology must be seen as almost a given.

There is at least an attempt here to answer a question that all the previous authors that I have analyzed failed to answer—how can an ideology take hold? Slater, and Litonjua to an extent, answer that a particular ideology takes hold because dominant ideologies espoused in a revolution are already historically determined.

The major flaw that can be seen in this theoretical approach is that, by markedly depicting ideology as historically dependent, it almost seems as if Slater’s theoretical approach is structural disguised in ideational garb. How does a people foment revolutionary change if, by definition, their changes are constrained by ideologies that are historically determined? To problematize this further, what of the violent revolutionary ideology of the NPA? The Philippines’s other major revolution, known simply as the Philippine Revolution, occurred ninety years prior to the 1986 revolution and was an anti-colonial violent revolution for independence against Spain. Can we say that Filipinos also have a historically rooted propensity for violent, social revolutionary, and anti-colonial ideology? How could Aquino have exploited a nationalist and anti-colonial ethos, when her family represented the landholding aristocracy? Additionally, with most ideational theories we can never be sure how much of our conception of a very formal and comprehensive ideology is merely *ex post*

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26            *Ibid.*, 221.

27            Slater, “Revolutions, Crackdowns, and Quiescence,” 229.

facto theorizing on the part of academics. Benigno Aquino as Jesus Christ-Jose Rizal anti-colonial martyr is compelling, but how much of that is accurate?

## CONCLUSION

Although most of the authors I have analyzed do not make explicit references to each other, we can clearly see that there has been an ongoing progression in the revolution literature's attempt to explain the cause and form of the 1986 Philippine People Power Revolution. The state-centered structural approach has been useful in explaining the particular institutional and societal rot that made Marcos's regime vulnerable to challenges from above and below. It has also been of some use in explaining why the leftist revolutionaries failed in consolidating power, as well as in explaining how Corazon Aquino could have defeated Marcos's regime. However, the structural theoretical approach has been found wanting in providing comprehensive explanations for how Corazon Aquino in particular was able to appeal to such a large swathes of society and mobilize cross-class collective action against Marcos. It also does not explain why 1986 was a special time for broad cross-class mobilization, especially since the Philippines has had economic crises before. Whatever political or social grievance the Filipino masses may have had under Marcos was not so different from past presidencies.

Meanwhile, the rational choice approach, represented in this paper by Inwegen's "Velvet Revolution: An Actor-Based Model," was found to be ineffective in both explanatory and predictive power in the context of the Philippine revolution. The rationalist approach is able to create a comprehensive framework for the process of the 1986 revolution, but it has been found to be tautological and, overall, un insightful and non-explanatory. Inwegen's theory seems to be merely, in the words of Theda Skocpol, "translating existing comparative-historical analyses" into a different language without contributing much in the process.<sup>28</sup>

Thus, if there is one theoretical approach that comes closest to accurately portraying and explaining the causes and form of the 1986 Philippine Revolution, it is Litonjua and Slater's ideational approach. Slater's structural-ideational approach, especially, makes a strong case for how particular ideologies can take hold in the minds of the public. Both Litonjua and Slater have persuasively argued that it was the ideology of Catholicism that made the revolution peaceful. This is in contrast to Parsa and Inwegen, who concede that ideology can determine the form of a revolution, but do not explain how said ideology gains currency and support from the mass public.

In sum, this paper has argued for the strength of ideology as the one explanatory variable for overriding the collective action problem inherent in the 1986 Philippine revolution. Further research should question whether this role of ideology as a “missing variable” can be extended to other revolutions.

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# YEMENI DRONES: DISCURSIVE MEDIA REINFORCEMENT OF US HEGEMONIC POWER

/Iman Baobeid

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## ABSTRACT

The US drone campaign in Yemen is often framed by mainstream US media outlets as a necessary counter terrorism measure. Media framing drone strikes conforms to a uniform hegemonic discourse that reinforces a process of Othering that is central to a self-defence justification. It is underlined by two main mechanisms: the categorization of casualties in language that actively dehumanizes the subject, and the renegotiation and stratification of citizenship rights so as to control the Muslim body in a racialized manner. The implications of the discursive relationship between media and hegemonic policy are critical to analyses of the war on terror.

## INTRODUCTION

Every Tuesday afternoon, President Obama personally signs off on drone strikes targeting Yemen, Somalia, Pakistan, Afghanistan, and other states.<sup>1</sup> Called “Terror Tuesdays” by the media, the Tuesday targets are determined, through debate, on the basis of their “imminent threat” levels.<sup>2</sup> The deaths resulting from these drone strikes are justified by their subjectively determined threat levels to Western civilization. This rationale is central to the media’s framing of the drone campaign. The justification of deaths on the basis of a subjectively perceived threat level is central to how the media frames the drone campaign. The framing of the drone campaign by popular media channels conforms to a uniform hegemonic discourse. In turn, this hegemonic discourse reinforces a process of Othering that is central to a self-defence justification

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1 Scahill, Dirty Wars.

2 Ibid., 426 and 634. Scahill found that the US Justice Department has attempted to modify the definition of “imminent” for a definition that does not require clear evidence that an attack will occur in the immediate future.

of the drone campaign.<sup>3</sup> This process of Othering is the focus of this paper, and is underlined by two central mechanisms: first, the discourse indiscriminately categorizes casualties (as militant versus civilian) in a language that actively dehumanizes the subject; and second, the discourse renegotiates and stratifies citizenship rights so as to control the Muslim body in a racialized manner.

The framing of the drone campaign by popular media channels conforms to a uniform hegemonic discourse that serves the US as a central hegemonic power.<sup>4</sup> Michel Foucault defines discourse as the “production of knowledge through language.”<sup>5</sup> The production of discourse is an expression of power exercised over those who are subject to it—in this case the Other.<sup>6</sup> Hegemonic discourse acts through expressions of dominance of one group over another (the Other) in ways that are embedded in discursive practices and language.<sup>7</sup> The Other is reserved a discourse that suggests an unequal power distribution. The hegemonic discourse maintains a process of Othering that is central to the perpetuation of self-defence rationale in the drone campaign.<sup>8</sup> The process of Othering in media discourse may serve political ends for the US government. The language the government engages with in speaking of drone strikes is recanted in media reports, thus pushing towards public compliance and proliferation of elite interests.

Using Yemen as a case study, I use discourse analysis methodology to show how mainstream media frames the drone campaign, and to explore what this means for the study of politics. To identify the central discursive mechanisms that mainstream news media engage when reporting on the drone campaign, the analysis relies on articles from four media companies: Fox News, CNN, ABC, and the Wall Street Journal. These four news outlets are part of the United States media conglomerate, which is heavily concentrated in the hands of 6 corporations that control most of mainstream media.<sup>9</sup> First, I examine the racialized framing of the Other through the categorization of casualties. I specifically examine the discursive defining of the “militant,” the

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3 See: Edward Said, *Orientalism* (New York: Random House, 1978). The Other in this case is built on Edward Said’s argument in *Orientalism* that the Other is constructed as an object that is decontextualized and pathologized through the process of distinction between the Orient (geographically specified as the Middle East) and the Occident. The process of Othering establishes the individual in complete opposition to the hegemonic Occidental subject.

4 Noor, “Terror and the Politics of Containment.”

5 Hall, “The West and the Rest,” 165.

6 *Ibid.*, 169.

7 *Ibid.*

8 *Ibid.*, 173.

9 McChesney, *The Problem of the Media*; Thobani, *Exalted Subjects*, 224.

narrative of the “bombmaker,” and the active dehumanization of the civilian. Second, I examine the renegotiation and stratification of citizenship rights in news media discourse and the racialized manner in which it operates. Third, I evaluate the two mechanisms’ centrality to the rhetoric of self-defence that is commonly used as justification for the drone campaign. Last, I examine the significance of the exclusion of specific facts and critiques from news reports and the implications such discursive framing holds on the process of Othering. This analysis contributes to the scholarly understanding of how media and government interact and operate in conjunction with one another. Moreover, analysis of media and government discourse in parallel illustrates the porous nature of discourse, which furthers the depth of the discourse analysis methodology.

Perceiving “language as constitutive or productive of meaning,” discourse analysis views the production of knowledge—through news media in this case—as embedded in modes of representation that define subjects in relation to one another and the existing power structure.<sup>10</sup> In a proliferatory fashion, hegemonic discourse can be understood as discourse that is so deeply embedded in our social reality that it negates any critique.<sup>11</sup> It operates in an exclusionary fashion by omitting other narratives so that it becomes the core social understanding. Furthermore, it reflects and reifies the hegemonic power of particular agents.<sup>12</sup>

In addition, media framing is especially useful in analyzing hegemonic discourse. Robert Entman defines framing as the “process of selecting and highlighting some aspects of perceived reality, and enhancing the salience of an interpretation and evaluation of that reality.”<sup>13</sup> According to Entman, communicators—journalists in this case—frame judgements through the “presence or absence of certain keywords, stock phrases, stereotyped images, and sources of information.”<sup>14</sup> Highlighting specific pieces of information while omitting others sways the reader’s reaction. This manipulated reality inscribes itself in their understanding so that they continue to perceive the conflict through this altered perspective. He further argues that framing is “the imprint of power”—an exertion of hegemonic political power over which realities are reported on in order to influence public opinion.<sup>15</sup>

The US government is the central hegemonic power this paper is concerned with, and the discourse they utilize is often reflected by mainstream news media as they

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10 Jackson, “Constructing Enemies,” 396.

11 *Ibid.*, 397.

12 *Ibid.*, 396 and 421.

13 Entman. “Projections of Power,” 26.

14 *Ibid.*, 52.

15 *Ibid.*, 55.



often rely on facts obtained directly from the government and arguments that mirror government justifications for the continued engagement with the drone program.<sup>16</sup> Despite the continued criticism, the US government continues to cite the effectiveness of drones in eliminating the perceived enemy and reducing US troop casualty counts.<sup>17</sup> Due to the remoteness and inaccessibility of areas where “terrorists” are located, they are seen as fulfilling a need to surveil and engage from the skies.<sup>18</sup> These justifications preclude any alternatives by presenting the drone campaign as the only effective counter-terrorism measure. Furthermore, they are instrumental in maintaining public support, which is easier with a smaller casualty count. Mainstream news media rarely, if at all, strays from this rationale, which in turn shapes public perception of the drone campaign.

#### RACIALIZED FRAMING OF THE OTHER THROUGH THE CATEGORIZATION OF CASUALTIES

The discursive framing of the Other through the categorization of casualties, as militant or civilian, is central to news reporting on the drone campaign. This Other occupies a racialized Muslim body and is constructed to pose a specific threat to the US. The demarcation of the militant from the civilian works to dehumanize the Yemeni Other in distinct manners that all contribute to the same end—the justification of any action undertaken on them. The manipulation of the definition of “militant” by the US government frames him as an immediate threat—the feared Other. Simultaneously, the framing of a civilian death as “collateral damage” dehumanizes the individual and justifies it as a necessary death. Such mechanisms act as processes of Othering relying on racialized discourse.

In all four articles the word ‘militant’ is used twenty four times while “civilian” is used ten times. The identity of the “militant” is never clear, but is considered to be an unquestionable given. This becomes especially problematic when considering

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16 Noor, 51. See, for example: Peter Bergen, “Obama’s High-Stakes Drone War in Yemen,” CNN, April 21, 2014, <http://cnn.it/1i5Fulp>; “3 US Drone Strikes Kill 12 Militants in Yemen,” Fox News, August 9, 2013, <http://fxn.ws/17CjliH>; Adam Entous, Siobhan Gorman, and Julian Barnes, “US Relaxes Drone Rules,” Wall Street Journal, April 26, 2012, <http://on.wsj.com/1FZWADQ>; Luis Martinez, “CIA Drone Strike Kills Al Qaeda Leader,” ABC News, April 24, 2012, <http://abcn.ws/1vEjcX3>.

17 See, for example: “Obama’s Speech on Drone Policy,” New York Times, May 23, 2013, <http://nyti.ms/1hyoBHI>.

18 Ibid. Obama stated in his speech that involved states, such as Yemen, have limited abilities in reaching remote areas that suspected “terrorists” are located. He further adds that US troops on land would trigger “a major international crisis,” and that encroachment on territory via actual troops would be detrimental to the US relationship with the concerned states.

whom the United States government actually finds a “militant.” The Obama administration “counts all military-age males in a strike zone as combatants . . . unless there is explicit intelligence posthumously proving them innocent.”<sup>19</sup> It further adds that individuals who are in an area of ‘known’ terrorist activity are immediately considered to be complicit to such activity.<sup>20</sup> This essentially warps the casualty count, ensuring that the reported civilian casualties are less than in actuality. Furthermore, it builds on the ways in which gender and age are tied to the military through expressions of hegemonic masculinity. The “militant,” however, is heavily racialized, and so occupies a space of malignant masculinity.

The introduction of “signature strikes” further clouds accurate casualty counts and heavily impacts media framing.<sup>21</sup> The four articles present Obama’s authorization of signature strikes as key to the “war on terror,” and almost revolutionizing the nature of drone warfare. Unlike past strikes, the target is not necessarily confirmed as a “militant”; rather, a target only has to “displa[y] the behaviours of suspected militants.”<sup>22</sup> The Wall Street Journal article roughly states that these behaviours include “transporting weapons.”<sup>23</sup> These so called “behaviour patterns” are extremely vague, and make way for intense racial profiling to occur when determining targets. In ABC News article, Luis Martinez simply states that they target “suspicious behaviour by terrorism suspects.”<sup>24</sup> Martinez vaguely defines and condemns this faceless ‘target’ with no reliance on actual facts, and effectively radicalizes the Othered body as the terrorist. His framing of these individuals as “terrorism suspects” contributes to the fear mongering and incites the need for some sort of self-defence measure. The Fox News article builds on this pathologizing construction, stating that under signature strikes “chances are increased that a drone strike could merely target a tribesmen who once called an Al Qaeda figure, rather than a militant.”<sup>25</sup> The use of the word “tribesmen” implies some sense of backwardness, establishes the individual as guilty by association, and maintains that his death is not to be mourned; rather, it is just cold “collateral damage.” Such engagement with the term “militant” is tied to the racialized body of the “Other,” whose location in the globalized world positions them as dispensable. In the CNN article, Peter Bergen utilizes the narrative of the “bomb maker”

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19 Jo Becker and Shane Scott, “Secret ‘Kill List’ Proves a Test of Obama’s Principles and Will,” *New York Times*, May 29, 2012, <http://nyti.ms/18c6EKK>.

20 Ibid.

21 See: Bergen, “Obama’s High-Stakes Drone War in Yemen,” CNN.

22 Ibid.

23 Entous, Gorman, and Barnes, “US Relaxes Drone Rules,” *Wall Street Journal*.

24 Martinez, “CIA Drone Strike Kills Al Qaeda Leader,” *ABC News*.

25 “3 US Drone Strikes Kill 12 Militants in Yemen,” *Fox News*.

as he identifies specific “militants” who were connected to potential security threats to the United States.<sup>26</sup> The discursive characterization of the supposed militant is that of an Other who is “clever,” “devious,” “elusive,” and embodies potential for “devastating” harm on US citizens. Such language reinforces the narrative of threat that emphasizes a fear of the Other.

This connects to what Walter D. Mignolo and Madina V. Tlostanova refer to as “border thinking,” and the rhetoric of modernity that build off the assumption of the ‘Other’ as contained in a specific geographic location in which their bodies are racially ranked and classified.<sup>27</sup> The drone war, however, has effectively globalized sovereignty. It ensures that the militant Other does not reside in a specific geographic location, but is able to move across borders. Therefore, in mitigating this threat the drones are able to cross sovereign states, extending their power over multiple geographic locations, and effectively globalizing US sovereignty. The threat’s existence at any part of the globe beckons US intervention, regardless of actual declaration of war. The consideration of the Yemeni individual as the absolute Other—who is racialized as Muslim—acts as a justification for their death. Personal details on who the individuals were and whether they were in fact party to violent and threatening actions are unnecessary, as the prescriptions of their racialized body are seen as reason enough for their elimination. Jodi Melamed’s claim of the pathologizing of specific cultures that are seen as different from normative American culture directly connects with the redefining of the militant.<sup>28</sup> Being a military aged male, occupying a racialized body whose culture appears deviant to normative white American culture, and locating oneself in a racialized geographic zone all act as factors in presenting this individual as pathological and requiring control. Violence is perceived as absolutely necessary to the control of this body.

The discursive framing of the ‘civilian’ is also problematic and tightly entwined with the classification of the Yemeni body as the absolute Other. Civilian casualties are mentioned less frequently, and no details regarding their deaths are provided; Martinez completely disregards any civilian casualties.<sup>29</sup> They neglect to provide simple details such as their name, age, or gender, and this frames them as the absolute Other who is unrecognizable and unknowable. A complete dehumanization is undertaken, as the individuals are unmournable due to their absence in the narrative. It becomes easier to imagine them as the ‘enemy,’ an incomprehensible individual whose

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26 Bergen, “Obama’s High-Stakes Drone War in Yemen,” CNN.  
27 Mignolo and Tlostanova, “Theorizing from the Borders,” 206.  
28 Melamed, “The Spirit of Neoliberalism,” 8.  
29 Martinez, “CIA Drone Strike Kills Al Qaeda Leader,” ABC News.

entire being works in opposition to the normative white American citizen. Mentions of civilian casualties are immediately followed by an effort to track threats to the US, effectively erasing their humanity, pain, and suffering, and dismissing it due to the United States' need to protect itself from future threats.<sup>30</sup> By failing to address civilian deaths, these articles reinforce the framing of the drone campaign as an effective tool that has only targeted militants. The heightened anxiety over a potential terror threat frames counter-terrorism measures as urgent and necessary, regardless of what the US would arbitrarily label "collateral damage."

The contexts of these individuals' experiences is rendered invisible and this silencing becomes a means by which hegemonic and oppressive power is exerted.<sup>31</sup> The effects of the strikes on their sense of self, security, and economy is completely ignored, and any counter actions they take are categorized as 'anti-American.' As Shalhoub-Kevorkian argues, "visibility is an operation of power, controlled and operated by the politics and knowledge production, when the invisible is not static or absolute, but rather an owner of hidden power that should be feared."<sup>32</sup> This claim can also be extended onto the invisibilization of the civilian's ordeal in these strikes. By positioning them as faceless, the author is exerting a restricting hegemonic power over their very being.

However, a Rolling Stone article from 2014 highlights the severe effect that the simple existence of drones in Yemeni skies has on Yemenis. Depression, post traumatic stress, and anxiety are some of the mental effects they experience due to the continued attacks on so called "militants."<sup>33</sup> The sky becomes something to fear, as many live in terror that even though they are completely innocent, they will be the next target. These stories are not retold in any of the articles I have analyzed, as it is easier to support a war in which the target is faceless, unknown, and whose experience is so far removed from the white middle class reality. They do not provide support and justification for the continuation of US hegemonic power; therefore, such details are deemed unnecessary.

#### RENEGOTIATION AND STRATIFICATION OF CITIZENSHIP RIGHTS

A looming issue within the articles is the question of citizenship rights and how citizenship—as Yemeni, Yemeni-American, or American—is renegotiated and redefined to justify the execution of individuals who are deemed guilty until proven innocent.

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30 Entous, Gorman, and Barnes, "US Relaxes Drone Rules," Wall Street Journal.

31 Shalhoub-Kevorkian, "Palestinian Women and the Politics of Invisibility," 17.

32 Ibid., 18.

33 Vivian Salama, "Death from Above: How American Drone Strikes are Devastating Yemen," Rolling Stone, April 14, 2014, <http://rol.st/1nmNTaE>.

As Sunera Thobani notes in her book *Exalted Subjects*, “the deployment of the discourse of terrorism in the media, constituting Muslims as the global enemy, is postal to the success of the restructuring of nationality and citizenship.”<sup>34</sup> One specific incident that two of the articles note is the case of Anwar al-Awlaki. Killed in a drone strike in 2011, al-Awlaki’s death created much controversy because of his American citizenship. While other al-Qaeda affiliated individuals killed by drone strikes were not named in the articles, Al-Awlaki’s name and citizenship status is specifically noted. Bergen hastily describes him as Yemeni-American, and then further positions him as anti-American (alluding to his participation in operations against the United States). Other investigative articles on his death specifically highlight his status as an American citizen and what rights that grants him.<sup>35</sup> The justifications for his execution without trial are often directly connected with a demonization of his character, and his objective to “murder innocent Americans.”<sup>36</sup>

The death of al-Awlaki’s teenage son due to a drone strike two weeks after his father’s death highlights the process of restructuring discourses on citizenship rights, and its key role in justifications of civilian casualties.<sup>37</sup> Abdulrahman al-Awlaki was an American citizen visiting Yemen at the time of his death; immediately after his death, the US government identified him as an al-Qaeda militant. His 17 year old cousin who died in the same strike remained unnamed in many of the articles, largely because he was a Yemeni citizen. While Abdulrahman’s citizenship did protect him from being demonized, it offered him the right of recognition by the media. His death was questioned and highlighted more than any other Yemeni civilian who had been killed via drone strikes in the years prior. At the same time, as in his father’s case, references to his American citizenship were often tied to his Yemeni roots and Islamic beliefs. This racialization positioned him as dispensable and inferior by the US government, emphasizing the stratification of citizenship and its tight connections with race. He is identified as Yemeni before American, highlighting that the value of a Yemeni life is less than that of an American’s, and the value of a Yemeni-American’s life is less than a white American’s.

Sunaina Maira’s investigation of the effects of US immigration and security policies on Muslim immigrants and their conceptualization of citizenship provides strong

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34 Thobani, *Exalted Subjects*, 221.

35 See, for example: Mark Mazzetti, Eric Schmitt, and Robert Worth, “Two-Year Manhunt Led to Killing of Awlaki in Yemen,” *New York Times*, September 30, 2011, <http://nyti.ms/1vEnBt9>.

36 *Ibid.*

37 Peter Finn and Greg Miller, “Anwar Al-Awlaki’s Family Speaks Out Against His Son’s Deaths,” *Washington Post*, October 17, 2011, <http://wapo.st/1ADMCVE>.

insight on the interplay between drone strike media reporting and citizenship. Maira argues that thinking of citizenship simply through the lens of legal citizenship (mediated by political, economic, and civic conditions) is limiting when speaking of its relation to the war on terror.<sup>38</sup> Instead, she puts forward the idea of cultural citizenship that is determined by race, ethnicity, religion, gender, and sexuality, all of which then give meaning to the social constructions of citizenship rights. The rhetoric of “us versus them” assumed in the stratification of citizenship demarcates what is considered “American” and “un-American” (the Other).<sup>39</sup> This comes in association with the claim of the “browning” of terror in which ‘brown’ is conceived of as a combination of race, ethnicity, skin colour, and religion.<sup>40</sup> The brown body is assumed to occupy a space that is in opposition to mainstream American society: thus deemed un-American and a threat that must be managed (regardless of citizenship status). As shown in the Awlaki cases, because his body is “browned,” his legal citizenship is insufficient in guaranteeing him protection.

#### THE RHETORIC OF SELF-DEFENCE

Discourse around the drones is often tied to their effectiveness rather than the immense civilian loss that they cause.<sup>41</sup> As a mechanism of self-defence, the drone is perceived to be essential in fighting terrorism. In Bergen’s article, the assertion of the drone strikes’ effectiveness is supported by the Yemeni president’s claim that they “hit their targets accurately.”<sup>42</sup> The understanding is that within specific regional areas, al-Qaeda affiliates that pose threats are located and must be eliminated; this elimination is necessary for the safety of all United States citizens. The rhetoric most commonly used to excuse such extrajudicial executions is that of self-defence, or the need to “keep America safe.”<sup>43</sup> Consequently, media narratives often engage with blanket statements that drones are always targeting al-Qaeda. Reports on drone strikes, whether they killed civilians or not, and the presence of al-Qaeda in the region is highlighted and repeated many times in all articles as an act of justification. The over inflation of the ‘militant’ character as villainous and posing an immediate threat is instrumental in depicting al-Qaeda as a global superpower that must be dealt with.

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38 Maira, “Youth Culture, Citizenship and Globalization,” 224.

39 Bloodsworth-Lugo, and Lugo-Lugo, “Citizenship and the Browning of Terror,” 273.

40 Ibid, 274.

41 Ahmed, *The Thistle and the Drone*.

42 Bergen, “Obama’s High-Stakes Drone War in Yemen,” CNN.

43 Ahmed, *The Thistle and the Drone*, 256.

The language used is a legitimization of US involvement in Yemen. Words such as “suspected,” “attempted,” “resentment,” “traced back,” and “affiliate” are used to link specific individuals and communities with al-Qaeda, thus acting as justifications for their positioning as targets to be eliminated. Sensationalized words, such as “devastating” or “destroying,” regarding terrorists attempts also operate in ways that incite fear, or if the individuals involved were eliminated, a sense of relief.<sup>44</sup> The constant drone surveillance that these individuals are under also provides a sense of security that the government is doing all that it can to protect Americans, thus spurring support for the continuation of the campaign.

Peter Bergen ends his article with a recounting of the story of Farea al-Muslimi who spoke at a public hearing concerning the drone campaign in the United States senate. His testimony is intensely moving and harrowing, and it is extremely interesting and disheartening to note what section of al-Muslimi’s statement Bergen decided to quote. He states: “What radicals had previously failed to achieve in my village, one drone strike accomplished in an instant: there is now an intense anger and growing hatred of America.”<sup>45</sup> Bergen’s quotation does not serve to point to the devastating loss and fear that al-Muslimi faced, but rather acts as a justification for the continuation of the drone campaign. The utilization of this quote enforces the “us versus them” binary, and the rhetoric of anti-Americanism. Operating in a self-fulfilling manner, it anticipates more acts of violence against the US from opinions rather from definite tactical measures. This positions those in al-Muslimi’s village as the absolute Other that poses a threat to the US.

#### THE SIGNIFICANCE OF OMISSIONS

The exclusion and omission of specific facts and critiques in the articles is central to the process of Othering. Key to media framing are the narratives journalists choose to omit reflecting their exercise of hegemonic power. First, as readers we recognize the presence of civilians and militants among those killed by drone strikes (albeit in biased ways), however an important third face is absent: the drone operator. What mechanisms are used by drone operators in targeting and surveillance? The military slang for a targeted individual in a drone strike is “insect,” and when a victim is hit and blown apart, the bloodshed seen on screen is referred to as a “bug splat.”<sup>46</sup> As they use this language, what effect do such experiences have on their psychological and social state? If the United States government is the hegemonic power or oppressor,

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44 Ibid.

45 Bergen, “Obama’s High-Stakes Drone War in Yemen,” CNN.

46 Ahmed, *The Thistle and the Drone*, 3.

then these operators are active agents in this oppression. Why are they absent in these media narratives? Second, the discrepancy between the geographic details provided in Yemen and the details in the United States is problematic. None of the articles name the specific locations of the drone strikes nor the geographic origins of some attempted terrorist attacks. However, Bergen mentions the targeted cities in the United States, the names of targeted airline flights, and even the specific date. Such a discrepancy highlights a mechanism of invisibilizing the affected area and its people. Last, the invisibilizing of the face of the civilian practiced throughout this article is key in 'othering' them. It is important to reiterate this due to its destabilizing effects on the Muslim populations that face racism on a daily basis and the continued justification of the War on Terror. If the readers cannot connect on a personal basis with the victim, it is easier to disregard their death.

Furthermore, the articles do little to inform and provided extremely vague details such as "the policy shift includes targeting fighters whose names aren't known but who are deemed to be high-value terrorist targets or threats to the US"<sup>47</sup> Obscure discourse, as such, attempts to prevent further discussion and reshape the readers' thinking to view the government's actions as justified despite the vagueness of its actions.

## CONCLUSION

Edward Said notes that "every empire tells itself and the world that it is unlike all other empires, that its mission is not to plunder and control but to educate and liberate."<sup>48</sup> The United States has continued to frame the war on terror as a necessary endeavour for the protection of Western civilization, and in the same strain has continued globally extending its military, political, and economic dominance. Under the guise of bringing democracy and neoliberal capitalism into nation states they view as broken and under the hold of terrorism, the United States as an empire determines when its interests are threatened and in what ways to counteract. It redefines itself as a globalized sovereignty whereby borders and spatial limits are no longer meaningful restraints.<sup>49</sup> The ability of the United States government to surveil the entire population of a sovereign country and violently determine a person's fate based on presumed 'behavior' is an expression of their power as an empire. Their ability to do so without accountability is also reflective of the reach of their hegemonic power. Necessary to

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47 Entous, Gorman, and Barnes, "US Relaxes Drone Rules," Wall Street Journal.

48 Edward Said, "Blind Imperial Arrogance," Los Angeles Times, July 20, 2003, <http://lat.ms/1AyE02q>.

49 Thobani, *Exalted Subjects*, 220.



such action is the use of hegemonic discourse in media that is characterized by a process of Othering.

The discursive framing of the Yemeni Other through the categorization of casualties in a dehumanizing manner and the renegotiation and stratification of citizenship rights so as to control the Muslim Other are central mechanisms utilized by mainstream US media. The active engagement with racialized narratives presents the Other in complete opposition to the American subject. This operates in tandem with hegemonic discourse often utilized by the US government.<sup>50</sup>

This paper has examined the discursive process of Othering through mechanisms of categorization of casualties in language, and the renegotiation and stratification of citizenship rights, to consider the relationship between media discourse on the drone campaign and the relationship of said discourse to the study of politics. I presented the conclusion derived from the undertaken discourse analysis that mainstream media discourse perpetuates certain attitudes, justifications and identities (the Other) that reinforce the US hegemonic discourse. The implications of observing this mutually reinforcing relationship between media and hegemonic policy is critical for the sub-disciplines of political psychology (domestic audience costs and sympathy for drone victims), foreign policy (justification of drones and similar operations, public support for hegemony/regional security order), security studies (hegemonic stability theory and war law), political sociology (implications of the drone technology on targeted communities), and (counter-)terrorism studies (casualty identity and Othering).

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# REDEFINING OCCUPATION AND ANNEXATION: ISRAEL'S PRESENCE IN GAZA AND THE WEST BANK REAPPRAISED

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## ABSTRACT

This paper aims to address the selective interpretation of international law regarding the Israel-Palestine conflict, as well as analyzing the applicability of terms such as “occupation” and “annexation.” Through reexamining concepts of sovereignty and exploring historical narratives, this paper argues that Israel is in fact continuously occupying Gaza and has implemented a de facto annexation of the West Bank. Applying the terms “occupation” and “annexation” to the conflict therefore highlights Israel’s obligations towards maintaining human rights in Gaza and the West Bank, and delineates their legal limitations as belligerent occupiers, especially in light of the enduring nature of Israel’s occupation.

## INTRODUCTION

The continued occupation of Palestinian territory by Israel is a focal point in human rights and International law discourse. The unique legal circumstances, temporal duration, and dichotomous historical narratives of the conflict obfuscate the legitimate applicability of the Geneva Conventions and other international laws. The persistent discourse surrounding these salient human right issues has engendered highly polarizing debates and discussions, especially in light of the varying historical and legal narratives. It is these legal and historical narratives that will be examined in order to determine whether Israel’s actions in Palestine constitute an occupation, annexation, or neither. By examining these narratives within the parameters of international law, this paper will argue that Israel, despite claims to the contrary, is continuously occupying the Gaza Strip, and that its actions constitute a de facto

annexation of the West Bank. This paper will also highlight how Israel's selective interpretation of international law has afforded it the benefits of territorial control in the Gaza Strip and West Bank respectively, without accepting the humanitarian obligations such measures entail. Due to the complexity of this issue and the specificity of international law, this paper will first define the legal terminology in order to ensure a rudimentary understanding of the terms and their applicability to the Israel-Palestine conflict. This paper will be divided into three sections: the first section will address the use and nuances of relevant international legal terminology, while the second and third shall address the occupation of Gaza and the de facto annexation of the West Bank.

#### **DEFINING OCCUPATION, SOVEREIGNTY, ANNEXATION, AND HIGH CONTRACTING PARTIES**

Before examining the particular case of Israel-Palestine, one must establish a working definition of several concepts surrounded by scholarly debate:

a) Sovereignty: Sovereignty is comprised of two main factors: the concept of self-determination and the principle of jurisdiction. In international law, self-determination encompasses the essential right of a populace to select their political leadership and policies without outside coercion.<sup>1</sup> Sovereignty, then, is vested within the people, and is subsequently expressed through their selection of governing bodies. Governing bodies represent jurisdiction, the legalistic expression of the right to rule by implementing and enforcing legislature.<sup>2</sup> As such, jurisdiction implies territorial control through legal means. Sovereignty can therefore be curtailed by either (a) usurping legal authority from governing bodies and undermining their jurisdiction, and/or (b) preventing the right of self-determination.

b) Occupation: Article 42 of the 1907 Hague Regulations pertaining to military occupations asserts that an occupation has occurred when land is controlled by a belligerent army, and that "the occupation extends only to the territory where such authority has been established and can be exercised"<sup>3</sup> Although there is debate over the exact applicability of the term "occupation," the Hague Regulations' definition is currently used by the International Criminal Court of Justice and is recognized even by Israeli courts, and is therefore representative of customary international law.<sup>4</sup> According to both the Hague regulations and the Geneva Convention, an occupier has the right to "subject the population of the occupied territory to [legal] provisions,"

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1 Reisman, *Sovereignty and Human Rights*, 872.

2 Ben-Naftali, *International Humanitarian Law*, 60-61.

3 ICRC, "Occupation and International Humanitarian Law."

4 Dinstein, *Belligerent Occupation*, 5.

and as a result attain effective control of the occupied area. These legal provisions, however, pertain primarily to security concerns and maintenance of order within the occupied territory. Occupiers are directed to respect the existing laws of the country and are discouraged from taking control of civil legal matters.<sup>5</sup>

Effective control is therefore a focal point for determining the presence of an occupation: the occupying body must be capable of implementing and enforcing security directives within the territory, with their capacity for military power projection being of higher importance than any actual “legal entitlement.”<sup>6</sup> This effective control, however, is intended to be temporary in nature,<sup>7</sup> the ultimate aim being the gradual reintroduction of rights to the sovereign government of the occupied territory. The fact that effective control and authority must rest clearly with the occupier is important, yet is not to be confused with the occupier claiming sovereignty in the area. An occupation does not preclude sovereignty, and should not be seen as a termination of prior sovereign rights. Rather, it should represent a break between effective control/authority and sovereignty. During an occupation, sovereignty is understood as the desire of the people to express their right of self-determination.<sup>8</sup> This desire is manifested through the establishment of governing bodies as tangible steps towards realizing self-determination.

Yet, here is where complications arise. If sovereignty is vested within the people and requires control over an area, then how can sovereignty persist during an occupation where territorial governance is denied, or severely limited? Current international law, as expressed through both the 1974 Charter of Economic Rights and Duties of States and the General Assembly Resolution 3171, section 2, recognizes the legitimacy of an occupied peoples’ inherent right to resist their occupier. Their resistance is a manifestation of a desire for self-determination, as it highlights the fact that the occupier has claimed the territory without the volition of the territorial sovereign.<sup>9</sup>

Thus, even though self-governance in the occupied territories is limited, the fact that there is resistance to the occupying power demonstrates a desire for self-determination,<sup>10</sup> and, subsequently, sovereignty. During an occupation, sovereignty rests with the occupied people, despite territorial control being suspended.

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5 Hague Convention of 1907, IV, Section III, “Military Authority Over the Territory of the Hostile State,” Article 43.

6 Roberts, *Transformative Military Occupation*, 585.

7 Ben-Naftali, *Illegal Occupation*, 555.

8 *Ibid.*, 554.

9 *Ibid.*, 560.

10 Benvenisti, *International Law of Occupation*.

c) Annexation: Annexation is the formal, or informal, acquisition of foreign territory with the intention of either (a) incorporating it permanently or (b) disposing of it at a time of their choosing.<sup>11</sup> Annexation is distinguished from occupation in that it implies the termination of sovereignty. That is, annexation compromises the right to self-determination and negates the jurisdiction of prior governments. Annexation also nullifies the idea of territorial control, which as mentioned above is a factor in identifying sovereignty. Additionally, annexation requires effective control over a territory, as evidenced by legal and territorial control. Finally, where annexation occurs, the prior governing bodies are rendered obsolete and are replaced by a legal apparatus answerable solely to the country that perpetuated the annexation.

d) High Contracting Parties: A High Contracting Party is any group that is a signatory of a treaty or is capable of signing a treaty. As such, High Contracting parties are groups that are legally recognized as being representative of a group or of a people. The Geneva Convention stipulates that it is applicable “in all cases of declared war [...] which may arise between two or more of the High Contracting Parties,”<sup>12</sup> a High Contracting Party in this case being either a de facto or de jure representative of a group or a formalized government.

#### **HISTORICAL BACKGROUND: LAND WITHOUT PEOPLE FOR A PEOPLE WITHOUT LAND**

One of the central points of debate over the Israel-Palestine conflict rests with the differing historical and legal circumstances regarding Palestinian sovereignty prior to the Israeli occupation. Following the 1967 Six-Day War, Israel gained control of the West Bank and Gaza Strip, which had previously been under Jordanian and Egyptian jurisdictions, respectively. Israel, operating under the imperative that Judea and Samaria was their historical homeland,<sup>13</sup> refused to acknowledge that the West Bank and Gaza had previously been under sovereign control. Instead, they claimed that the territories did not constitute occupied tracts of land, but instead represented geographical boundaries that had been “liberated from foreign occupation.”<sup>14</sup> The Israeli perspective was further motivated by the notion that acknowledging prior sovereign rights to Jordan and Egypt would award them the status of lawful reversioners.<sup>15</sup> Their status as a lawful reversioner would mean that they would be legally entitled to the land, thus weakening the legitimacy of Israel’s territorial claim. The Geneva Convention is meant to be applied to all cases of land seizure by one High Contracting

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11 Kelter, Principles of International Law, 214.

12 Roberts, Prolonged Military Occupation, 64.

13 Falk and Weston, Palestinian Rights, 138-39.

14 Kretzmer, The Occupation of Justice, 6.

15 Roberts, Prolonged Military Occupation, 64.

Party against another, yet by refuting the idea that these areas were under sovereign control, Israel was able to claim that the Geneva Convention did not apply due to the absence of a prior High Contracting Party, thus denying both the possibility of previous sovereignty,<sup>16</sup> and the applicability of humanitarian provisions enshrined in the Geneva Convention.

It is important, though, to re-evaluate the concept of sovereignty in the context of a post-colonial world, as the “new” meaning of sovereignty leads to a conflict of narratives. Israel maintains that it is not a belligerent occupier of either Gaza or the West Bank, but rather an “administration” in the absence of a sovereign.<sup>17</sup> Israel assumes that there was no sovereign present to govern the land due to the absence of a recognized national government in British-mandated Palestine. However, by acknowledging that third-world sovereignty—the sovereignty of native populations in the absence of statehood—is a distinct concept from sovereignty viewed through the prism of first-world colonial powers, Israel’s claims can be challenged.<sup>18</sup>

International Law recognizes that mandated territory cannot be, “on the termination of its mandate over it, as a *res nullius* [unclaimed property], open to acquisition.”<sup>19</sup> Therefore it is feasible for sovereignty to be transferred to the local population if there is no other reversioner present. Had the territory not been partitioned as per the Balfour declaration and the UN partition plan, then it is logical to assume that the Palestinian people would have been granted the ownership of the former mandate. Indeed, the fact that there was a 90% Arab Muslim population in mandated Palestine<sup>20</sup> indicates (a) that the land already possessed a lawful reversioner in the Indigenous population and (b) their desire for self-determination. Sovereignty, then, rested with the Palestinians.<sup>21</sup>

Colonial concepts of sovereignty recognize the primacy of sovereignty of “civilized nations” over Indigenous sovereignty, yet this view is antiquated in light of current postcolonial discourse. The fact that sovereignty can also rest with a people was ignored by Israel, who did not recognize any other sovereign power in the equation. This conflicts with international consensus, which recognizes the Palestinian people as having legal rights within the territorial boundaries of Gaza and the West Bank, thereby granting them the position of the lawful reversioner of the occupied

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16 Ben-Naftali, *Illegal Occupation*, 567.  
17 Falk and Weston, *Palestinian Rights*, 138.  
18 Anghky, *Imperialism*, 6.  
19 Blum, “Missing Reversioner,” 283.  
20 Cavanaugh, *Selective Justice*, 937.  
21 Falk and Weston, *Palestinian Rights*, 153.

territories, effectively negating the claim that no sovereign entity was present.<sup>22</sup>

One can now see the importance of historic narratives: Israel's denial of occupation rests upon the theory that the entirety of former Palestine is the rightful homeland of the Israelis, and that any previously inhabited territories were, and still are, undoubtedly theirs to own. This, however, is negated by the fact that the possibility of the West Bank and Gaza reverting to Jordan and Egypt is extremely unlikely,<sup>23</sup> which thereby confers sovereignty to the Palestinians as retainers of the land in light of Israel's refusal to formally annex the territory. Moreover, the general consensus of the international community is that the Palestinian people have an undeniable right to self-governance both in Gaza and the West Bank, thus refuting the claim that Palestine cannot be occupied land on the basis of no prior sovereign entity being present.<sup>24</sup>

#### **THE CONTINUOUS OCCUPATION OF GAZA**

The continued occupation of Gaza is heavily contested by Israel, as they claim that their unilateral withdrawal from the territory in 2005 disavows control over the territory. However, while Israel may not be occupying Gaza per se, there is overwhelming evidence of a de facto occupation. Pervasive naval blockades, control of exit and entry into the strip, and strict regulations on the distribution of primary resources (food, water, energy), all support the theory that Israel has maintained effective control of the Gaza strip, despite their physical withdrawal in 2005. Some scholars and lawyers argue that effective control is only present when the occupier takes "the territory into real possession and establishes there some kind of administration," which would necessitate a physical presence in the strip.<sup>25</sup> However, this narrow view of occupation is out-dated in light of the increasing capacity of states to project military power, and the predominant use of military means to enforce directives issued by the occupying power.

Indeed, given Israel's highly advanced military capacity, power can easily be projected across international borders. The frequent military actions initiated by the Israelis against the Gazan population, such as operations Cast Lead, Pillar of Defense, and Protective Edge highlight that punishment for insurrections can be swift, devastating, and that effective control can be established without a physical presence.<sup>26</sup>

This is not an annexation, as the absence of Israeli soldiers does allow the

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22 Ben-Naftali, *Illegal Occupation*, 568.

23 Roberts, *Prolonged Military Occupation*, 79.

24 *Ibid.*, 77.

25 Kelsen, *Principles of International Law*, 214-15.

26 van Heydte, *Discovery*, 465.



population of Gaza a certain measure of self-determination and jurisdictional control. However, the democratic election of Hamas, and their subsequent inability to attain Israeli recognition as a legitimate governing party, is an example of the suspension of sovereignty as the population's right to self-determination is being denied. While this author in no way condones the actions of Hamas, the international community recognizes resistance as a legal right granted to sovereign entities.<sup>27</sup> In sum, the element of effective control of Gaza is clearly present, despite there being no "boots on the ground" to enforce Israeli directives. Israel has consequently reduced Gaza to an open air prison to which they have the key.

#### THE INFORMAL ANNEXATION OF THE WEST BANK

The West Bank, however, represents a more complicated issue. Although formally under control of the Palestinian Liberation Organisation (PLO), the West Bank remains under the jurisdiction of both Israeli civil and military courts, and is subject to military actions justifiable on the basis of Israeli security concerns. The use of civil and military courts is not unusual, as International Humanitarian Law (IHL) requires that a "belligerent occupant, upon cessation of active hostilities . . . must assume governmental function,"<sup>28</sup> which necessitates implementing laws relating to security matters and the well-being of the occupying forces. Matters of civil administration ordinarily fall to pre-existing governing bodies in order to ease friction between occupiers and the occupied. This is far from the case in the West Bank, where territory was effectively divided up into three separate zones with varying degrees of Israeli influence. Zone A, ostensibly under full PLO authority, nonetheless remains under Israeli control as the citizens are subject to "military courts which continued to exercise jurisdiction over crimes . . . committed by Palestinians," belying the notion that authority was gradually ceded to local institutions and placing effective control in the hands of Israel.<sup>29</sup>

Likewise, Israeli governance of Zones B and C (areas respectively under partial and full Israeli control) allows Israel to continuously implement security policies facilitating the construction of settlements.<sup>30</sup> Thus Israel maintains territorial control of the West Bank, and Palestinian sovereignty is, at the very least, suspended. However, this control can be seen as going even further than occupation, equating to a de facto annexation of the territory.

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27 Falk, Richard, *Weston, Palestinian Rights*, 133.

28 Gerson, *Israel, the West Bank and International Law*, 3.

29 Benevisti, *International Law of Occupation*, 239.

30 *Ibid.*, 239.

As mentioned above, an occupation is ordinarily understood as being temporary, with the expectation that legislative and administrative control would gradually be ceded to local authorities in an attempt to return occupied territories to their former state.<sup>31</sup> Traditionally this process adheres to the “One-year-after-rule”, where capacity to enforce laws or control areas of land is returned within one year. While this rule is outdated and does not bear any applicability in current occupations,<sup>32</sup> it is useful in that it draws attention to the fact that occupations inherently feature a temporal boundary as well as the possibility of increasing self-determination for the occupied.<sup>33</sup> The Israeli occupation of the West Bank is anything but temporary. Any prospect of increased self-determination is undermined by the construction of settlements, Jewish-only roads and the security wall, all of which contradict the idea that Israeli presence in the West Bank is temporary. These measures serve to carve up the West-Bank into small enclaves,<sup>34</sup> negating territorial continuity and undermining any legal jurisdictional control by the PLO. The unremitting subdivision of the West Bank into small, intermittent zones of Palestinian control “create[s] conditions too complex and illogical to make any territorial solution in the form of a partition possible,” making the emergence of a future sovereign Palestinian state highly unlikely.<sup>35</sup>

Despite Israeli claims that the wall between the West Bank and Israel is “a security rather than a political barrier, temporary rather than permanent,”<sup>36</sup> UN investigators insist that the implementation of the security wall facilitates the geopolitical expansion of Israel as well as continued settlement construction.<sup>37</sup> Indeed, the very fact that a quasi-permanent structure such as a wall was erected is considered “tantamount to de facto annexation . . . [as] construction of the wall severely impedes the exercise by the Palestinian people of its rights to self-determination.”<sup>38</sup> Israeli policies undermining Palestinian self-determination are further made evident in the continued construction of settlements. The Israeli Defense Force (IDF) security zones around the settlements subdivide the West Bank into small areas of Palestinian control, and are proof that security concerns are used to override the obligation Israel would bear as a belligerent occupier to maintain Palestinian human rights.<sup>39</sup> Despite the principle

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31 Roberts, *Prolonged Military Occupation*, 95.

32 Roberts, *Transformative Military Occupation*, 589.

33 Ben-Naftali, *Illegal Occupation*, 598.

34 Weizman, *Hollow Land*, 7.

35 *Ibid.*, 8.

36 “Exchange of Letters Between PM Sharon and President Bush.” Israel Ministry of Foreign Affairs. April 14, 2004. <http://bit.ly/10licZa>.

37 Kretzmer, *The Advisory Opinion*, 91-92.

38 ICJ, “Legal Consequences,” 5.

39 Ben-Naftali, *Illegal Occupation*, 591.

of *jus aequum*, which recognizes the importance of security concerns of the occupier, these security concerns must be proportional to the threat faced and cannot be used to justify the consistent subjugation of a people or the undermining of their rights of sovereignty.<sup>40</sup>

The permanence of these structures and measures ensures that “the resulting political geography of the OPT [Occupied Palestinian Territories] . . . would not allow the Palestinians their right to self-determination in a viable sovereign state,”<sup>41</sup> as it would undermine the geographic jurisdiction of any governing body. The obstacles to self-determination and territorial control, and the consequent unlikelihood of a viable Palestinian state emerging in the West Bank, emphasize the idea that the West Bank is subject to a *de facto* annexation in light of Israel’s unwillingness to cede control of their settlements and security zones.

Further evidence of Israel’s disregard for Palestinian sovereignty can be seen in Israel’s refusal to officially acknowledge the PLO as the lawful governing body of the Palestinians.<sup>42</sup> This refusal refutes their right to self-determination, and effectively precludes Palestinian sovereignty in the West Bank. Conversely, Israel grants voting rights to settlers in the West Bank, and enforces “a distinct legal regime applied only to the area of settlements.”<sup>43</sup> This confers sovereignty to Israel, as it maintains territorial control and its citizens may pursue self-determination through political activity, while simultaneously undermining Palestinian political expression. The application of Israeli law to West Bank land can therefore also be seen as a continuation of annexation policies.<sup>44</sup> On a non-political note, the fact that Israel diverts 83 per cent of water from aquifers located in Palestinian areas of control in the West Bank to Israeli settlements suggests a clear disregard for any Palestinian territorial control.<sup>45</sup>

Thus, to summarize, Israel has maintained full jurisdiction over an extensive amount of time without relinquishing control. Israel has encouraged large amounts of Israeli settlers to enter Palestine and has granted them sovereign rights, and Israel maintains territorial control of the area through settlements and the security wall.

These points overwhelmingly demonstrate effective control of the West Bank. Although effective control is an integral part of an occupation, what sets Israel’s

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40 Falk and Weston, *Palestinian Rights*, 146.

41 Ben-Naftali, *Illegal Occupation*, 603.

42 “Address by PM Ariel Sharon at the Fourth Herzliya Conference.” Israel Ministry of Foreign Affairs. December 18, 2003. <http://bit.ly/10licZa>; Falk, Richard, Weston; *Palestinian Rights*, 153.

43 Barak-Erez, *Israel: Security Barrier*, 551.

44 Roberts, *Transformative Military Occupation*, 584.

45 Weizman, *Hollow Land*, 19.

actions in the West Bank apart from an occupation is the simple fact that all of these “security” measures have a tangible political outcome: the effective improbability of any viable Palestinian state emerging out of the current political geography. This amounts to a termination of Palestinian sovereignty as their exercises of self-determination and jurisdictional control amount to nothing more than a pale pantomime of sovereignty. Thus, Israel has all but annexed the land, despite no formal claim of sovereignty or annexation.

## CONCLUSION

Ultimately, it is crucial to analyze the occupation through the framework of international law juxtaposed with Israeli historical and legal narratives. Although colonial concepts of sovereignty would grant Israel the right as lawful reversioner to parts of previously mandated Palestine, this paper maintains that sovereignty must be assessed through a postcolonial lens in order to determine the rightful retainer of the land. Despite there having been no previous Palestinian state, a clear desire for self-determination amongst the people indicates Palestinian sovereignty.

Thus, despite claims to the contrary, Israel was in fact an occupying power when they invaded Gaza and the West bank in 1967. Despite Israel’s withdrawal from Gaza in 2005 and the absence of a concrete Israeli military presence within Gaza’s borders, the projection of Israeli military power facilitates continuous effective control of the Gaza strip, which therefore reinforces the idea that there is in fact an occupation present. Although Israel does admit to having occupied the West Bank, the extremely limited nature of Palestinian territorial and jurisdictional control essentially undermines, if not entirely precludes, the possibility of Palestinian sovereignty. Furthermore, the construction of semi-permanent structures such as checkpoints and the security wall, and the establishment of permanent constructs like settlements and Jewish-only roads highlight Israel’s disregard for the right of the Palestinian people to self-determination. These structures, which would ultimately render political determination impossible due to a lack of continuity of Palestinian territory, serve to emphasize Israel’s de facto annexation of the West Bank.

One must also ask what the repercussions would be if Israel were found to be occupying Gaza and annexing the West Bank. According to the Geneva Convention and the Hague Regulations, humanitarian provisions must be followed during an occupation. These provisions are primarily designed to safeguard the right of civilians, while also taking into account the security requirements of an occupier. The Gaza Strip, as an occupied territory, is therefore subject to the Geneva Convention, as are all the people residing within it. Israel therefore bears an obligation to ensure

the provision of aid to civilians, as well as to prevent all forms of collective punishment towards the civilian population. Due to the densely populated nature of the Gaza strip, military actions generally carry an extremely high civilian death toll which negates principles of proportionality in security measures. Principles of proportionality generally demand that the action taken in response to threats should be proportional to the threat faced, and that military necessity cannot compromise basic human rights to safety and security.<sup>46</sup> Israel would therefore have to implement more humanitarian means in enforcing their directives in Gaza.

In regards to the West Bank, Israel's *de facto* annexation carries with it the burden of responsibility that any democracy has, namely extending equal rights to the all of its citizens. Israel does not hesitate to maintain territorial control and selectively apply Israeli laws to the benefit of its citizens, and at the expense of the Palestinians. The inclusion of the West Bank into Israel's political geography would be supported by the improbability of a Palestinian state emerging in the territory, as well as the voting rights and political influence practiced by Israeli settlers. As such, equal rights, or at the very least offers of Israeli citizenship, should be extended to the Palestinian citizens in the West Bank. However, this is unlikely to happen as Israel's commitment to maintaining its character as a Jewish state and its subsequent demand for a Jewish demographic majority would be compromised by the sudden inclusion of roughly 1.7 million primarily Muslim Palestinians. Furthermore, assuming that the West Bank is an annexed territory, the application of international human rights laws to protect ethnic groups and prevent apartheid must be observed. Indeed, international conventions demand freedom of residence and movement for all persons within a territory,<sup>47</sup> meaning that the Jewish-only settlements, Jewish-only roads, and military checkpoints would be illegal.

This highlights why Israeli opposition to formal annexation of the territory is so fervent and outspoken. By selectively interpreting international law and its application, Israel is able to keep Gaza in a legal no-man's land, while also maintaining the benefits of territorial expansion in the West Bank without the inclusion of Palestinians into the Israeli political sphere. These occupied territories must be subject to human rights provisions in order to safeguard the Palestinians, a people regularly denied the full rights and freedoms that should be enjoyed by any national group. Only by specifying the application of international law to the unique circumstances of the Israel-Palestine debate can there be any hope for an equitable and just outcome to this enduring conflict.

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46 Falk and Weston, *Palestinian Rights*, 146.

47 International Covenant on Civil and Political Rights, Article 12(1), December 16, 1966, <http://bit.ly/Jz4HwZ>.

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# CHALLENGING DEMOCRATIC GOVERNANCE: THE DIFFERENT FACES OF CORRUPTION IN COLOMBIA

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## ABSTRACT

Even though Colombia has had a longstanding democratic tradition, corruption has remained a constant feature of the nation's politics. Scholars have long focused on the topic of corruption in Latin American countries; however, light treatment has been given to the relationship between this phenomenon and the quality of democracy of a nation. This essay will explore the ways in which the persistence and transfiguration of corruption in Colombia has affected democratic governance and challenged the legitimacy of the country's "democratic" status during three different time periods: the National Front, post-National Front, and the Uribe administration.

## INTRODUCTION

Colombia, one of Latin America's "old democracies," has had a longstanding democratic tradition. However, corruption has remained a constant feature of the nation's politics, having mutated over time but not been effectively eradicated. Corruption, for the purposes of this paper is defined as the "illicit use of public office for private gains," and has impacted the quality of democracy in Colombia.<sup>1</sup> This essay will explore the ways in which the persistence and mutation of corruption in Colombia has affected democratic governance during three different time periods: the National Front (1958-1974), post-National Front (1974-2002), and the Uribe administration (2002-2010). I will argue that corruption has mutated over time and has had specific impacts on the classification and quality of democratic governance of the nation.

Distinct manifestations of corruption result in different forms of democracies,



each with their own unique set of features and complications. Figure 1 illustrates the terminology that has been assigned to describe each manifestation of corruption, the time period that it belongs to, and the interaction of each manifestation of corruption with democracy. Academic literature has long focused on corruption in countries like Colombia,<sup>2</sup> however, light treatment has been given to the legitimacy of the nation's 'longstanding democratic tradition.' I posit that it is necessary to evaluate the relationship between different forms of corruption with their respective impacts on the type and quality of democracy in order to foster a more transparent and effective governance in Colombia.

## CONTEXT

With the establishment of the National Front, a bipartisan system that severely limited political participation, a trend of Bureaucratic Clientelism emerged in Colombia. Such form of corruption led to the concentration of power into a small bureaucratic group, therefore crippling pluralism and the quality of democracy in the nation. According to Bruce M. Bagley, the National Front period became an "Inclusionary Authoritarian Regime" due to the high degree of clientelism and the semi-authoritarian political lockout suffered by the country.<sup>3</sup> The post National Front period, on the other hand, brought about an expansion of the political arena. Contrary to the well-being that is usually expected from a democratic opening, the period gave rise to a form of Narco-Corruption whereby members of organized crime (i.e. drug cartels) infiltrated into Colombian politics, the media, the justice system, and financial entities. The term "Narco-Democracy" will be employed in order to describe the permeation of illicitly funded bribery into virtually all areas of society, most importantly politics.<sup>4</sup> Finally, with Alvaro Uribe's rise to presidency in the early 2000s, a new type of democratic facade emerged: Patrimonial Corruption. In such, presidential power was reinforced (mostly through para-constitutional practices), to the point that a "Delegative Democracy" was established.<sup>5</sup> According to O'Donnell, this type of administration is particularly damaging to democratic governance as it undermines institutions, accountability and the representative nature of democracy.<sup>6</sup> While acknowledging that other factors do affect the process of democratic formation and

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2 Ibid.; Archer, "The Transition from Traditional to Broker Clientelism in Colombia," 4; Hylton, *Evil Hour in Colombia*, 52.

3 Bagley, "Colombia: National Front and Economic Development," 125-27.

4 United States, Senate Committee on Foreign Relations, *Corruption and Drugs in Colombia*.

5 O'Donnell, "Delegative Democracy."

6 Ibid., 60.

functionality, I will focus on how corruption particularly has been an integral and recurring theme in the understanding of Colombia's political democratic history.

Fareed Zakaria's definition of a liberal democracy will be used to outline the main democratic principles that should ensure an increased quality of democracy and adequate democratic governance:

A liberal democracy is a political system marked not only by free and fair elections, but also by the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion and property.<sup>7</sup>

The different forms of corruption in Colombian politics have affected, and continue to restrict, many of the democratic prerequisites outlined by Zakaria. It is essential to comprehend how corruption has mutated over the years and in turn why it has been so difficult to mitigate, in order to come up with suitable solutions to this enduring and crippling problem.

**FIGURE 1**

TIME PERIOD	TYPE OF CORRUPTION	TYPE OF DEMOCRACY
National Front (1958-1974)	Bureaucratic Clientelism	Inclusionary Authoritarian Regime
Post National Front (1974-2002)	Narco-corruption	Narco-democracy
Uribe's administration (2002-2010)	Patrimonial corruption	Delegative Democracy

**BUREAUCRATIC CORRUPTION IN NATIONAL FRONT (1958-1974)**

Colombia's transition to democracy occurred in 1958 during the "First wave of democratization,"<sup>8</sup> period in which right wing military dictatorships prevailed in most of Latin America. The National Front agreements were signed in 1958 and consisted of the sharing of power between the Liberal and Conservative parties. Such arrangements ensured the alternating occupation of presidency and parity of representation at all levels of government.<sup>9</sup> Not only did the National Front bring about an economic boom in the country due to the relative political stability it promoted, it also gave the nation international recognition as the "showpiece of democracy."<sup>10</sup> However, in spite of the apparent benefits of democratization, the rise of a bipartisan system brought about an accumulation of wealth and power to the elite classes and provoked a new trend of clientelism. The extreme concentration of political power

7 Zakaria, "The Rise of Illiberal Democracy," 22.  
 8 Huntington, *The Third Wave*, 14.  
 9 Hylton, *Evil Hour in Colombia*, 51.  
 10 *Ibid.*, 51.

and the bureaucratic corruption of the period, has led many scholars to categorize the National Front as “undemocratic” or, as an Inclusionary Authoritarian Regime.

Corruption in this period primarily manifested as “Bureaucratic Clientelism” in which partisan-bureaucrat relations were forged. The state became a machine that worked only for the interests of the common elites by appointing all government officials and posts to either liberals or conservatives.<sup>11</sup> The exclusive structure of the National Front led to the weakening of extensive clientele networks that were commonplace during La Violencia period.<sup>12</sup> Instead, more limited and fragmented networks of inter-elite negotiation were established and democratization led to an increased bureaucratization of the Colombian state.<sup>13</sup> According to John D. Martz, “the government would provide services in the best clientelistic tradition, with support flowing from the formal hierarchical structure.”<sup>14</sup> Since technocrats were essential in the state’s hierarchical pyramid, they represented potential patrons of the clientelistic network. The government’s agenda, therefore, included maintaining the bipartisan scheme while perpetuating elite power. For instance, propertied elites were offered offices in the government in exchange for their political support.<sup>15</sup> With their support, the Front’s bi-partisan system was virtually unshakeable. Clientelistic networks were set up between the bi-partisan coalition and bureaucrats, technocrats and elites of Colombian society in order to maintain the Front’s system in place and ensure party control.

Bureaucratic Corruption significantly deterred Colombian democratic governance in three ways. First, the public sector was essentially monopolized by elites who were given high positions in the national bureaucracy.<sup>16</sup> Therefore, the clientelistic networks between the bi-partisan coalition and bureaucrats (technocrats/elites) of Colombian society diminished citizens’ ability to hold public officials accountable for illicit activities. In this sense, clientelism fostered a culture of impunity in the nation. The quality of democracy was affected insofar as there was no clear

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11 Ibid., 54.

12 Period of violent civil war (1948-1958) between the Liberal and Conservative parties in Colombia. The period of “La Violencia” was triggered by the assassination of Liberal presidential candidate, Jorge Eliecer Gaitan. This political murder resulted in a ten-hour riot, known as Bogotazo, that later escalated into a ten-year civil war. The combat was mainly manifested in rural areas due to the clientele networks between peasants and politicians. The conflict resulted in displacement, extreme violence and death tolls of around 200,000 people (mostly peasants). In 1958, the National Front agreements were signed to establish a bipartisan system between Liberal and Conservative parties.

13 Archer, “The Transition from Traditional to Broker Clientelism in Colombia,” 19.

14 Martz, *The Politics of Clientelism*, 70.

15 Ibid.

16 Eisenstadt and Roniger, *Patrons, Clients and Friends*, 104.

“separation of powers”<sup>17</sup> and accountability was weak. Second, since the National Front agreement ensured political power to both parties involved, there was no real incentive to implement policies of land or wealth distribution. As a result, inequality escalated and land remained tightly concentrated amongst the high-class landowners of the nation. Third, the National Front period imposed restrictions on electoral competition and discouraged citizens from pursuing their right to vote and other forms of political participation. According to Archer, one of the consequences of the bi-partisan period was the “(intentional) demobilization of the electorate . . . due to elite fears of radical populist mobilization.”<sup>18</sup> In fact, the average rate of abstention for the four presidential periods of the National Front was above 50 percent, reaching up to 60.1 percent in the 1966 elections.<sup>19</sup> The significant restriction of popular participation during the National Front period reveals that “free and fair elections”<sup>20</sup> were not truly implemented in Colombia’s new democratic system.

According to Weyland, democratization has a dual effect on corruption. On one hand, the expansion of political players also leads to the expansion of veto players. As opposed to the limited ‘old powers’ that hold political control in an authoritarian regime, the ‘elite group’ in a democracy is composed of entrepreneurs, high-class citizens, and a wide range of politicians. Weyland argues that as more powerful individuals emerge, bureaucratic and political processes of consensus decision-making become increasingly complicated. Thus, democratization may bring about an expansion of political actors or potential corrupters. On the other hand, the establishment of a democracy is meant to enhance accountability, prevent illicit gains, and therefore, mitigate corruption.<sup>21</sup> The institution of the National Front in Colombia, however, did not yield either result because democratization did not necessarily broaden the political spectrum. As stated previously, there was a “political lockout”<sup>22</sup> because bureaucratic consensus completely dominated the public sphere. Analysing the components of Bureaucratic Clientelism can assist in further understanding government corruption and how it affects the legitimacy of ‘democratic’ regimes.

In fact, many scholars would hesitate to call the National Front regimes ‘democratic.’ Bruce Michael Bagley, for instance, employs the term Inclusionary Authoritarian Regime in order to describe the political situation at the time. These administrations are deemed authoritarian because of their “low subject mobilization,

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17 Zakaria, “The Rise of Illiberal Democracy,” 22.

18 Archer, “The Transition from Traditional to Broker Clientelism in Colombia,” 4.

19 Acevedo and Castaño, “El Frente Nacional.”

20 Zakaria, “The Rise of Illiberal Democracy,” 22.

21 Weyland, “The Politics of Corruption in Latin America.”

22 Hylton, *Evil Hour in Colombia*, 51.

restricted pluralism and executive predominance.”<sup>23</sup> However, they are inclusive insofar as they do not fully repress political participation but rather channel and control it. Indeed, the National Front period was characterized by massive popular abstentions in elections and a significant decline of political actors. Pluralism was almost non-existent due to the massive concentration of resources, property, power, and voters in the upper strata of society. According to Hylton, Colombia’s executive branch came to be fully dominated by “a committee of bourgeoisie” who were primarily concerned with developing the economy and enforcing laws that would ensure their personal wealth and power.<sup>24</sup> This is probably why the overall economic growth in the nation did not solve, but rather enhanced, inequality.<sup>25</sup> Corruption was further aggravated due to the lack of political opposition, or rather, the suppression of such. The executive branch often used its supreme power to eliminate resistance. The radical-popular movements that arose during the National Front, for instance, were criminalized and any instance of protest was condemned as subversion. Overall, the period from 1958-1974 can be seen as an Inclusionary Authoritarian Regime because it failed to provide basic democratic rights such as free and fair elections, freedom of assembly and accountability.

According to Roll and Talbott’s analysis on Political Freedom, Economic Liberty, and Prosperity: “War can result of maintaining power in too few hands.”<sup>26</sup> This was precisely the case in Colombia during the National Front period. The monopolized access to political participation by the Conservative and Liberal parties led to the rise of increased drug trafficking, cartels and organized crime which are primary to the discussion of corruption during the post-National Front period.

#### **NARCO-CORRUPTION IN POST NATIONAL FRONT PERIOD (1974-2002)**

The National Front epoch came to an end in August 7th, 1974 with the finalization of Misael Pastrana’s conservative regime. The period that followed marked a new democratic opening that both resembled and diverged from the first democratization process in 1958. While both the transition periods (1958 and 1974) were met with increased corruption, the nature of illicit activities in the latter years mutated

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23 Bagley, “Colombia,” 151.

24 Hylton, *Evil hour in Colombia*, 52.

25 According to a World Bank report on the National Front, the country underwent accelerated development and launched social reforms that led to “extreme inequality and the failure of the state to deliver goods and services.” Perhaps this also explains the formation of socialist groups who, unable to organize politically, opted for violent means (i.e. FARC, M19, ELN, EPL). See: Sanín and Guataqui, “The Colombian case: Peace-Making and Power Sharing,” 7.

26 Roll and Talbott, “Political Freedom, Economic Liberty, and Prosperity,” 75.

into a form of “Narco-Corruption.” As opposed to the pacted democracy that was established in 1958, the political opening of 1974 introduced a variety of players into the party system (i.e. *Movimiento Revolucionario Liberal*, *Union Patriotica*, *Partido Comunista Colombiano*, etc.) In fact, President Belisario Betancur (1982-86) established a new era of, what he named, “political opening.”<sup>27</sup> During this time, the expansion of democracy was meant to enhance accountability and provide solutions to some of the major problems that Colombia was experiencing, including political exclusion, unemployment, violent dispossession and lack of services, infrastructural inadequacies, and limited or poor public education. However, the “political opening” had limited success. The war on drugs became a major theme in Colombian politics and sidelined the social issues that were on the original agenda. The expansion of democratic players in 1974 resulted in increased illicit actions and actors (i.e. corrupters).

As stated previously, Weyland’s arguments on democratization and corruption do not quite explain the instances of clientelism that occurred during the National Front period due to the lack of political expansion that took place at the time. However, his insights prove to be particularly helpful in explaining how the extension of the democratic arena in 1974 made Colombian politics vulnerable to the encroachment of organized crime. Weyland asserts that a transition extends the number of actors who need to consent to decisions and thus introduces “new veto players (who) can use their influence to extract bribes.”<sup>28</sup> Since the war on drugs had become central to Colombian politics, major drug-traffickers took the place of the new veto powers (i.e. Pablo Escobar, los Ochoas, Carlos Ledher, Rodriguez Gacha). Their empowerment was so rapid that by 1982 Pablo Escobar was elected into Congress. The cartels now possessed economic, criminal, and political power in the nation.

By the early 1990s, cocaine exporters were increasingly setting the parameters for governance in Colombia as vast amounts of illicit drug trade profits were used to bribe and intimidate Colombian politicians. Weyland defines corruption as “the provision of material benefits to politicians and public officials in exchange for illicit influence over their decisions.”<sup>29</sup> This was precisely what had been occurring in Colombia during the post-National Front period. The justice system in the country virtually collapsed and around 60 percent of Congress received illicit campaign contributions in the early 1990s.<sup>30</sup> In exchange for this provision of cash, the cartels

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27 Hylton, *Evil Hour in Colombia*, 51.

28 Weyland, “The Politics of Corruption in Latin America,” 112.

29 *Ibid.*

30 Bagley, “Colombia,” 150.

expected to be able to influence key political decisions. Ernesto Samper's campaign scandal is an iconic example of how political corruption in the country came to be dominated by the mounting power of organized crime. In spite of the incontrovertible evidence proving that Samper's presidential campaign was funded by the Cali cartel, the legal investigations undertaken under "Proceso 8000" precluded Samper's conviction.<sup>31</sup> This multi-million dollar investment, the illicit distribution of offices in Congress and the deterioration of the rule of law, reveals the presence of Narco-Corruption in this period.

The cartels not only invested in political bribes, they also used their criminal and economic power to influence media, military and financial entities. Corruption soon leaked into the army, police forces and media. According to a study done by Washington's Senate Committee on Foreign Relations, 35 army officials and 130 police agents received payments in exchange for preserving impunity and illicitly selling weapons to the traffickers.<sup>32</sup> Corruption was also perpetuated by the cartels through the active persecution of journalists. For instance, the 1986 assassination of Guillermo Cano, anti-drug editor of *El Espectador*, instilled fear amongst journalists and resulted in a significant decline in free speech.<sup>33</sup> As evinced with the previous examples, the increase in narco-investment expanded the realm of corruption into new sectors that had remained relatively unaffected under the National Front's Bureaucratic Clientelism.

The term Narco-Democracy is often employed to describe the intertwining of politics and drug-trade in a country. Although controversial, the classification of the post-National Front period as a Narco Democracy can be justified through examples of major cartel involvement in the political sphere. Two major instances of state capture by drug cartels can be seen with Escobar's election to Congress (1982) and Samper's illegally funded presidential campaign in 1994. Both these instances, combined with the corruption in armed forces and communications, reveal how drug cartels were increasingly able to embed themselves in national and regional institutions. While the clientelistic corruption during the National Front mainly eroded the legitimacy of the political sector, the Narco-Corruption in the latter years permeated

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31 Cepeda Ulloa, "Origen," 303.

32 See: United States, Senate Committee on Foreign Relations, *Corruption and Drugs in Colombia*, 19. According to this report, 35 army officials and 130 police agents received payments ranging from 300,000 pesos to 1 million pesos per month in exchange for preserving impunity and illicitly selling weapons to the traffickers. The economic power of illicit traffickers was so significant that for one month of work for the cartels, a policeman made more than his annual salary.

33 Gutierrez, "U4 Document.Colombia: Overview of Corruption and Anti corruption," 7.

into many different societal institutions. The veto powers of drug trade used intimidation and economic might to control authorities, election outcomes and even constitutional articles that helped maintain their impunity.<sup>34</sup> They also infiltrated Congress and deeply compromised security by undermining the legitimacy of the armed forces and justice system in the country. Organized crime during the post-National Front period represented a fundamental risk for democratic governance in Colombia.

In sum, the opening (or re-opening) of democracy in the post-National Front period gave rise to corruption and a slanted form of government, or Narco-Democracy in which Colombian economy, political system and society were profoundly compromised by the wealth and power of the drug cartels. This period thus undermined several of Zakaria's determinants for a liberal democracy. Elections ceased to be "free and fair" due to the illicit funding of government campaigns and political bribes that took place. Moreover, "liberties of speech" and the "guarantee of constitutional protection" were deterred by the corruption that invaded armed forces and judicial systems. The case of Narco-corruption in the post-National Front period exposes some of the dangers of democratic openings and calls for an increased emphasis on strong institutions that can ensure legitimacy and enforce the rule of law in a political system.

#### **PATRIMONIAL CORRUPTION IN URIBE'S DELEGATIVE DEMOCRACY (2002-2010)**

While the post-National Front years marked the rise and, to some extent, the fall of the guerrillas and drug-traffickers, the period that followed posed new challenges to democratic governance. In the early 2000s, a mutated form of corruption— Patrimonial Corruption— emerged in Colombia. Patrimonialism is a form of governance in which "authority is based primarily on personal power exercised by the ruler, either directly or indirectly."<sup>35</sup> In this sense, patrimonial corruption consists of the practice of illicit or para-institutional activities to serve the interests and reinforce the power of a particular individual. In the case of Colombia at the beginning of the century, political decisions were no longer influenced by the "narco-elites" but were rather managed by the newly elected president. When President Alvaro Uribe rose to

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34 The 1991 Colombian constitution banned the extradition of Colombian citizens wanted for crimes committed in other countries. This meant that drug-traffickers and narco-terrorists could not be extradited to the USA and could therefore continue to bribe institutions and perpetuate their impunity. A videotape from the DEA emerged at the time, showing a drug-cartel lawyer bribing members from the National Assembly to vote against extradition.

35 Scott and Marshall, "Patrimonialism."



power in 2002, he inherited the security problems that Colombia had experienced for decades. His promise of eradicating insecurity, a pressing problem in the Post-National Front years, led him to acquire massive popular support and facilitated a turn from the nation's already struggling democratic system into a "Delegative Democracy."<sup>36</sup>

According to Guillermo O'Donnell, Delegative Democracies entitle the president to "govern as he or she sees fit."<sup>37</sup> In order to do so, presidents are often politically and institutionally isolated and take on delegative rather than representative roles. By undermining institutions and making them more vulnerable to corruption; this take on governance has a crippling effect on the quality of democracy of a nation. The weakening of institutions and Uribe's virtually unchallengeable power as a "paternal figure" permitted patrimonial corruption to permeate into this new century.

The range of actors involved in Narco-Corruption during the post-National Front period was significantly reduced with the mutation of corruption under President Uribe's administration. The Patrimonial Corruption that was occurring at the start of the 21st century aimed primarily at strengthening the supremacy of the president whilst simultaneously eroding the legitimacy of institutions or any potential source of opposition. Transparency International 2005 reports reveal that corruption was mainly political, with Colombia's parliament and political parties identified as the most corrupt institutions.<sup>38</sup> According to O'Donnell, a president in a Delegative Democracy is only constrained by a limited term of office.<sup>39</sup> Indeed, Uribe felt the need to eliminate this constraint and underwent a bribe-related process to change the terms of the article in the 1991 Colombian constitution, which set to limit presidential power by constraining the presidential term to four consecutive years. Prior to the 2006 elections, Mr. Uribe passed a constitutional referendum that would allow his re-election. It was later revealed that he bribed congresswoman Yidis Medina and congressman Teodolindo Avedaño into voting in favour of the constitutional amendment in exchange for public purse benefits. The renowned "Yidis and Teodolindo"<sup>40</sup> scandal was a clear act of Patrimonial Corruption, as it directly operated to enhance presidential power. Not only did this instance of corruption result in the re-election and reinforcement of the president's authority, it also entailed a significant decrease

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36 O'Donnell, "Delegative Democracy," 55.

37 Ibid.

38 Colombia's corruption perception index was 4.2 over 5 (5 being extremely corrupt). See: Transparency International. Democracy, 2014.

39 O'Donnell, "Delegative Democracy," 59.

40 Manuel Trujillo. "Delegative Democracy: The Case of Colombia." Council on Hemispheric Affairs. Cristian Yugsi, 28 Sept. 2007.

in Congressional accountability and legitimacy.

The increase of paramilitary powers was also a distinctive trait during this period. Uribe, determined to diminish the insecurity that FARC posed upon the Colombian society, conspired with paramilitary groups to struggle against the guerrilla forces.<sup>41</sup> Once again, this process involved the destabilization of important political institutions. Uribe publicly antagonized the Supreme Court for opposing his “law for granting pardons to thousands of right-wing paramilitaries.”<sup>42</sup> Similarly, the president was often involved in corruption scandals for collaborating with paramilitary warlords who were eventually able to undermine institutions by controlling local elections through intimidation.<sup>43</sup> According to Transparency International, the 2002 legislative elections were not “free and fair” due to the intimidation, bribing and “electoral transhumance”<sup>44</sup> promoted by paramilitary groups. Moreover, during the 2002-2010 administration, Colombia’s DAS (domestic intelligence office) was illegally spying and wiretapping journalists, judges, human rights activists and Uribe’s political opponents. These operations reveal an abuse of public office for private gains—which, again, were mainly presidential gains. The manifestations of corruption outlined above can be considered “patrimonial” in the sense that they directly undermined institutions in order to indirectly strengthen President Uribe’s influence.

Patrimonial Corruption profoundly affected the quality of democracy in Colombia. On one hand, Uribe was successful in dismantling the guerrilla groups, enhancing economic growth, lowering kidnapping rates and improving overall security in the country. On the other hand, his Delegative administration weakened institutions and therefore devastated democratic governance and accountability. The lack of horizontal accountability<sup>45</sup> only ensured short-term results because, as Trujillo asserts, “institutions are permanent while individuals are not.”<sup>46</sup> Patrimonial corruption eventually weakened crucial institutions such as courts, Congress, and political parties, therefore affecting Colombian democracy in the long run. This period was also marked by the emergence of paramilitaries in politics, vote-rigging and para-institutionalism. The armed conflict hindered democratic participation in rural areas, where

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41 Gutierrez, “U4 Document.Colombia: Overview of Corruption and Anti corruption.”

42 Ibid.

43 “Closer and Closer to the Top.” The Economist. The Economist Newspaper, 29 July 2011.

44 “The transportation of voters to a new district dodging the electoral registry.” Transparency international

45 “Horizontal accountability refers to the networks of agencies that serve as checks and balances to presidential power”

46 Trujillo, “Delegative Democracy: The Case of Colombia,” 2007.

para-militaries filled power vacuums and deterred the rule of law. These events depict the lack of state control over army and institutionalized military forces. Undeniably, other kinds of corruption did occur during this time (i.e. clientelism, organized crime and Bureaucratic Corruption are still common) however, the trend of patrimonialism stood out during this particular period. The organized crime that afflicted the nation in the post-National Front epoch probably assisted in the mutation from a Narco-Democracy into a Delegative Democracy. According to O'Donnell, a high "degree of severity of socioeconomic problems" in a nation are necessary for a "paternalistic leader" to arise. In the case of Colombia, violence, drug-trade, "politiquería" and Narco-Corruption were issues that called for an urgent resolution. President Uribe commenced his governance determined to bring an end to these issues; but through his engagement in Patrimonial Corruption, he ultimately left the nation in a weak democratic state.

## CONCLUSION

In conclusion, corruption has been a constant feature of Colombian politics due to the lack of reliable institutions, the concentration of powers and the problems of violence, insecurity and organized crime that have prevailed throughout the nation's history. The political illegitimacy of the National Front years are crucial to understanding the development of Bureaucratic Clientelism in Colombia. To a large extent, the concentration of powers—inherent to the bipartisan nature of the regime—resulted in an elite-government clientele system that overpowered the executive branch while undermining pluralism and electoral mobilization. This popular exclusion inevitably led to the formation of revolutionary guerrilla groups in the 1960s (i.e. FARC). Threatened by these groups, self-defense units or paramilitaries emerged as well. Simultaneously, the narcotics business was exponentially growing and posing a new threat to democratic governance. Narco-Corruption—fostered by the economic, military and eventual political might of drug cartels—permeated into a large range of public institutions ranging from high level (Congress) to low-level (media, police and financial) entities. Consequently, Colombia began to be seen as a "failed state" that could only be saved with the firm hand of a paternalistic figure. President Alvaro Uribe was elected as the "embodiment of the nation" who could stand above all institutions.<sup>47</sup> The serious destabilization of institutions in this Delegative Democracy advanced Patrimonial Corruption to the extent that it challenged some of the most sacred political structures and even compromised Colombia's Constitution.

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47 O'Donnell, "Delegative democracy," 60.

Understanding the conditions surrounding Colombia's historically plagued "democratic" governance is crucial in working to mitigate current and future political corruption. By analysing the trends of corruption in Colombia it then becomes possible to target the various causes and consequent measures necessary to diminish this phenomenon at all levels of society. In order to tackle the culture of corruption, the denunciation of Petty Corruption must become a habit. It is also vital to mitigate social inequalities and provide leverage and voice to Colombians by investing in high-quality education, health and nutrition. Most importantly, institutions, rather than individuals or parties should be empowered. It is stable and enduring institutions that best facilitate governmental accountability, and increased accountability fosters more transparent and receptive democratic representatives.

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# LEGITIMACY–EFFICACY: A MISLEADING DICHOTOMY?

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## ABSTRACT

In discussions of democratization and peace-building, legitimacy and efficacy are often described as trade-offs. This paper challenges that assumption, arguing that legitimacy and efficacy have a more complex relationship than is often acknowledged in the democratization literature. Drawing on Anna K. Jarstad's analysis of the interactions of democratization and peacebuilding, this paper argues that legitimacy and efficacy can both contradict and reinforce each other in different arenas. By extending Jarstad's framework to the analysis of legitimacy and efficacy, this paper aims to encourage a more nuanced understanding of the relationship between these outcomes in the literature.

## INTRODUCTION

Democratization is a contentious subject, and this complexity is exacerbated in contexts of conflict or economic crisis. Democratization as a sub-discipline of political science has enjoyed increasing popularity since the end of the Cold War, and has attempted to respond to dilemmas such as defining and describing democracy, and examining the conditions under which democracies are most likely to arise, be sustained, or collapse.<sup>1</sup> The field has also explored debates regarding the role of resources such as oil in the development of democracy, as well as the effect of culture, ethnic conflict, and religion on democratization.<sup>2</sup> Despite the success of the democratization literature in elucidating causal mechanisms, which may contribute to regime change, the literature has also been plagued by numerous assumptions. One common criticism of the field of democratization is that it tends to assume democracy as the ideal

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1 See: Tilly, "What is Democracy?"; Dahl, Polyarchy; Linz and Stepan, The Breakdown of Democratic Regimes.

2 See, for example: Gurses, "States-sponsored Development, Oil, and Democratization"; Subramaniam, "The Asian Values Debate"; Varshney, "Ethnic Conflict and Civil Society."

regime type;<sup>3</sup> furthermore, the literature often describes democratization as a linear process that necessarily ends in democracy.<sup>4</sup>

Another failure of the democratization literature is its assumption that democratization and peacebuilding complement each other. Anna K. Jarstad introduces an explicit separation in the processes of democratization and peacebuilding. This framework deepens the scope of our understanding of the interactions between these phenomena, opening space for analysis of the complicated ways in which they both reinforce and contradict each other in different arenas.<sup>5</sup> She posits that democratization and peacebuilding are not necessarily complementary, and may even conflict with one another in certain contexts. In order to explicate this understanding of democratization and peacebuilding, she develops the concepts of legitimacy and efficacy as trade-offs which underlie normative dilemmas of the democratization process.

This paper borrows Jarstad's framework for describing the interactions between democratization and peacebuilding and applies it to the concepts of legitimacy and efficacy. Relying on this framework, this paper will posit that legitimacy and efficacy do not necessarily represent dichotomous outcomes, and may reinforce each other in certain contexts. It is beyond the scope of this paper to determine those particular contexts, only to argue the possibility of non-dichotomous outcomes. Specifically, this paper will problematize the treatments of these concepts as opposite ends of a continuum by examining the myriad complex ways in which legitimacy and efficacy in the context of democratization and peacebuilding can simultaneously complement and be detrimental to each other. Although authors such as Jarstad and Roland Paris often treat legitimacy and efficacy as necessary trade-offs,<sup>6</sup> legitimacy and efficacy are less negatively reinforcing than they initially appear.

The application of Jarstad's theoretical framework to the legitimacy-efficacy trade-off is theoretically plausible. It is the intention of this paper to introduce a modest empirical test of this theoretical framework, by introducing the case of post-communist European states where legitimacy and efficacy are observed to interact in mutually reinforcing ways. This paper will also briefly examine the cases of civil society groups in Mexico and ethnic conflict in Myanmar as supporting examples of interactions

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3 This assumption is commonly referred to by critics as the "Transition Paradigm." See: Carothers, "The End of the Transition Paradigm." See also: Snyder, "Beyond Electoral Authoritarianism," for a critique of the Transition Paradigm, and more generally, the many baseless assumptions made in the democratization literature.

4 See: Joshua Kurlantzick, *Democracy in Retreat*, for a recent empirical undertaking depicting a trend of retreating democracy, both in terms of quantity and quality.

5 Jarstad, "Dilemmas of War-to-Democracy Transitions."

6 *Ibid.*; Paris, "Bringing the Leviathan Back in."

between legitimacy and efficacy that are not predicted by Jarstad's interpretation of these outcomes as trade-offs. It is beyond the scope of this paper to evaluate these cases with greater detail, or to examine a greater number of cases. The limitation of this is that the empirical test is modest to the point that the hypothesis can be confirmed with a low level of theoretical certainty. Nonetheless, the implication of this paper is that it provides a sufficient prompt necessitating further inquiry. Highlighting a theoretically plausible framework coupled with the introduction of empirically observable cases provides a glimpse into a part of the literature that is neglected, and merits attention so that it can contribute to deepening the scope of the conversation on democratization.

Jarstad's primary argument is that peacebuilding and democratization can be complementary, but are just as likely to conflict or undermine each other. In order to explore this thesis, she provides a framework through which to discuss the processes of peacebuilding as separate but interacting processes. She defines peacebuilding as "efforts to implement and consolidate violent peace agreements," while democratization is defined as "the process of opening up political space, including improvements regarding contestation, participation, and human rights."<sup>7</sup> She argues that while peacebuilding and democratization may complement each other, they are separate processes which are just as likely to conflict.<sup>8</sup> Furthermore, she claims that when these two goals conflict, peacebuilding should have priority over moves towards democracy.<sup>9</sup> She illustrates this argument with the example of elections, for which "a minimal level of security is important before [they] take place."<sup>10</sup> Ongoing violence, or a broadly felt sense of insecurity, will necessarily undermine any democratization process by intimidating potential voters and preventing threatened candidates from running for office. This can lead citizens to perceive that the process of democratization is illegitimate because it is only available to elites or those with access to means of violent coercion. This concern is echoed by other theorists, who argue that stable, legitimate institutions are essential to the peacebuilding process and must be put in place before democratization can begin.<sup>11</sup>

Jarstad's description of democratization and peacebuilding as two separate but interacting processes is illuminating, but she fails to apply this analysis to two other concepts which are essential to her understanding of peacebuilding and

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7 Jarstad, "Dilemmas," 17.

8 Ibid.

9 Ibid., 26.

10 Ibid., 35.

11 See, for example: Kapstein and Converse, "Why Democracies Fail."



democratization: legitimacy and efficacy. By legitimacy, Jarstad refers to the popular acceptance of authority, tied in the peacebuilding literature to meaningful opportunities for citizen participation and inclusion.<sup>12</sup> Efficacy is a more difficult concept to pin down, though it generally refers to state capacity, or the ability of the state to produce desired outcomes.<sup>13</sup> Rather than conceiving of efficacy and legitimacy as tradeoffs, it is more useful for a detailed academic analysis of the processes of peacebuilding and democratization to imagine efficacy and legitimacy as two separate but desirable outcomes of these processes, which may or may not be complementary. This allows for a more complete understanding of the way these outcomes can interact in different contexts.

Jarstad recognizes that while in many situations “democracy and peace reinforce each other . . . [the] road to democracy is often conflict-ridden.”<sup>14</sup> Her analysis is illuminating because it allows the reader a more nuanced understanding of democratization and peacebuilding. However, in seeing legitimacy and efficacy as incompatible, she fails to make a similarly complex analysis of the roles of legitimacy and efficacy in these processes. Jarstad accuses those who see democratization and peacebuilding as “parallel and mutually beneficial processes” of “wishful thinking,” but seems to commit a similar mistake herself in her examination of the legitimacy-efficacy dichotomy.<sup>15</sup> It seems more accurate to argue that, like democratization and peacebuilding, legitimacy and efficacy are “separate but interacting processes,” that may either reinforce or undermine each other in different contexts.<sup>16</sup>

Jarstad divides the problems she sees in transitions from war to democracy into categories, which she labels the vertical, horizontal, systemic, and temporal dilemmas. She refers specifically to the vertical dilemma as the struggle between legitimacy and efficacy; that is, “the relation between elite and mass politics.”<sup>17</sup> However, to some degree, all four of her dilemmas can be characterized as different manifestations of the legitimacy versus efficacy question. The vertical dilemma is the question of whether the political legitimacy offered by mass participation in the decision making and institution building processes, possibly through early elections or referenda, is more important than the efficacy offered by restricted participation to a select group of elites who will find it easier to reach quick compromises or consensus. Jarstad’s horizontal dilemma is very similar to the vertical dilemma. Jarstad refers to the broader

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12 Roberts, “Post-Conflict Peacebuilding,” 413.

13 Boehmer, “The Effects of Economic Crisis,” 778.

14 Jarstad, “Dilemmas,” 19.

15 *Ibid.*

16 *Ibid.*, 17.

17 *Ibid.*, 23.

inclusion of different groups in the peacemaking process. That is, should smaller rebel groups be allowed to participate in the forming of a peace agreement? Another actor that is often excluded from this process is civil society, which Jarstad argues “leads to an uneven start for parties in the democratization process.”<sup>18</sup> Like the vertical dilemma, this can also be seen as a legitimacy-efficacy problem. Arguably, the more groups that participate in the peacemaking process, the more legitimate that process will appear. On the other hand, less groups will be more able to act efficiently and effectively to resolve the conflict. This echoes the vertical dilemma, but plays out on a different level.

Jarstad’s systemic and temporal dilemmas are similarly related to the question of legitimacy and efficacy. The systemic dilemma is described by Jarstad as “the issue of ownership, that is of international versus local control of the processes of democratization and peacebuilding.”<sup>19</sup> In post-conflict situations moderate groups are often “lacking or marginalized,” leaving few local groups to spearhead the democratization process.<sup>20</sup> Jarstad argues that international involvement is important in the creation or enhancement of moderate groups to encourage these groups to participate in the democratic process in order to prevent anti-democratic radical groups from hijacking it. However, too much international involvement, or international involvement that does not include local groups, can sharply undermine the legitimacy of the new democracy and the peace agreement in the eyes of locals who feel excluded from the creation of democratic institutions.<sup>21</sup> The temporal dilemma is the trade off between long term and short term outcomes.<sup>22</sup> For example, holding elections immediately after a peace agreement has been signed may increase the appearance of legitimacy in the short term, by allowing for broader political participation, but undermine it in the long term, as the elections may be targeted by violent groups who have not yet been made party to the democratic process, making participation for both voters and candidates difficult and potentially dangerous.

Although Jarstad’s four dilemmas are both comprehensive and illuminating, the way she frames legitimacy and efficacy as competing goals of the processes of democratization and peacebuilding ultimately obscures the complexity of the possible interactions between legitimacy and efficacy as outcomes of these processes. Joel Hellman’s analysis of post-communist economic reform outlines a situation in which

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18        *Ibid.*

19        *Ibid.*, 21.

20        *Ibid.*, 24.

21        Grimm and Merkel, “War and Democratization,” 463.

22        Jarstad, “Dilemmas,” 25.

Jarstad's understanding of legitimacy and efficacy as tradeoffs is shown to be inaccurate.<sup>23</sup> Hellman refutes some scholars' assertion that economic reform creates a small group of "losers"—those who previously benefited from the highly regulated economic system prior to reform and have an incentive to organize collectively against reform. Proponents of this view "emphasize the benefits of insulating reform governments from the pressures of the losers."<sup>24</sup> However, Hellman's examination of the democratization processes of the eastern European countries after the collapse of the Soviet Union reveals that the transitional period in these countries did not conform to this description of economic reform. Rather, those who benefited from the initial reforms, often a small group of elites with the opportunity to exploit imbalances in a changing economic system, will then block further reform in order to retain their new, privileged positions.<sup>25</sup> This has the unfortunate side effect of sharply increasing economic inequality, as these elites, or winners, of initial reforms make enormous financial gains at the expense of others who are less able to quickly adapt to the changing system.<sup>26</sup> Therefore, Hellman argues, it is essential not to insulate the government from the pressures of losers but to allow and encourage losers' input in the reform process, preventing elites from blocking further reforms and minimizing the inequality which results from the first stages of economic reform.

Hellman's description of the process of reform in the Eastern European post-communist countries provides an example of a transition which does not conform to Jarstad's predictions of a legitimacy efficacy tradeoff. To reframe Hellman's argument on economic reform in terms of legitimacy and efficacy, it is not a question of postponing democratic legitimacy in order to achieve efficacy, which in this case is the ability to implement economic reforms effectively. Rather, it entails working towards democratic legitimacy in order to gain the broad based support necessary to insulate those reforms from the pressures of elites.<sup>27</sup> In the case of economic reform in post-communist states, it would appear from Hellman's findings that efficacy and legitimacy are not at all in opposition; in fact, democratic legitimacy is even necessary in order to effectively implement economic reform and ensure that anti-democratic forces don't undermine these reforms.

Of course, it may not always be the case the legitimacy and efficacy complement each other. In some situations, such as Jarstad's example of international involvement

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23 Hellman, "Winners Take All."  
24 *Ibid.*, 208.  
25 *Ibid.*, 228.  
26 *Ibid.*, 224.  
27 *Ibid.*, 225.

that can compromise the legitimacy of new democracies in the short term while ensuring their efficacy and stability, they do seem to be in opposition.<sup>28</sup> Another possible example of such a case might arise in severely ethnically fragmented states in the decision of which minorities to include in the peacebuilding process. Broader inclusion will lead to greater legitimacy, and likely greater stability and security in the long term also, as excluded minorities would likely challenge the legitimacy of any final agreement and refuse to comply with its terms; however, in states where there are myriad small ethnic and religious groups, including representatives from each of them in the peacebuilding process, broader inclusion may simply be impractical and inefficient. For example, democratization and peacebuilding processes in Myanmar have struggled to accommodate the multiple ethnic groups with longstanding histories of conflict.<sup>29</sup> Given the number of ethnic groups involved in the civil war, a process which is truly inclusive—and thus legitimate—would seriously compromise the efficacy of the new government. However, any process which fails to do so will be unable to gain the support of the many factions involved in the conflict in Myanmar. Jarstad is quick to recognize this side of the legitimacy-efficacy dilemma, but fails to see that these two outcomes are just as likely to be complementary as in opposition, which leads her to see these concepts as necessarily tradeoffs, rather than in a more complex, dynamic relationship.

In fact, the complementary aspect of the legitimacy-efficacy relationship is far more important than Jarstad acknowledges. Hellman's example of economic reform is certainly not the only context in which increased legitimacy serves to reinforce, rather than detract from, efficacy. For example, international involvement in the democratization process that includes local groups in its work would not only contribute to the efficacy of the move towards democracy, but also its legitimacy. International actors could potentially monitor eventual elections, contribute to the development of civil society and democratic institutions, and other activities that tend to build democratic legitimacy rather than take away from it. In Mexico, international support offered to domestic civil society groups has provided essential resources and technical knowledge to enable their success. Sharon F. Lean cites one such group, *Alianza Cívica*, as an example of this success, as it has been an important participant in election monitoring and political mobilization.<sup>30</sup> Jarstad's view of international involvement as contributing to efficacy but detracting from legitimacy fails to take into account

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28 Jarstad, "Dilemmas," 24.

29 Pederson, "Burma's Ethnic Minorities"; Heikkilä-Horn, "Imagining Burma."

30 Lean, "Democracy Assistance to Domestic Election Monitoring Organizations," 300.

the different ways international actors can contribute to democratic legitimacy by enabling local groups to participate more fully in the democratization process.

In her determination to counter overly optimistic approaches to democratization and peacebuilding, Jarstad is too quick to see the contexts in which legitimacy and efficacy are incompatible, while failing to recognize that in many instances, they can be in fact be mutually reinforcing. By seeing legitimacy and efficacy as Jarstad sees democratization and peacebuilding, as “separate but interacting processes”<sup>31</sup> which may undermine or support each other, it is easier to understand the complexities of the relationship between these two aspects of democratization. Relying on Jarstad’s framework for understanding the interactions between democratization and peacebuilding, this paper has developed a similar framework for examining the relationship between legitimacy and efficacy, presenting it as more complex and intertwined than is naively assumed by the democratization literature. Through the cases of economic reform in post-communist states in Eastern Europe, civil society groups in Mexico, and ethnic conflict in Myanmar, this paper has shown that legitimacy and efficacy are not always tradeoffs. Rather, they interact in a much more complex manner, serving to both reinforce and undermine each other in different contexts.

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31 Jarstad, “Dilemmas,” 17.

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# INDIGENOUS RESISTANCE AND IMAGINING BEYOND CAPITALISM: REFLECTIONS FROM BURNABY MOUNTAIN

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## ABSTRACT

Drawing from critical research on Indigenous direct action by Dene scholar Glen Coulthard, Ngati Awa and Ngati Porou scholar Linda Tuhiwai Smith, and Anishnaabe feminist Leanne Simpson, this paper examines the tensions that arose between Indigenous and non-Indigenous protesters on Burnaby Mountain in the fall of 2014. Intertwining Smith's concept of a "language of possibility" with Coulthard's anti-capitalist insights on Indigenous social movements, this paper frames these tensions as emerging out of the failure of settler discourses of "climate change" to imagine beyond capitalism. Thus, these discourses fail to support and understand Indigenous-led resistance. Through a reflection on the Burnaby Mountain direct action in conversation with the above-noted scholars, this paper offers a nuanced understanding of how settlers can engage with Indigenous-led resistance movements.

## INTRODUCTION

On the 13th of September 2014, Texan energy giant Kinder Morgan illegally felled thirteen trees on unceded Coast Salish land in the middle of what is known as Burnaby Mountain,<sup>1</sup> preparing to survey the land for a new pipeline project. If built, this pipeline would direct an additional 900,000 tonnes of undiluted bitumen shipped from the Alberta tar sands into tanker ships bound for China each year. Kinder Morgan's action led a group of Indigenous and non-Indigenous activists to begin living

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1 The mountain is located on the shared territories of the Sḏwxwú7mesh (Squamish), xḏmḏḏkwḏyḏm (Musqueam), and Sḏl'ílwḏta (Tsleil-Waututh) peoples.

on the land in the effort to stop the surveying work—activists who became known as the Caretakers of Burnaby Mountain. The Caretakers executed a variety of traditional blockading techniques, including the establishment of a campsite directly on Kinder Morgan’s proposed drilling site.

In this paper, I will use my experiences standing in solidarity with the Caretakers on Burnaby Mountain to explore the ways in which the subaltern/Indigenous subject’s conceptualizations of struggle differ from and collide with those of the privileged/settler subject. Exploring these tensions through a reflection on lived experience is itself an effort to unsettle Western concepts of academic objectivity, which, as Anishnaabe feminist Leanne Simpson writes, have “failed to recognize the broader contextualizations of resistance within Indigenous thought.”<sup>2</sup> I will also be putting my experiences in conversation with the work of Dene scholar Glen Coulthard and Ngati Awa and Ngati Porou scholar Linda Tuhiwai Smith. These Indigenous scholars, although writing from different contexts, are both leaders in their respective fields. Coulthard offers an in-depth, anti-colonial critique of the ways in which the recognition-based politics of the present reinforce colonial distributions of power in the relations between the Canadian settler state and Indigenous nations across Turtle Island. His criticism of recognition politics is a necessary point of access to discussions of Indigenous-led direct action on these territories, and the ways they intersect with state initiatives such as reconciliation and land claims. As well, Linda Tuhiwai Smith’s contributions on Indigenous methodologies provide both Indigenous and non-Indigenous scholars and activists with an anti-colonial framework that avoids reinforcing harmful colonial narratives. It seems prudent to foreground this discussion of anti-colonial struggles by establishing my position as a settler on these territories, and acknowledging that the journey toward solidarity with Indigenous action is one of consistent unlearning and decolonizing.

Burnaby Mountain is an anomaly in terms of recent Indigenous land defense sites, due to its accessibility and urban setting. Unlike blockades in the North such as Unist’ot’en or the Sacred Headwaters, Indigenous-led direct action in urban settings is readily accessible to the settler subject. Although settlers are active in the Northern blockades, they are generally committed to the principles of decolonization and Indigenous-led resistance upon which these blockades are founded, as opposed to the “climate change” narrative which began to take precedence on Burnaby Mountain as the action intensified. The varied motivations for action on Burnaby Mountain presented both discursive and material tensions, evident in the mainstream



media's coverage of Burnaby Mountain. Though the initial grassroots actions had been anti-colonial and geared toward exercising the Indigenous sovereignty that had been overlooked and ignored by the National Energy Board (a federal tribunal), and Kinder Morgan, this rapidly changed.<sup>3</sup> As media coverage framing the direct action as a climate change struggle increased, more climate change protesters arrived, and Burnaby Mountain quickly became a site of competing narratives. Indigenous understandings were pushed to the sidelines and the narratives of settler environmental activists took precedence.

In *Decolonizing Methodologies*, Linda Tuhiwai Smith suggests that decolonization for the Indigenous subject requires imagining beyond hegemonic structures—a “language of possibility.”<sup>4</sup> While Smith's discussion focuses primarily on the implications of research concerning Indigenous peoples, offering an anti-colonial Indigenous methodology, it can also be read as a guide for how to engage in solidarity with Indigenous-led resistance movements. Smith describes “language of possibility” as “a language that can be controlled by those who have possession of it.”<sup>5</sup> For the Indigenous subject, this degree of control is only possible outside of the colonial framework, and the “language of possibility” is a tool for imagining what that alternative framework could look like. Indigenous peoples' rightful title to and relationship with land is an essential example of this imagining-beyond-state, acknowledging that the state asserts its own colonial and capitalist concepts of sovereignty over these same lands. In any case, the conversation of Indigenous land title is itself structured around the colonial imaginary of land as property, while Indigenous ways of knowing have a more complex approach to understanding land as relationship.<sup>6</sup> Thus, it is useful to connect Smith's point about the power and importance of thinking outside of colonial frameworks to Glen Coulthard's discussions on moving beyond the colonial framework of recognition-based Indigenous sovereignty politics. Coulthard argues that one of the most foundational principles of Indigenous resurgence is a complete rejection of capitalism, as capitalism and colonialism are inherently intertwined.<sup>7</sup> We can thus conclude that an anti-colonial language of possibility must seek to imagine

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3 skwxwú7mesh elder Sut-Lut spoke on Burnaby Mountain on November 17, 2014: “They need consent of the skwxwú7mesh people. This is our ancestral boundaries here and this is why I can come and defend, as a guardian of the land and sea, to say: ‘you need our consent to do such things.’” See: StopKinderMorgan video, “Sut-lut speaks at the Sacred Fire,” 1:08, <http://bit.ly/11OgmRS>.

4 Smith, *Decolonizing Methodologies*, 204.

5 *Ibid.*, 205.

6 Harsha Walia, “‘Land is a Relationship’: In Conversation with Glen Coulthard on Indigenous Nationhood,” *Rabble*, January 21, 2015, <http://bit.ly/1DqMjLO>.

7 Coulthard, *Red Skin, White Masks*, 170.

beyond capitalism.

Understanding the “language of possibility” as the foundation upon which Indigenous direct action is built, we can better understand the ways in which Indigenous direct action is restrained within urban space. On Burnaby Mountain, the discursive tensions became salient following the enforcement of a court-ordered injunction. Prior to the injunction, the camp was relatively peaceful—evenings were spent around a sacred fire started by a Sḵwx̱wú7mesh Elder, where Indigenous activists and settlers alike engaged in conversations around decolonization, sovereignty, and Indigenous ways of knowing. On the 20th of November, however, the RCMP began enforcing the injunction to force protesters to vacate Kinder Morgan’s proposed worksites.<sup>8</sup> In anticipation of this police response, the Caretakers engaged in multiple direct actions including soft blockading, lockdowns, and a five-day tree sit. Most of these ended in arrests, some of which were violent. The police then set up an exclusion zone and closed the main road to traffic.

The establishment of the RCMP exclusion zone on Burnaby Mountain catalyzed an enormous shift in the demographic of the protesters, drastically increasing the number of people present on the mountain. Prior to the injunction, the explicitly anti-colonial mandate of the blockade had attracted Indigenous and settler individuals who accepted the Indigenous-led, resurgent model. The Caretakers and their supporters were imagining beyond capitalism and colonialism, their mandate iterated in the “system change, not climate change” banner positioned at the camp’s entry. Drawn to Burnaby Mountain by the extensive mainstream media coverage, the newly mobilized protesters were generally white, middle-class, property-owning Burnaby residents, with liberal politics and the threat of “climate change” on their minds. The protesters were quickly divided between those with so-called radical actions and ideas (the Caretakers and their supporters) and the newly mobilized troupe of middle-aged white people. We saw these groups attempt to drown each other out, with the Caretakers and their allies shouting “no pipelines on stolen Native land” as the privileged group of protesters sang “Oh, Canada!” and began a chain of voluntary arrests.<sup>9</sup>

Smith acknowledges the limitations of struggle, arguing that it often has “privileged patriarchy and sexism,” suggesting that struggle itself can become a “blunt tool” that simply reinforces—rather than imagines beyond—hegemonic structures.<sup>10</sup>

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8 “First Nations Vow to Stand with Protesters as Kinder Morgan Starts Work on Burnaby Mountain,” Red Power Media, November 21, 2014, <http://bit.ly/1E4bypa>.

9 Burnaby Mountain Updates video, “‘O Canada’ followed by ‘No Pipelines on Stollen Native Land,’” November 23, 2014, <http://on.fb.me/1Guytxp>.

10 Smith, *Decolonizing Methodologies*, 199-200.

Smith argues that struggle framed within these oppressive, hegemonic structures has no chance of delivering actual social change.<sup>11</sup> The newly mobilized climate change activists on the mountain insisted on framing their actions through the language of hegemonic state structures rather than employing a language of possibility: they understood their voluntary arrests as exercising their right to civil disobedience as citizens of Canada. As such, the white settler activists were able to frame their actions as a principled effort to uphold the ideal Western conception of state-citizen relationships. Their ability to do this hinged on the fact that the settler-colonial state continually benefits them.<sup>12</sup> Tactics that were framed through the language of citizenship were represented as “morally legitimate” in the efforts to defend against Kinder Morgan’s proposed resource extraction. Climate change activist Lynne Quarmby’s pre-arrest speech frames her willing arrest as being “in full respect of the rule of law . . . with [the] serious responsibility [of] being a citizen in this country.”<sup>13</sup> This discourse of responsible citizenry was in stark contrast to tactics that arose from a language of possibility and an imagining beyond the state, in the efforts to defend Indigenous land and sovereignty.

Musqueam activist Audrey Siegl spoke about the long history of Indigenous resistance movements, stating “I will not back down and be ordered by a system that has never represented me, to stop me from protecting what my ancestors worked so hard to keep in good condition for all of the future generations.”<sup>14</sup> Simultaneously, settler activist Brigitte DePape framed her participation in the struggle as “part of a deeper systemic problem . . . which recognizes the title of Indigenous peoples to their land and Indigenous rights.”<sup>15</sup> Rejecting the civil disobedience discourse, the Indigenous land defenders and their allies on the mountain understood state institutions, in any form, as sites of further colonial oppression. Their tactics—such as blockading and tree-sits—were constructed as “morally illegitimate” due to their disruptive, extralegal character.<sup>16</sup> Here, we see Coulthard’s “discursive restraint” at play: tension arises between competing methods of action because of the restraints placed on what is

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11 Ibid., 200.

12 While, in contrast, it continually dispossesses Indigenous peoples and territories.

13 Mychaylo Prystupa and Jenny Uechi, “SFU Scientist Lynne Quarmby Arrested in Kinder Morgan Protest,” Vancouver Observer, November 21, 2014, <http://bit.ly/1F9SvIr>.

14 Burnaby Pipeline Watch video, “Women Leading the Way on Burnaby Mountain,” November 27, 2014, 2:25, <http://bit.ly/1ykSPTs>.

15 Burnaby Pipeline Watch video, “Rally to Stop Kinder Morgan Part 7: Brigitte DePape and music with Glen Loft,” September 14, 2014, 5:45, <http://bit.ly/1wS83Tf>.

16 Coulthard, *Red Skin, White Masks*, 166.

considered morally il/legitimate.<sup>17</sup> Subsequently, restraints were placed on further mobilization: proposals for additional direct actions such as lockdowns and blockades were dismissed as overly aggressive, “militant, threatening, disruptive, and violent.”<sup>18</sup>

Why was this discursive tension of struggle so accelerated on Burnaby Mountain compared to land blockades in the north such as Unist’ot’en? I argue that this was primarily an issue of geographical space – the (white, property-owning) environmental activists came to the mountain with a sense of excitement and possibility for the so-called ‘edge’ of political organizing. Because of the extensive media coverage, they were attracted to the protest, yet upon arrival the majority found it to be threatening. To counter this discomfort, the environmentally-motivated settler protesters reframed the struggle within state-centric terms, positioning themselves as distinct from those who conceptualized the protest as part of a broader struggle against the colonial system. Coulthard offers the important point that disruptive direct actions taken up by “the mainstream labour movement . . . [such as] the withdrawal of teaching, transit, and health-care services to full-blown strike activity” are not subject to intense scrutiny and criticism by mainstream media, while Indigenous resistance actions and movements inevitably are.<sup>19</sup> This is because Indigenous direct actions are specifically threatening to the settler-colonial state: the use of blockades “seek[s] to have a negative impact on the economic infrastructure that is core to the colonial accumulation of capital.”<sup>20</sup> The actions of most climate change protesters, on the other hand, do not question capitalism. On the contrary, the language of many of these protesters relies on the promotion of so-called green energy as more economically dependable than oil, rather than the outright rejection of resource extraction that underlies anti-colonial perspectives. Coulthard terms this a colonial discourse of sustainability, which “refers primarily to the economic sustainability of capital accumulation itself.”<sup>21</sup> Privilege moves the language of possibility from its original anti-colonial imaginings into a more palatable, capitalist liberalism.

These discursive tensions extended to how the events on Burnaby Mountain unfolded, with the onslaught of voluntary arrests eventually resulting in dropped charges for all protesters. For the privileged subject, this was considered victory—crowds cheered and rejoiced as Kinder Morgan left the mountain after completing

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17        *Ibid.*, 165.

18        *Ibid.*, 166.

19        *Ibid.*, 170.

20        *Ibid.*

21        *Ibid.*, 77.

their survey work. Certainly, the presence and arrest of so many ‘respectable’ white people resulted in some victory—but it is important to note that the Caretakers continue to resist Kinder Morgan, the RCMP, and the colonial (in)justice system on various fronts over the Lower Mainland, while the more privileged protesters have returned home. Most recently, the Caretakers and other Indigenous activists participated in the #ShutDownCanada action, a day-long protest that took place at various sites around Turtle Island on February 13, 2015, and that centred the voices of Indigenous activists in the movement’s openly anti-colonial, anti-capitalist vision. Leanne Simpson points to the limits of Western social movement theory in adequately describing Indigenous resurgence movements, as “it is rooted in western knowledge” and fails to capture the 400 year history of Indigenous resistance across Turtle Island.<sup>22</sup> Indigenous nations continue to struggle against capitalist resource extraction all over their territories on Turtle Island, and maintaining this “language of possibility” requires consistent anticolonial action. As Coulthard identifies, Indigenous resistance necessitates that presence on front lines continues to be asserted, “coupled with an escalation of confrontations with the forces of colonization.”<sup>23</sup> As Simpson writes, “Indigenous political movements contest the very foundation of the Canadian state in its current expression,” while mainstream/Western social movements and social movement theory “take the state for granted.”<sup>24</sup>

Coulthard suggests that “all negotiations over the scope and content of Aboriginal peoples’ rights in the last forty years have piggybacked off the assertive direct actions . . . spearheaded by Indigenous women,” invoking the necessity of these modes of direct action.<sup>25</sup> With this in mind, I hope to emphasize that allyship to Indigenous resistance movements is a journey without an end point. Solidarity with Indigenous-led direct action requires that myself and other settlers listen and align ourselves to the “language of possibility” brought forward by Indigenous people, and support assertive direct actions in the understanding that anti-colonial, Indigenous-led resistance movements are those that succeed in affecting systemic change. The journey toward this kind of solidarity begins through engaging in direct action and academic work which reflect and uphold the possibility of a world without capitalist colonialism.

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22 Simpson, *Dancing*, 16.

23 Coulthard, *Red Skin, White Masks*, 172.

24 Simpson, *Dancing*, 16.

25 Coulthard, *Red Skin, White Masks*, 200.

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