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LETTER FROM THE EDITOR

The Political Science Undergraduate Review is pleased to announce the publication of our first volume. We believe that the peer-review process is an important tool to help foster our skills as writers and critical thinkers during our undergraduate studies. As well, it allows us to look into some of the exceptional work that our colleagues have been working on. By reviewing the work of our peers, we become more knowledgeable in our field as well as experience alternative perspectives which can provide different insights into topics of interest.

Getting to this stage was a journey and the PSUR Executive team would like to thank everyone involved in the process. First, we would like to thank the Political Science Undergraduate Association for their unwavering support. The PSUA assisted the publication process by helping the journal realize its goals while providing support along the way. Secondly, we would like to thank the Political Science undergraduate students for their interest in the project as well as the contributions made by our colleagues and peers. Without the students' support, the journal could not exist. Also, a special thank you to the faculty and staff who have supported and encouraged the project from the beginning by helping the PSUR reach students and gather submissions. In particular, we would like to extend a special thanks to our faculty liaison, Dr. Steve Patten, whose comments and suggestions have helped the PSUR become a reality.

Personally, I would like to thank the PSUR Executive team for all their hard work and dedication this semester. It is truly wonderful to see a team that is committed to the common goal and willing to collaborate to make the best possible product. I hope that you enjoy the first volume of the Political Science Undergraduate Review and we look forward to continuing to work hard on this project.

Sincerely,

Cole Goshulak



Vice President, Academic,
Managing Editor
2015-2016

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Nozick, Entitlement Theory and the Justification for Maximizing Individual Freedoms

Nicholas Asquin

The purpose of this paper was, in explaining Robert Nozick's 'Entitlement theory', to argue whether his ideas of 'just acquisition' and 'self-ownership' provided sufficient justification for maximizing individual freedom. In this paper I examined the key principles of Entitlement theory Nozick uses, in conjuncture to his concepts of 'self-ownership and 'just acquisition', to justify his conception of freedom. I performed this by exploring the implications of these principles and the extent to which they are logically coherent with the rest of his theory after first laying out the definitions of the terms Nozick uses as a foundation. Although I found that Nozick provides a couple of compelling cases that support his theory, Entitlement theory in general falls short of complete justification for maximized personal freedoms due to unaddressed problems with his concepts of 'self-ownership' and 'just acquisition'. Namely, that the extent which to these concepts apply eventually create situations in which the natural execution of Nozick's acquisition and transfer rights can impede on the rights of others, undermining his theory.

Introduction

Entitlement theory is a theory of private property invented by libertarian Robert Nozick. This theory is comprised of the main principles:

1. a principle of transfer - whatever is justly acquired can be freely transferred.
2. a principle of just initial acquisition - an account of how people come initially to own the things which can be transferred in accordance with (1).
3. a principle of rectification of injustice - how to deal with holdings if they were unjustly acquired or transferred. (Kymlicka, 103-104)

The first two principles pertain to his ideas of 'self-ownership' and 'just acquisition', which he exclusively uses to provided justification for maximizing individual freedom in the form of free markets. The question as to whether or not these two ideas truly provide sufficient justification for this freedom must

be answered with respect to Nozick's Entitlement theory. However, before these ideas can be analyzed they must first be defined in the terms Nozick uses. Afterwards, an analysis of their ramifications will follow and disprove the notion that they provide sufficient justification for maximizing individual freedom. Examples ranging from John Rawl's 'conceptions of the good' to harmful but natural market entities will be employed to demonstrate that Nozick's ideas of 'just acquisition' and 'self-ownership' cannot justify maximising individual freedom in the way Nozick describes it.

Defining the Terms of Nozick's Entitlement Theory

It would not make sense to first discuss the acquisition and transfer of property without first explaining the basis of self-ownership in which they are justified. For this reason, it is most logical to define the terms Nozick uses as they take place according to the order of Kymlicka's summary, which states:

1. People own themselves.
2. The world is initially unowned.
3. You can acquire absolute rights over a disproportionate share of the world, if you do not worsen the condition of others.
4. It is relatively easy to acquire absolute rights over a disproportionate share of the world.

Therefore:

5. Once people have appropriated private property, a free market in capital and labour is morally required. (116).

Point 1 encompasses self-ownership and must be defined on its own first before it can be analyzed or the other terms defined. Points 2 and 3 pertain to just acquisition and although are related to self-ownership can only be defined once self-ownership has been explained. Point 4 is beyond the scope of this paper and will not be discussed. Finally, point 5 contains the question which this paper seeks to answer, that is whether or not Nozick's concepts of self-ownership and just acquisition justify the maximization of individual liberty and will be discussed in the analysis section following the defining of Nozick's terms.

Self-Ownership

Nozick's ideas of self-ownership relate most closely with his second principle of Entitlement theory, which pertains to the "initial acquisition" of private property and forms the premise for Nozick's property rights (102-105). Although it is the second principle of Entitlement theory, in terms of the order in which property is first acquired and then transferred it assumes primacy as it is the basis for initial acquisition. Nozick's interpretation of the Kantian principle of people as 'ends in themselves' results in his ideas of self-ownership. In his view, he argues that individuals have rights that must be respected by society due to their reflection of "the underlying Kantian principle that individuals are ends and not merely means" (108). He further states that individuals "... may not be sacrificed or used for the achieving of other ends without their consent" (108). This serves as his primary argument against Utilitarianism, which he views as permitting individuals to be used for the sake of another's benefit. Self-ownership in Nozick's interpretation constitutes the sole claim to yourself and everything that entails. This includes your body, labor and talent, which he argues cannot be separated from your conception of the self, unlike Rawls or other Liberal philosophers (108). Rawls, attempting to be 'endowment-sensitive', tries to separate talent from the individual by stating that they did nothing to deserve such

talent; they are merely lucky for being talented in the first place and therefore the untalented have a claim to a portion of the proceeds resulting from such undeserved talent (109). This serves as part of the justification Rawls draws upon as in favour of liberal redistribution schemes. Nozick however denies this approach by stating that such redistribution is an affront to the concept of basic self-ownership (109). He supports his view that neither talent nor its proceeds can be separated from the individual in his 'Wilt Chamberlain example', demonstrating that only the individual has sole claim to their own talent and any proceeds that result from it (105). The example is somewhat lengthy, but states that since people are free to use their money as they please to watch the talented Wilt Chamberlain to play basketball (whose talent cannot be separated from himself) Wilt has the sole right to income derived from his talent (106). It is in this manner that Nozick's idea of self-ownership can be defined as having exclusive rights to your own body, labour, talent and any income resulting from these.

Just Acquisition

Just acquisition concerns the legitimate ways in which private property can be acquired. It encompasses principles 1 and 2 of Nozick's Entitlement theory as well as points 2 and 3 of Kymlicka's summary. It is Nozick's claim that since individuals own their own labour, that they therefore own the results of applying their labour in the market (110). He does recognize however that those transfers of property must begin somewhere first and that starting point is called 'initial acquisition'. In initial acquisition, the world is common and resources belong to no single individual, since they were not created by individuals and existed before humanity. His account of initial acquisition serves to answer the question of "[How] these natural resources, which were not initially owned by anyone, [came] to be part of someone's private property" (111). Initial acquisition can take place by appropriating the common through the application of your own labor to that which is common and improving it, though "enough and as good" must be left for others (113-118). If an individual appropriates a disproportionate amount of a common resource, others must not be left "worse off" (115). This set of principles Nozick calls the 'Lockean Proviso' (114). These principles of initial acquisition and just acquisition can be demonstrated in the enclosure acts of seventeenth-century England. In them, the common grazing land, which was used by all for grazing and the like, was divided among individuals whom applied their labour to the commons in order to improve its condition and avoid the negligence that results from uncared for common property (114). Although in this instance some individuals were left without access to land, Nozick and Locke can justify it by stating that through selling their labour to the landowners for wages they will be better off than they would otherwise be (113-119). This point will later be expanded on because several flaws are inherent to this interpretation. Just acquisition begets the right to just transfer in Entitlement theory, but if the initial acquisition of a resource is illegitimate, through coercive means or otherwise, then Nozick states that retributive justice is required to right the wrong (111-112).

Analyzing the Justification for Maximizing Individual Freedom

With the main ideas of Nozick's Entitlement theory defined, we are now prepared to examine whether or not they in turn justify maximising the freedom of individuals in the form of he argues for – unfettered capitalism.

Does Self-Ownership Justify Maximising Individual Freedom?

Nozick's account of self-ownership for the most part lacks many weak points which many be attacked. Typically, the best way to attack complex theories is to criticize the assumptions on which they are based. This strategy does not quite work as effectively on Nozick's theory, as he already proves in the Wilt Chamberlain example that the assumption of that individuals own their own bodies, labour and talents and income agree with our intuition. Liberal critics detract that since talent is acquired through luck and is undeserved, compensation is to be owed to the talentless in the form of redistribution (for Rawls) or insurance premiums (for Dworkin) (109). Nozick's answer to these critics is that they do not support self-ownership in their respective theories (109). He can make this answer due to his Entitlement theory being ambition sensitive, but not endowment sensitive, which implies that there is no way to separate the individual from their natural talents and abilities. There remains an inherent tension however, resulting from Nozick's attempt to ground libertarianism and the idea of self-ownership in moral equality that leaves liberal critics dissatisfied, calling self-ownership an "inadequate account of treating people as equals" and leaves Nozick short of reaching full justification for maximised freedoms (110). Nozick's idea of self-ownership does not quite justify maximising individual freedom because it is based in moral equality, which necessitates additional action if all individuals matter equally.

Another issue with Nozick's justification for maximised freedom in Entitlement theory is that it fails to take individuals conceptions of the good into account in a practical way. This problem influences both his conception of self-ownership as well as just acquisition later on. In self-ownership, if I, an ambitious individual, appropriate a disproportionate amount of land so that a purely hypothetical farmer named Mike cannot sustain his own farm, then Nozick states there is no problem with this arrangement so long as I pay Mike wages to work for me, thus justifying maximised individual freedom. What Nozick fails to account for however is the instance where Mike is a self-made man and would hate working for me. What if it was Mike's conception of the good to farm and live off of his own land without relying on another for subsistence? In this case, Mike does not in fact possess self-ownership as Nozick tells us. He is incapable of surviving on his own and therefore his own life does not belong to himself. Incapable of reaching his conception of the good, the choices Nozick offers him are to work for and rely on me for subsistence or perish, explaining that if Mike lacked the foresight to appropriate the land himself then he "would have died in a state of nature anyway" (119). Despite having formal ownership over his own life, labour and choices, Mike has no practical means to exercise this right. This fails to provide justification to maximising individual freedom in the form of capitalism, which resulted in the plight of Mike in the first place in Nozick's Entitlement theory.

Does Just Acquisition Justify Maximising Individual Freedom?

Just acquisition in Entitlement theory follows the intuitive logic that unless something is acquired through illegitimate means such as coercion, an individual is free to employ it or transfer it to another in any way they see fit, which is in essence maximised individual freedom on its own. Nozick derives this conclusion through his use of the Lockean Proviso, which states that the capitalism of privatizing the commons does not leave any worse off as a result (118). This means that if anybody is in fact left worse off by the acquisition, then the maximization of individual freedoms is unjustified under Nozick's idea of just acquisition in Entitlement theory. Let us recall back to farmer Mike, who had to give up his dream of being a self-sustaining farmer to make way for my avarice. Nozick would state that not only does Mike have to worry about farming on his own now; he now both earns wages that he would not have otherwise and he gets to live (119). Few can argue against this sweet deal Nozick offers young Mike.

Nozick would deny that although Mike's position may not have gotten 'better' he had not been left for the worse. This is false and the only reason Nozick can generate support for this answer in his theory is because he only considers material well-being as a condition for just acquisition. Falling to the same pitfall as his opponent Rawls, Nozick fails to account for facets of well-being other than money and property. It would surely be bad for the human ego to be dominated by and reliant on the very same individual who singlehandedly robbed you from your conception of the good, but Nozick does not address psychological or emotional health as an aspect of the well-being. Mike would not be the only one to have his dreams trampled by the avaricious; he would merely be one of many sacrificed for the benefit of the few, an outcome as bad as (or worse than) the utilitarianism Nozick disliked. Because Nozick fails in addressing this crucial shortfall, his principles of just acquisition and the Lockean Proviso cannot be used to provide full justification to maximized individual freedoms and the unrestricted capitalism that follows. Another less dramatic problem is the inefficient and contradictory endgame that would be reached once all the common resources in the world had been divided up among individuals partaking in an unrestricted market. It is natural over time for oligopolies or even monopolies to emerge in unrestricted and just trade and acquisitions. It is also natural for such organizations to either collude to increase prices in the case of the oligopoly or for the monopoly, to simply raise them due to the lack of competition faced. Economics have proven without fail that the general population is worse off and reaches lower productivity under these market conditions than they would be under competitive ones. As a result, just acquisition cannot justify maximized individual freedoms in the form of unrestricted or unregulated markets without violating the Lockean Proviso for these stated reasons.

Conclusions

In his Entitlement theory, Nozick attempts to use his ideas about self-ownership and just acquisition to generate justification for maximizing individual freedoms in the form of free markets. He defines his terms very well for the most part and his examples, such as the Wilt Chamberlain example, appeal readily to our intuition. Closer examination however yields holes that Nozick leaves unaddressed, damaging their credibility. In the case of self-ownership, Nozick comes much closer to justifying maximized freedoms and deals with the criticism of his opponents effectively for the most part, however if an individual has only the choice to work for the person who appropriated a disproportionate amount of land or die then that is unsatisfactory. In this manner, the wage-earner's life is not his or her own and therefore cannot be said to possess self-ownership. Another flaw with both self-ownership and just acquisition is that if an individual loses their access to their conception of the good as a direct result of being a wage-earner for the land-owner then the Lockean Proviso is not passed and justification cannot be given to the version of maximized freedom which Nozick describes. Additionally, even if a state of free markets were put in place, oligopolies and monopolies would eventually form as a result of natural market forces. These market entities negatively affect Nozick's conception of material well-being directly and reduce market efficiency, also failing to pass the Lockean Proviso and therefore not justifying maximized freedom under the principles of just acquisition. This could be further proven with detailed economic analysis and breakdowns of classic market examples, but this would likely be beyond the scope of this paper. Nozick sought to provide full justification for maximizing individual freedoms in the form of unrestricted markets through his conceptions of self-ownership and just acquisition in Entitlement theory, though the theory needs much refinement if such justification is to be achieved to a satisfying degree.

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Race, Battered Women, and the Criminal Justice System

Harini Kav

This paper looks at the criminal case of Deborah Peagler and the California habeas law and explores the effectiveness of legislative changes to domestic battery laws as a mechanism for change in the criminal justice system in regards to its treatment of domestic violence survivors accused of committing a crime against their abuser. It focuses on the androcentric and racialized nature of the criminal justice system and argues that while legislative changes brought about by social movements facilitate opportunities for women like Peagler to pursue just outcomes, they do not counter the gender-biases prevalent in the justice system and, alone, are insufficient in improving the treatment of domestic violence survivors in the criminal justice system.

Introduction

Criminal justice administration in the United States is based on the foundational principle of the rule of law. The rule of law doctrine stipulates that the law must be applied equally and fairly to everyone regardless of class, race, or gender. In reality, however, the administration of justice is a racialized and gendered process, one that systematically disadvantages females, trans individuals and ethnic minorities who come in contact with the criminal justice system. This flawed administration is largely due to the fact that the law is not a self-interpreting entity; interpretation of legislation, and subsequent judicial decisions are dependent on both the individual social identity of judges and the political, social and economic context in which the interpretation is taking place (Hausegger, Hennigar and Riddell 22). The case of Deborah Peagler—the rejection of her habeas petition in particular—shows that while social movements are pivotal in establishing legislation, simply changing the ‘letter of the law’ is not enough to challenge the inherently gender-biased structure of the U.S. criminal justice system. The 2002 Habeas Law, while providing an alternative avenue for battered women to secure their freedom, continues to perpetuate the structural biases within the criminal justice system, disadvantaging, in particular, women of colour.

The Case

In 1983, Deborah Peagler plead guilty to the first-degree murder of her boyfriend, Oliver Wilson, who was murdered by two Crips gang members, Ramone Sibley and Dayon Lively (Oliver 4). Wilson had sexually, physically and psychologically abused both Peagler and her daughters, and as a last resort, Peagler's mother recruited Sibley and Lively to "teach him [Wilson] a lesson" (Potash, *Crime After Crime*). Peagler was charged with first-degree murder, with prosecutors alleging that Peagler orchestrated the murder and lured Wilson to the scene of the attack, though she was not present when the actual killing took place (Leonard A9). Due to both to misinformation given to her by the District Attorney and her inability to present a full defense, Peagler elected not to exercise her constitutional right to trial (Amicus Brief *In Re* Deborah Peagler). Peagler would have been unable to present a full and complete defense, because in 1983, expert testimony on battered woman's syndrome was not allowed into court as evidence. In 2002, two pro bono attorneys—Joshua Safran and Nadia Costa—took on Peagler's case and hoped to free her through filing a Writ of Habeas Corpus based on the newly enacted California Penal Code section 1473.5. However, this route was unsuccessful as Peagler's habeas petition was rejected by the Superior Court. Instead, she gained release through parole after a well-publicized campaign for her freedom. Therefore, while the legislative changes brought about by the Battered Women's Movement facilitate opportunities for women like Peagler to pursue justice, they do not counter the gender-biases prevalent in the justice system and, alone, are insufficient in furthering the movement's goals.

The Battered Women's Movement

In the United States, the Battered Women's Movement began in the 1970s and was instrumental in influencing the enactment of domestic battery laws. At the time of Deborah Peagler's arrest, the Battered Women's Movement was in its infancy, with the very first domestic violence shelters just being established (Potash, *Crime after Crime*). One of the key goals of the Battered Women's Movement was legal reform: to repeal and amend laws that were overtly gender-biased, and to enact new legislation that would serve to criminalize violence against women that had previously been ignored, or even condoned (Gagne, 11). Historically, issues of gender-based and domestic violence were considered "private" rather than "legal" matters (White, Haines and Eisler 157); domestic violence had either not been considered a crime in the letter of the law, or had been subject to trivialization by the criminal justice system.

As the movement progressed, it continued to influence various legal reforms. In the 1970s, activists succeeded in creating arrest laws and improving police response to domestic violence calls, and in the 1980s, the movement focused on challenging the "androcentric" nature of self-defense law by use of "political trials" (Gagne 42). Political trials are legal trials that occur within the existing framework of the criminal justice system, but challenge the gender-biases within the law itself, and simultaneously demonstrate to the public that domestic violence is a political and social issue, rather than a private one (Gagne, 42). As a result of this activism, the issue of domestic violence moved from the 'private' sphere to the 'public' sphere, and the focus turned to influencing legislators and existing institutions to create and implement domestic battery laws. In California, this increased public awareness led not only to the enactment of the habeas law, but also to the implementation of specialized domestic violence courts, designed specifically to handle cases of intimate partner battering (Judicial Council of California).

The Statute

The 2002 Habeas Law was one of two key pieces of legislation passed by the California legislature in response to the growing awareness about domestic violence. In 1991, the legislature passed section 1107 of the California Evidence Code, which allowed for the admissibility of expert testimony regarding battered woman's syndrome and its effects in appropriate cases (Hempel 2). As section 1107 did not apply retroactively, California enacted section 1473.5 of the California Penal Code—the habeas law—in 2002. The habeas law allowed women convicted of the murder of their abuser prior to 1992¹ to have their cases re-examined by the court, through filing a Writ of Habeas Corpus (Adams 219). An inmate was eligible to file a habeas petition if the petitioner could prove that: 1) the exclusion of expert testimony on battered woman's syndrome (BWS)² negatively impacted the sentencing outcome and 2) had this testimony been included, it is likely that the verdict would have been different (Adams 222).

Feminist Theory

California became the first state in which a habeas law was created to directly address the needs of incarcerated battered women convicted of killing their abusers. While the importance of creating legislation that directly addresses the needs of domestic violence victims cannot be understated, the mere creation of a law does not automatically foster the understanding that is needed for effective implementation of the law. The criminal justice system has, and continues to be, male dominated both in its composition and in its understanding of crime. This structural male domination contributes heavily to the gender-biased institutional practices of the criminal justice system. These factors result in a limited understanding of female crime, laden with stereotypes that influence the interpretation of the law. Feminist activism and works on sexual assault, rape, and domestic violence have been pivotal in creating legislation that addresses these issues (Muraskin 13). The work of feminist activists however, has focused largely on the common experiences of women in a patriarchal society, rather than the unique experiences of women across different ethnic groups (Campbell et al. 278). This focus has led to a discourse that often only represents the realities of “white, middle-class women's lives” (White, Haines and Eisler 150). This limited focus leads to both the creation of laws that are worded in a manner that favours the dominant group, and an uneven interpretation of the law that can further marginalize women who do not fit this norm.

Socio-Political Context of the Domestic Violence Experience

The Peagler case highlights race-conscious feminist critiques of the criminal justice system (Devlin 616), as it shows that an individual's domestic violence experience cannot be divorced from her socio-political context. Though there are common experiences that characterize victims of domestic violence, various factors such as race and socioeconomic status influence the individualization of the domestic violence experience. Research suggests

¹ This was later amended to convictions prior to 1996.

² The legislation was later amended to use the gender-neutral phrase “intimate partner battering,” however for the purposes of this paper it will be referred to as “Battered Women's Syndrome.”

that it is young, African American women, of low socioeconomic status, that are more likely to be abused by their intimate partner (Duley, 79). These communities are often characterized by over-policing in regards to offenders, and under-policing in regards to victims, which leads to an overall distrust in the criminal justice system as a whole (Campbell et al. 281). Individuals from this demographic are far less likely to report domestic abuse to law enforcement, and a common thread among domestic violence victims in these communities is their assertion that the police fail to respond adequately, even when notified. In Peagler's case, Oliver Wilson had broken into her home just days prior to his death, repeatedly raped her, and threatened to kill her and her family (Leonard A9). He was arrested and charged with assault with a deadly weapon, but was released the very next day. In these communities, this lack of police response serves to further decrease the battered woman's sense of security, which may lead her to "take matters into her own hands" (Duley 79). These circumstances create further problems for women of colour who are charged with the murder of their abuser, as the lack of formal police reports can severely hinder a battered woman's ability to provide proof of systematic abuse to assist a self-defense defense.

Interpretation of the Law in Court Processes

With the socio-economic context in mind, it is evident that the mere passage of legislation such as the habeas law does not ensure that the implementation of the statute will take into account the individualization of the domestic violence experiences (Duley 77). Rather, the narrow scope of the law may serve to do the opposite, criminalizing battered women who do not fit the societal norm of what a battered woman "should" look like. Though the habeas law provides a form of legislation that attempts address the re-victimization of domestic violence survivors, the law is not self-interpreting. In the case of this particular law, it is up to judges to determine the credibility of the habeas petition. As Peter McCormick states in his book *Canada's Courts*, "Judges come from somewhere; they have families and schools and friends and connections. The cases that come before judges similarly have "real-life" causes and consequences" (2). It is argued that the typical and "credible" image of a battered woman is based on the "traditional Anglo American ideal of women as 'pious, pure, submissive and domestic.'" This perception leads to the systematic discrimination against African American women who are portrayed as "strong, masculine, and angry," as these stereotypes prevent judges from viewing these women as true victims of BWS (Adams 226). Reason and emotion are typically portrayed as contrary to one another, and the law and legal interpretation viewed as being 'rational' in nature. However, the way in which emotions are used in the U.S. court system, especially in regards to battered women's homicide cases, significantly influences the outcome. Michelle VanNatta argues in her article, "Gender, Race and Sexuality in Legal Discourse," that the courtroom practice of "emotional inferencing" highlights race and gender bias that can affect legal outcomes (163). The practice of emotional inferencing is the "process of using evidence of a particular event to claim that an individual experienced a certain emotion." (VanNatta 163). In essence, a battered woman's defense would focus on the emotions felt at the time of the murder, to add credibility to a self-defense defense. This is problematic, however, as society is characterized by specific "emotional norms." These emotional norms outline which emotional responses to a particular event are "natural and acceptable," and other discordant emotional responses are viewed as "distasteful and deviant." (VanNatta 169). These emotional norms are reflected in the criminal justice system and strongly influence judicial decisions. A judge is far more likely to find a battered woman credible when she reacts in fear and kills her abuser during an attack, than he or she is

to believe a woman who reacts in anger while her abuser is sleeping (Adams 228). This is because the former reaction aligns with the expected emotional norms, while the latter does not.

Emotional norms are especially problematic for women of colour, who are stereotyped differently than their Caucasian counterparts and may not be viewed as reacting in accordance with the dominant norms. The rejection of Peagler's Writ of Habeas Corpus by the Superior Court highlights how deviance from emotional norms can be a negative influence on judicial decisions, even if a case appears to meet the eligibility criteria under California Penal Code section 1473.5. The Superior Court rejected her habeas petition on the basis that, "there was not a reasonable probability that the District Attorney would have offered to accept a plea to manslaughter, or that a jury would have reached a different outcome if testimony on battering and its effects would have been included at trial" (Amicus Brief *In Re* Deborah Peagler). This is largely due to the fact that the murder of Oliver Wilson was pre-meditated, and Wilson was lured to the scene of his death by Peagler, the argument being: Peagler must not have been in fear for her life if she willingly met up with her abuser. Peagler's case is not unique in disadvantaging battered women of colour. Due to the racial stereotypes that portray African American women as "angry and aggressive," these defendants face greater hurdles in convincing judges that their case would yielded a different result had expert testimony on battered woman's syndrome been admitted, because they are not seen as credible victims of battering (VanNatta 170). In order for a habeas petition to be successful, judges must not only understand both how the abuse affected the petitioner (Adams 222), but also that not all women experience the effects of domestic abuse in similar ways. A judge must also believe that the inclusion of expert testimony on the effects of battering would have resulted in a different outcome. It is up to the judge to determine, then, the extent to which "battered woman's syndrome" testimony would have bolstered the defense's claim of self-defense. Judges, are influenced by the socio-political context of the case (Hausegger, Hennigar and Riddell 21), and carry their own understandings regarding expert testimony on battering and its effects. Adams argues that this is problematic as these understandings are typically dependent on Lenore Walker's foundational work, "The Battered Woman Syndrome." Walker's work, though essential, has been criticized for reinforcing the image of women as "weak, crazy, powerless victims in need for protection rather than treating women as reasonable persons who acted sensibly in order to save their own lives" (Adams, 226). Applying this limited understanding of Battered Woman's Syndrome to all battered women's cases inevitably disadvantages the women who do not fit this fixed description. In order to implement laws such as the habeas law more evenly, judges must acquire a far more comprehensive understanding of battered woman's syndrome to fully grasp that an individual who kills her abusive partner after years of systematic abuse rather than during an attack, may still be acting in accordance with the doctrine of self-defense.

Other Avenues: Parole

The problem with interpretation exists not only at the judicial level. There are only a few other avenues by which incarcerated battered women can seek remedy: clemency, parole and resentencing. The parole process in particular highlights the important role that interpretation of law plays in the release of these women. In 2000, the California legislature passed Senate Bill 499—another piece of legislation that attempts to rectify the number of incarcerated battered women through the passage of law. This particular piece of legislation explicitly states that the parole board must take into consideration the experiences of a battered woman up for release (Hempel 4). However, this piece of

legislation has not been effective in practice. The Board of Prison Terms³ (BPT/parole board) recommends parole for only a mere fraction of prisoners serving a sentence where the maximum term is life, and ultimately their release depends on the decision of the state governor (Adams 235). Like judges, parole board members' perceptions of battered women are influenced by the prevalent stereotypes of who constitutes a 'victim,' and often base their decisions on an inadequate understanding of battered woman's syndrome. Furthermore, parole board members' understandings of battering and its effects can actually be detrimental to parole candidates, as the parole board often views women who have been in abusive relationships as an indicator of unhealthy social relations, a factor that can (and does) negatively influence a parole application (Adams 235).

Media Influence

Finally, The Peagler case highlights how law and politics are inextricably linked in the United States due to gubernatorial review. California is one of three states in which the state governor has full power to overturn a parole board decision to release a prisoner (Vesely). Every time a governor chooses to overturn a parole board decision to release a battered woman, he or she is setting a precedent for the success of future cases. Governor Arnold Schwarzenegger had a history of overturning parole board decisions to release battered women convicted of homicide, but declined to review Peagler's case (Marroquin). This is due, in part, to the high degree of media coverage that characterized the Peagler case. Media coverage of a particular social movement or criminal case can significantly influence public perception. In contrast to the negative characterizations of battered women of colour often reinforced by the court, media coverage regarding Peagler's case was extremely favourable. Not only was a documentary created about her case, but musical groups such as Arrested Development championed her cause, and all this support culminated in a demonstration outside Schwarzenegger's office, on the last day of the review period (Potash, *Crime After Crime*). The state governor was no doubt influenced by the significant public support behind Deborah Peagler. Based on this, interest groups and critics of gubernatorial review have begun to recognize that perhaps it is more effective to use social and economic resources on influencing the state governor's perception on individual cases, rather than on changing legislation (Adams 237).

Conclusion

Domestic violence is not an individual problem that can be solved by the creation of laws. Rather, it is a socio-political problem that compounded by various social inequalities, that are reinforced in the very structure of institutions such as the criminal justice system. The passage of the habeas law emphasizes that changes in legislation cannot stand alone to achieve progress within a social movement. The creation of domestic battery laws are only one step in achieving the overall objectives behind the legislation. In order to ensure the implementation of the law is effective, interest groups should focus on gaining public and legislative awareness, through public education and media campaigns, and those in the position of interpreting and implementing the law, most notably judges and parole board members, should acquire a full understanding of domestic violence and its effects, focusing on the individualization of the domestic violence experience, rather than the similarities. As Adams states, "Much is needed for

³ Re-named the "Board of Parole Hearings"

the intent behind the law to become completely operational. They need a governor who is fair and compassionate to these women's struggles. They need public awareness to fuel social change, and they need the statute to grow beyond its handicapped status, expanding the rights to *all* battered women who legitimately deserve relief" (240).

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Mandatory Voting: The Wrong Response to Low Voter Turnout

Jared Burton

The trend of declining voter turnout across the western world has led some in Canada to call for mandatory voting. Australia is often cited as a successful example of compulsory voting in a Westminster system. While the aim to increase voter turnout is noble, there are many non-coercive methods of improving democracy and voter turnout that Canada ought to adapt before resorting to mandatory voting. Assessed methods include electoral reform, lowering the voting age, and instituting online voting; all are non-coercive ways to improve public satisfaction with the political process in Canada. Additionally, mandatory voting reduces Canadians' ability to abstain from participating in the political system should they choose to do so which could have important philosophical implications. Furthermore, voter turnout data for Australia does not take into account important differences between registered voter turnout and voting age population turnout. Importantly, when analyzed these numbers indicate that compulsory voting in Australia is not as successful as many believe. Despite its ostensible attraction as a clear way to increase voter turnout, a legal requirement to vote is not a panacea to the issues of political distrust, dissatisfaction, and disengagement in Canada that are the root causes of low voter turnout.

Voter turnout in Canadian elections has been in decline for decades and an oft-cited solution to the problem is to enforce mandatory voting on the electorate. Due to similar history and political institutions, Australia is frequently referenced as a model of successful mandatory voting that Canada ought to emulate. However, there are a myriad of other reforms that could increase voter turnout without restricting citizens' right to political freedom and their ability to abstain from participating in the electoral process. Further, conflating a legal duty to vote with a civic responsibility is akin to legal positivism; it is much preferable to foster the idea that voting is a duty through civic education than through legal coercion. Additionally, as an issue fundamental to democracy, it is unlikely that an attempt to enact mandatory voting in Canada can pass muster in a way that satisfies the will of the Canadian people. Of further note is that though Australia boast high turnout amongst registered voters, a closer

scrutiny of data results in a less positive view on mandatory voting. Despite its ostensible attraction as a clear way to increase voter turnout, a legal requirement to vote is not a panacea to the issues of political distrust, dissatisfaction, and disengagement in Canada that are the root causes of low voter turnout.

Recent voter turnout and public opinion polls indicate that Canadians are increasingly unsatisfied with both political culture and democratic institutions in Canada. A 2012 survey found that “only 55% of citizens are satisfied with Canada’s democracy—an all-time low” (Samara). Likewise, a CBC article reports only 5% of those that approved of Canadian democracy felt “very satisfied”, whereas 28% were “not very satisfied”, and 9% indicated they were “not very satisfied at all” (CBC News). Such evidence clearly shows that many Canadians do not feel that their will is being adequately represented in government. In fact, many methods of reform aim to increase the value of voting and more generally to enhance the ability of voters to effectively participate in government. These institutional reforms demonstrably lead to higher voter turnout in elections without resorting to the coercion that is mandatory voting.

One such way to change the electoral process so that it accurately reflects the will of the people is to change from a single-member plurality (SMP) voting system, as Canada currently has, to a form of proportional representation (PR). Arend Lijphart’s study of electoral systems concluded that political satisfaction increases in countries using proportional representation by “more than 16 percentage points ... than in the typical majoritarian democracy” (287). This increase in political satisfaction concordantly manifests as increased voter turnout, as “consensus democracies have approximately 7.5 percentage point higher turnout” than countries with SMP. As further evidence of this, New Zealand uses PR and has since the 1960s shown an average voter turnout of 87% (IDEA). Clearly then, PR is one of the many effective alternatives to mandatory voting. Electoral reform is one of the most prominent methods to increase democratic satisfaction and voter turnout – however there are other methods that also aim to open up political participation to more of the electorate.

Along with institutional reform such as implementing PR, many jurisdictions use or are considering the use of other less complicated improvements. For example, in 2007 Austria lowered the voting age from 18 years to 16. Although it will take several election cycles before awareness and voter registration makes this policy’s impact manifest, a small poll suggests that “young people’s interest in politics rises” when they are afforded the opportunity to vote (Zeglovits 8). Another way to potentially increase voter turnout is to make election day a statutory holiday, as some legislators in the United Kingdom are currently considering (Morris). Additionally, online voting is a burgeoning idea for increasing voter turnout; an American study on outlooks towards online voting found that 68.9% of respondents would use an online voting system (Powell 369). These examples all show that there are numerous policies that increase voter satisfaction and thereby voter turnout, ranging from institutional reforms, restoring faith in politics, to incremental reforms that make voting more convenient for the average citizen.

Proponents of mandatory voting believe that a legal requirement to vote is the correct way to begin increasing political engagement in Canada. Andrew Coyne writes of mandatory voting: “It won’t fix all that’s wrong with politics, but why don’t we start there?” (Coyne A19). It is contentious enough to force citizens to vote in elections at the threat of a fine, however, it also appears to be against the essential

political rights of an individual to abstain from participating in a political system if they so choose. In fact, a University of South Queensland academic even suggests that “there are constitutional grounds upon which a challenge to Australia’s current compulsory voting system may be made” (Gray 608). While most suggestions for mandatory voting in Canada include offering a ‘none of the above’ option on the ballot to circumscribe such concerns, there is no reason as to why ballots should not already have such a choice. This option provides a formal opportunity for the politically dissatisfied to show their concerns during an election rather than having to scratch their ballots and be counted amongst the invalid votes. This can be added to the other incremental reforms that make politics more accessible and accountable. It seems much more preferable that reform starts from these non-coercive points rather than the legal imposition of voting on the Canadian people.

Robert Asselin, a proponent of mandatory voting, University of Ottawa professor, and member of Justin Trudeau’s policy team suggests that “most people would accept [mandatory voting] and think it’s a good thing, as a civic duty, to be obliged to vote” (Bryden). However, it is conflation to suggest that turning a civic responsibility into a legal obligation will automatically garner the support of the citizenry. In Canada, low voter turnout is viewed as a political malady, nevertheless the way to demonstrate that voting is a duty is through education, awareness campaigns, and restoring public faith in the political process. Voting is a deeply personal and private decision and as such is a responsibility ought to be cultured through methods other than a monetary fine or legal threat as is the case in mandatory voting.

As a democratic issue the act of merely enacting mandatory voting is likely to undergo much scrutiny in order to ascertain its legitimacy. Since mandatory voting is questionable from the perspective of political freedom, for it to simply pass into law through parliament is in itself undemocratic. Moreover, enactment entails legislators imposing the political system they are a part of onto the broader Canadian public without regard for any citizens’ concerns for the electoral system or other political apprehensions. A more stringent process of implementation is necessary for mandatory voting to be popularly tenable. One such way is a nation-wide referendum on the issue with both voting and turnout thresholds that ensure an actual majority of Canadians support the policy. The political realities of Canada make the passage of mandatory voting doubtful as recent Canadian elections do not see much more than half of citizens vote. In addition, the Liberal Party’s poll on mandatory voting had a decidedly lukewarm reception, and many Conservative voters oppose even the long-form census. These factors make mandatory voting well outside the realm of possibility in Canadian politics without politicians resorting to an ironically undemocratic imposition of the policy that entails legal positivism and disdain for the political rights of the Canadian people.

Though lauded as a successful example of mandatory voting, Australia’s electoral system displays systemic problems when the data is closely scrutinized from the 1960s onward since this is generally when the decline in voter turnout began. That is, though Australia’s turnout is reliably above 90% this number only reflects those registered voters that voted. Unlike Canada, where the elections body gathers a register of voters through means such as income tax filings, in Australia one must enroll themselves in order to vote. As such, when adjusted for the actual number of the voting age population (VAP) that voted, an average of 83.41% of citizens voted in Australian elections as compared to an average of 94.83% of registered voters (IDEA). This amounts to an average difference of 11.42% between registered and eligible electors, whereas Canada’s difference is on average 6.53% (IDEA). Thus, from this data the

inference can be drawn that there are Australian citizens who choose not to enroll so as to not be forced to vote. Indeed, the most recent Australian election saw a difference of 13.56% between eligible and registered electors and a record low VAP turnout of 79.67% (IDEA). Interestingly, the average VAP turnout for New Zealand is 80.53%; ergo the difference between VAP turnout in Australia and New Zealand is less than 3% (IDEA). Hence it is shown that countries can achieve levels of voter turnout comparable to Australia's without the need for mandatory voting.

Data analysis aside, Australia faces a democratic deficit much the same as Canada, despite high voter turnout. In effect, Australia shows more invalid votes than Canadian elections do, at an average of 3.47% compared to Canada's 1.11% and the second highest number of invalid votes in the most recent election at 5.91% (IDEA). As Australians lack a 'none of the above option' on the ballot, to express dissatisfaction Australian voters must intentionally scratch ballots or leave them blank. A recently released report concluded that Australians "are very dissatisfied with the nature of politics on offer which they associate with ... the adversarial system of government" (Evans 7). The report also indicated that only 36% of respondents highlighted enjoying Australia's elections as "free and fair" (Evans 5). These points illustrate that though Australia has high voter turnout this does not indicate satisfaction or efficacy in the country's democratic institutions.

Only once every possible non-coercive political reform has been enacted should mandatory voting be considered. Noticeably, there are a great deal of thoughtful proposals that can increase voter turnout and studies that back the claim that these reforms will help to restore faith in politics. Although many do consider voting as a responsibility, the preferred approach to make this outlook widespread is through education and deliberation rather than legal compulsion. Lastly, the positive accolades that mandatory voting receives do not take into account data indicating mandatory voting is not a remedy to the political dissatisfaction that is rampant in Canada and Australia. Voter turnout for the sake of voter turnout is not a desirable outcome for democracy. It is much more preferable that the electorate's votes count in a way that restores confidence in politics and ensures that more citizens become meaningfully engaged in the electoral process. Substantive reform is the proper way to increase voter turnout in Canada, not a legal imposition that circumvents the citizenry's political autonomy.

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Book Review: *The Idea of Israel: A History of Power and Knowledge* by Ilan Pappé

Bismillah Kiani

*This book review examines *The Idea of Israel: A History of Power and Knowledge* by Ilan Pappé. As a “new historian” Pappé challenges traditional versions of Israeli history. He illustrates Israel’s creation as a colonial conquest rather than the prevailing national liberation movement. In particular, he examines the role that Zionism has played in shaping dominant political ideology in Israel. Pappé critically evaluates the evolution of Zionism narratives from classical, post-Zionism to neo-Zionism. He successfully illustrates the importance Zionism has played throughout the genesis of Israel by highlighting examples such as the 1947 UN partition resolution, the Holocaust, its role in furthering cultural tensions between Israelis and Arabs inhabitants, and presence in the media.*

The Idea of Israel: A History of Power and Knowledge by Ilan Pappé, critically analyzes the multiple narratives and ideas present throughout the existence of Israel. Ilan Pappé is a “new historian”, a group of Israeli historians that challenge traditional versions of Israel’s creation and Arab-Israeli relations, specifically during the 1948 Palestine War. In this book, Pappé examines the evolution of hegemonic Zionism by first introducing the state-sponsored “objective” Zionist interpretation of Israeli history and policy. In part two, he explains the emergence of the post-Zionism movement and the subsequent development of neo-Zionism. As a historian, Pappé places significant importance on the historiographers role in this evolution, he also examines how these movements gained prominence through cultural movements and their effect on academia and the politics of power.

In the first part of the book, Pappé is very critical of the Zionist interpretation of history that is presented by the state as objective and factual. Zionist historiographers attempted to reinterpret history in order to validate the existence of the state of Israel, to provide unity, sense of loyalty and superiority amongst Israelis. Therefore, a historian’s “aim was to provide scholarly proof for a narrative already told and known, there was little room for revelation of any kind- only confirmations were wanted” (Pappé 21). For instance, a 1970 encyclopedia on the history of Israel incorrectly presented the pre-1882 land as “The Empty Land”, the ideal setting for the first *Aliyah* (Pappé 18). One argument espouses the Zionist commitment to embrace diaspora Jews and modernize them into a collective Jewish identity as a

successful example of modernization. However, one must consider that the Zionist conception of modernization is to “de-Arabize” Arab Jews or *Mizrachi* Jews to become more like the European or *Ashkenazi* Jews. This discourse, according to Pappe, also advocates Arabs, specifically Palestinians, as primitive, barbarians and “a cancer in the heart of the nation” as found in the diaries of Jewish immigrants after the second *Aliyah* (Pappe 33). Zionist discourse fails to explain logic or reasoning behind Palestinian aggression or ‘terrorism’ thus dehumanizing the Arab enemy as irrational and incomprehensible to the Jewish community. This clash of cultures is reminiscent of Edward Said’s version of Orientalism, which is a common theme amongst the Zionist perspective. Further illustrated when the former Prime Minister of Israel, Gold Meir, victim blames Arabs: “we will never forgive the Arab for what they forced us to do to them” (Pappe 34). Her supremacist attitude emphasizes the clash of civilization theory and also introduces elements of Joseph Rudyard Kipling’s “the white man’s burden”. With a broad brush, Pappe paints Zionism as narrow-minded, cruel and a generalization of Arabs and threats against the collective identity of the Jewish state. However, Pappe’s writings are also susceptible to the same generalizations when he pools all Zionists under the same heading, and portrays Arabs as mostly well intentioned.

In the *Idea of Israel*, Pappe visits the war of 1948 in two chapters, first under a Zionist and then post-Zionist lens. Zionist terminology refers to this event as the War of Independence, while Palestinians name it *al-Nakba*, the Catastrophe. Often times, the Palestinian role in the 1948 war was completely ignored; instead, Zionists propagated this war as an anti-colonialist and liberating struggle against Great Britain. Moreover, cinema is also important in its interpretation of the Zionist perspective of the war. The heroic deeds of the Israeli soldier were emphasized, while the Arab identity is often either under represented or stereotyped as primitive, one-dimensional villain in war films. Zionist hegemony also holds against new Jewish immigrants, who were depicted as the lazy, cowardly, overweight “anti-hero” and “anti-*Sabra*” with a heavy accent. These misrepresentations are important since it is indicative of popular sentiment amongst Israeli Jews.

Pappe challenges this Zionist discourse on the war by referring to Simha Flapan’s *The Birth of Israel: Myths and Realities* (Pappe 110). The first myth Flapan critiques is the Israeli acceptance of the 1947 UN partition resolution that would recognize the creation of Palestine. Flapan argues the Israeli acceptance was a “tactical” move, where David Ben-Gurion mainly viewed it as international recognition of the Israeli state. The second myth was that the Arab collective identity was poised to destroy the Jewish State in 1948. Flapan asserts this is an unreasonable postulate since the Arab world was, and to an extent still is, divided on the dispute of Palestine. Moreover, the Zionist narrative explains that Palestinians voluntarily left their homes, which Flapan remarks as illogical. In fact, Pappe goes into great detail regarding this issue in his work *The Ethnic Cleansing of Palestine*. Finally, Flapan criticizes the Zionist narrative that depicts Israel as a David that defeated an Arab Goliath (Pappe 112). Israeli forces always had the greater advantage, as revealed by the works of new historians.

Benny Morris coined the term “the new history of Israel”, lumping together himself, Pappe, Flapan and Avi Shalaim as historians who “challenge the accepted version of the 1948 war” (Pappe 112). Along with the emergence of new historians, the 1990s saw the rise of the post-Zionist movement: “a hybrid of anti-Zionist and postmodernist perceptions of reality” (“Post Zionist Critique” 30). Pappe specifically points out 1994 as the emergence of post-Zionism, attributing events such as the Oslo

process, the First *Intifada* and the rise of a more multicultural society for its success (133). Edward Said describes this movement as “welcome movement of self-critique on what was wrong and dangerous about Zionism” (Pappe 131). Pappe introduces many “trailblazers” responsible for initiating discourses other than Zionism. Scholars such as Baruch Kimmerling were pivotal in engaging in the new debate and reintroducing Zionism as an “immigrant settlers movement” (Pappe 101). Moreover, the settler colonial paradigm was successful thanks to the state’s use of anti-Semitism.

Perhaps one of Pappe’s most persuasive arguments is the post-Zionist and frank discussion of the use of the Holocaust memory. He reasons that the state utilized the atrocities of the Holocaust to further demonstrate the need for an Israeli state, and as justification for the treatment of Palestinians. Pappe references Yehuda Elkana’s *The Need to Forget*, an introspective analysis as a victim of the Holocaust. He claims Israelis are motivated by an existential “angst” and often play the role of a “continuous victim” (Elkana 2). Elkana emphasizes the need to stop obsessing about the Holocaust so society may move forward, and not continually threatened by the past (Pappe 157). The post-Zionist movement finally allowed for this critique of state manipulation of the Holocaust.

Post-Zionism also calls for incorporating the voice of minority groups in Israel such as Arabs, women, and the LGBT community; many of whom are underrepresented in Zionist works, novels, films, national ceremonies, emblems and museums (Pappe 146). Pappe claims “the only group in Israel that is better represented today than in the 1990s is women” (148). However, it could be said that the role of the LGBT community has also made significant advancements. When Pappe discusses the attempts of Israel to dispel its war-mongering image and rebrand itself as a progressive nation in the epilogue, he highlights the marketing tool to brand Tel Aviv as “the gay capital of the city” (228). Often times, Tel Aviv is attributed as the most LGBT friendly city in the Middle East, and a 2011 *Haaretz* article reveals it was voted the most gay friendly travel place, beating out major metropolitan cities like New York. Thus, post-Zionist discourse has had a major influence in the construction of a more modernized Israel today.

Despite the success of post-Zionism in academia, it remained largely unpopular amongst the Jewish community. Thus, after the 1995 assassination of Prime Minister Yitzhak Rabin and the Second *Intifada*, post-Zionist theories were reverted as unacceptable and even treasonous in Israel. Pappe, as a strong advocate of the post-Zionist movement, is disappointed with this “U- turn” (255). From post-Zionism, evolves the neo-Zionist perspective, and the need to define classical Zionism. The two discourses, while similar in their goals regarding the need for Palestinian oppression and the creation of a Jewish state, disagree on the role of religion. Neo-Zionism also shares similarities with post-Zionism when it comes to factual histories; whereas, classical Zionism was often criticized for being factually incorrect, as seen in the second paragraph of this essay. These fallacies paved the way for new historians and post-Zionism to emerge – for no one could dispute facts, especially once the Israeli Defense Forces archives were opened in the 1980s. Perhaps neo-Zionists become popular since they embraced the facts that classical Zionism distorted. However, Pappe argues they sacrifice their morality in return:

What the new historians saw as human and civil rights abuses or even as atrocities and war crimes are treated in the new research as normal and sometimes even commendable actions by the Israeli army. (277)

Neo-Zionism has also gained a much larger influence in politics, as compared to post-Zionism. Pappe labels neo-Zionist policies geared towards excluding the Arabs from the public spheres as “legalizing apartheid” (271). For instance, a 2011 law legalized the existing practice that allowed Jewish majority

communities to reject Palestinian requests to live amongst them (273). Perhaps, what is most baffling, is that this law was allowed only a few years ago. Moreover, neo-Zionism was also much more successful in inserting itself into the education system than post-Zionism, which Pappé regards as discouraging. The Likud government removed all textbooks with any hint of post-Zionist philosophies. Overall, neo-Zionism was much more effective in inserting itself into national political parties and their policies.

Upon the introduction of the neo-Zionist movement in the book, readers can see, Pappé's disappointment and frustration. He remarks, "post-Zionism challenge could have, but has not, taken Israel" (270). It is likely that the simplicity and clarity of neo-Zionism on Palestine appealed to the citizens of Israel. Whereas the post-Zionist movement focused more on questioning existing discourse, and failed to provide a clear alternative for the Israeli citizens, thus explaining its short-lived reign. However, others would argue post-Zionism, while not as popular in Israel, has gained major footing in academia abroad.

One side missing or perhaps is underrepresented in Pappé's analysis of the major ideas in Israel, is presented by Flapan in his work, *Zionism and Palestinians*:

"The history of Zionism demonstrates the extent to which the urge to create a new society, embodying the universal values of democracy and social justice, was inherent in the Zionist movement and responsible for its progress in adverse conditions. Israel's problem today lies in the disintegration of these values, due largely to the intoxication with military success and the belief that military superiority is a substitute for peace." (13)

Pappé could have recognized the usefulness of Zionism on the development of the Jewish state, and perhaps include an argument about the degeneration of the Zionism today versus its initial goal to create a Jewish state. While Pappé's criticism of certain strands of Zionism is clearly articulated throughout the books, he does not emphasize the underlying dissonance within Zionists schools. The intentions of early Zionism are key in understanding the movement and in preventing broad demonization of Zionism.

The Idea of Israel depicts the progression of classical, post and neo-Zionism in the genesis of Israel. Pappé critically analyzes these movements by incorporating the works of scholars such as Edward Said, Simha Flapan, Yehuda Elkana and other "trailblazers". He explains the clash in ideas between these movements and how they are essential in interpreting history, creating policy and understanding the heterogeneous community living in Israel today.

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“It’s Just Gravel”: The Logic of Elimination in Edmonton’s Downtown Revitalization

Kate Black

Edmonton’s burgeoning “Ice District” has been a frosty source of contention in the city. But criticism of the Ice District – which has ranged from its name to its funding – has hardly addressed the project’s positioning in a larger event of settler colonialism. By analyzing recent news coverage and an interview with a stakeholder in Edmonton’s urban development, I argue that the city’s downtown revitalization disregards urban aboriginal sovereignty. I find that Edmonton’s downtown core is a uniquely aboriginal space, with nearly 50 per cent of Edmonton’s urban homeless population being aboriginal-identified, while aboriginal peoples only constitute less than 6 per cent of the greater Edmonton population. In conjunction with language seeking to “cleanse” the area of perceived danger and imprint capitalist productivity in an “empty” area, I conclude that Edmonton’s downtown revitalization project operates as a settler colonialist function to eliminate urban indigenous populations. I position this argument within a greater conversation of indigenous sovereignties in Canada: how can the urban indigenous population in Edmonton be self-sustaining – let alone sovereign – when the very land they reside is under constant siege by a competing municipality?

In July 2010, Edmonton’s City Council passed a comprehensive, 10-year plan to redevelop the city’s downtown – quietly, yet effectively, perpetuating the land’s bloody history of settler colonialism. Amid controversies of design and public consultation, little conversation has queried the impact of the new “arena and entertainment” district on those who live on the land targeted for redevelopment. Not only residing on unceded Treaty 6 indigenous territory, Edmonton’s downtown core houses a particularly dense houseless aboriginal population. Thus, this paper analyzes discourse surrounding Edmonton’s downtown development through Wolfe’s (2006) “logic of elimination” – that the settler erasure of indigenous populations for colonialist projects is a “structure,” rather than an “event.” From the early planning stages of the arena, the municipal government has failed to acknowledge the urban land sovereignty of the aboriginal peoples, while, in tandem, actively seeking to eliminate their populations from the downtown core. This paper, then, argues that by disregarding urban aboriginal

sovereignty, Edmonton's downtown "revitalization" project operates as a settler colonialist function to eliminate urban native populations – an elimination eerily reminiscent of the genocide that segued settler sovereignty over Treaty 6 in the first place.

Edmonton's Downtown: A Uniquely Aboriginal Space

Given the disproportionate representation of houseless aboriginal peoples in the city's downtown, it would be irresponsible to analyze the revitalization project without acknowledging its racial significance. According to the Homeward Trust's 2014 Homeless Count, 47 per cent of the city's homeless population identifies as aboriginal (Inuit, Indians or Métis), while only constituting for 5.4 per cent of Edmonton's population. With 60 per cent of the city's aboriginal population and 56 per cent of the entire city's homeless population living downtown, in many ways, Edmonton's downtown is a uniquely aboriginal space ("Homeless Count"). However, as made clear by its looming invasive developments, Edmonton's downtown is dominated by decisions made by sovereign settler bodies. In this sense, Nichols' (2014) work suggesting the colonialist influence on aboriginal "overrepresentation" in Canadian prisons may be extended to the streets of Edmonton – aboriginal peoples are disproportionately subjected to homelessness, incarcerated by inescapable poverty and, to some extent, punished by having the land where they have established their urban lives excavated and built upon. Because this space is so uniquely steeped in aboriginal bloodlines and colonial intervention, the downtown arena project demands a reading attuned to excavating its inherently political and colonial enrichment.

We must, however, look beyond Nichols' thoughts on aboriginal "overrepresentation" in the carceral system to effectively analyze the urban indigenous situation in Edmonton. Nichols (2014) asserts that stating the numbers of incarcerated aboriginals as a mere "overrepresentation" overlooks the deeply political and colonial project ongoing within the country's justice system; the same may be said for homelessness in Edmonton – the statistics are largely attributable to social inequalities triggered by deep histories of colonial displacement. However, it is essential to recognize that the analogy does not run equally between prisons and the streets – aboriginal peoples, in many instances, actively choose to choose life downtown and have developed sustained cultural practices within the urban setting (Lawrence 2004). To ignore this vital lifeworld as a sovereign indigenous body further colonizes the project of urban indigeneity. Therefore, this paper approaches the word "homelessness" as merely a rhetorical framework, and opts for the phrase "houselessness" when possible. After all, as stated by Johnson (2013), "in Edmonton, Indigenous peoples *are* home – even people who do not have houses are still emphatically *at home*" (p. 4). While this argument tends to romanticize the devastating realities donned on the houseless in a capitalist framework, it does, however, address the resiliency and legitimacy of lifestyle lived by those in inner cities to create their own sovereign urban cultures. In fact, the municipal government's disregard for urban houseless residence as a legitimate, sovereign lifestyle, gives way to its project of indigenous erasure.

The development on this distinctly aboriginal place comes several years after Edmonton's City Council enacted policy that seemingly permits the colonialist use of space in the city. In a sense, Edmonton's Urban Aboriginal Accord (2005) euphemizes the settler-colonial relationship between the city of Edmonton and the city's aboriginal community. The one-page document acknowledges the city's

residence on Treaty Six territory, and is built on four "guiding principles": relationships, agreements, celebrations and renewal. At no point, however, does the document highlight the sovereignty of the aboriginal populace. This non-encompassing document therefore serves to support Nichol's (2014) argument that settler-colonial states perpetuate their colonial nature by disregarding indigenous states as "self-organizing, self-governing political collectivises" (p. 444). The downtown arena project, therefore, is not as much a violation of the accord as it is a demonstration of the gross failure of the accord as a political document, as it does not respect the sovereignty of the indigenous nation as a self-sustaining body.

Edmonton's denial of the urban aboriginal population as a sovereign body was clearly reflected in its deliberation process for developing the downtown region. Explicit mentions of, or deliberations with vulnerable populations, (let alone the urban aboriginal population) were fully absent from the council deliberations and community forums surrounding the redevelopment. In 2010, the city held a public consultation to seek input on the "concept, funding model, and impact" of a potential arena and entertainment facility downtown ("2010 Consultation Summary"). The method of collecting feedback, however, was not catered to vulnerable populations. Feedback was received through an online questionnaire, open houses, invited stakeholder sessions, and a "statistically valid telephone survey" – yet no formal deliberations were made with the populations that it would most likely impact to the gravest degree, those who likely have limited access to the Internet connection or phone line required to participate in the deliberations. Despite the Canadian Government's 1995 federal policy statement recognizing the "inherent right of self-government as an existing Aboriginal right," the Edmonton municipal government still exercises full control over how those who live on downtown land operate – sovereignty in its purest sense ("Aboriginal Self-Government"). With that being said, a sizeable portion of Edmonton's aboriginal population (even up to 60 per cent) are privy to the decisions made by white industry and settler municipality. A population simply cannot be rendered sovereign under these circumstances.

Urbs Nullius: The Perceived "Emptiness" of Downtown Land

Discussion surrounding the usability of Edmonton's downtown is entrenched in the *terra nullius* attitude fuelling settler colonialism – that is, the land, at present, is not being used effectively, and therefore can be utilized more efficiently by the incoming developers. Or, as put by Coulthard (2014), it is "the racist legal fiction that declared Indigenous peoples too 'primitive' to bear rights to land and sovereignty... thus rendering their territories legally "empty" and therefore open for colonial settlement and development" (p. 175). Coulthard (2014) briefly expands this attitude to define the *urbs nullius* paradigm of gentrification: that the urban space is not being used effectively, and is therefore susceptible to "legitimate" construction, or "revitalization" (p. 176). In a personal interview, President of Edmonton's Downtown Community League, Chris Buyze, plainly reflected the essence of the *urbs nullius* logic of elimination. When pressed to discuss the potential displacement the downtown arena may affect on vulnerable populations, Buyze (a staunch supporter of downtown's revitalization), saw no issue with building on the "empty" land:

"Where the arena is being built is just a parking lot. It's not like we took down buildings or people's homes. It's just gravel. If somebody wants to claim that they're

being displaced because they loved the parking lot that was there, I find that a hard argument to swallow” (C. Buyze, personal communication, March 26, 2014).

To Buyze (and much of the downtown revitalization movement), the land is not being used in a “legitimate” sense (i.e. not in the same way as affluently sheltered individuals do). Thus, the *urbis nullius* paradigm does not recognize a gravel parking lot as a legitimate home, although 20 per cent of Edmonton’s houseless are estimated to “sleep rough” on the city’s streets (i.e. reside outside, in places not widely intended for human habitation, such as parking lots). This mindset, a blissful ignorance, constructs a slippery slope parallel to that of which legitimized the colonization and theft of indigenous land. The urban indigenous state may be quietly eliminated when their homeland is regarded as vacant, usable “gravel” to be tread and built upon.

Such use of land is reminiscent of Wolfe’s (2006) discussion of settler colonialism as an eliminating act, in that “modernity cannot explain the insatiable dynamic whereby settler colonialism always needs more land” (p. 395). His discussion of agriculture as the primary land-harvesting function of settler colonialism can be extended to recognize gentrification as its newest damaging form. When the amount of flat land space has been wholly occupied or “taken,” as it is in the urban context, the only available next step is to improve upon, or gentrify, what already exists. Gentrification of indigenous space, too, “enables a population to be expanded by continuing immigration at the expense of native lands and livelihoods” (p. 395). Here, the definition of “native” may be extended beyond purely aboriginal populations to encompass all peoples who inhabited the space prior to gentrification. Gentrification is more than just the demolition of buildings and resurfacing of scaffolding – it is the “cleansing” of the native population to produce an acceptably hygienic population.

Eyes on Delta Zero: Who’s Legitimate?

The language of policing the downtown revitalization echoes this effort to “sanitize” the space, quietly seeking to eliminate its indigenous populations. The 2013 *Edmonton Journal* article, “Delta Zero: Downtown Edmonton’s crime pocket” reflects the city’s optimism of the construction of an “arena district” to drive down crime rates while attracting more “legitimate” participants into the space. As noted by the article, the catalyst of the revitalization project, the Rogers Arena, is being built in Edmonton’s “largest crime pocket,” dubbed “Delta Zero” by the Edmonton Police Services (EPS). The area between 101 Street and 105 Street, and 107 Avenue to Jasper Avenue, the article states, “has so much crime and disorder that police have created a separate district ... to manage crime,” that the area “drives up total calls for service for the entire force” and creates a “drain” on Edmonton Police Services’ resources (“Delta Zero”). In the article, Edmonton Community Sgt. Lawley states that Delta Zero’s main drain on the police force’s efforts comes from “illegitimate” users of the area, which he defines as those who “prey upon” the “legitimate” users of the area. When imagining the area in its fully “revitalized” state,” he defines the “legitimate” uses as those who are entering the area to access its services, from those who are “taking in hockey games” to those “going to Boyle Street Community Services, the Hope Mission and the George Spady Centre” (“Delta Zero”). While masquerading as a function of public safety, this strict binary of space legitimacy based on one’s capacity to engage with its “services” seeks to ouster those who merely reside in the area without presenting transactional “purpose.”

The language utilized by city council and police describing the desired tenants of the Delta Zero space refurbishes the downtown core from one of residence to one of service, steeping the discourse of the area in a capitalist framework. Lawley does not include those who engage with the space in a transitional, "passive" manner as legitimate inhabitants of Delta Zero – that is, those who merely reside in the downtown core, as people living in their sheltered homes do, are not considered "legitimate" users of the space. Rather, the "legitimacy" discourse implies that those entering the space are doing so for a presentable reason and that they will leave once they're done "using" the area. While politically correct for the police to recognize the use of services provided to the non-affluent members of the community (such as the Boyle Community Centre) as "legitimate," this language conveniently glosses over the reality that these services do not permanently "contain" the vulnerable members of society. Moreover, these services exist in the downtown core to be available to the people who need it the most, and simply do not have the capacity to fully "house" its users away from the streets on a full-time basis. In this colonialist context, an individual's presence is only legitimate once they are being "contained" by the agents of the colonial government – whether that is paying entry fees to watch a game at the arena or housed away in a (usually temporary) social service.

Such attitudes produce the policing of non-transactional uses of space, like loitering and panhandling – restrictions that usurp the sovereignty of land from the urban citizens and into the hands of the government. Little scholarship discusses panhandling and other "alternative" revenue streams utilized by urban populations as legitimate means of living, and its policing as a colonial practice (with the exception of drug trade and sex work). Razack (2002), however, describes "nuisance laws" (i.e. laws that bar panhandling, for example) as spatial practices which "mark off the spaces of the settler and the native, both conceptually and materially" (p. 129). But this policing of transient urban lifestyles not only ghettoizes "undesirable" groups from affluent space as Razack writes, but effectively *problematizes* the actions in themselves. Living in downtown centres aren't necessarily inherently debilitating – indigenous populations lived relatively free of "poverty" as we see it today before the introduction of settler colonialism. Rather, the space becomes inhabitable when the municipal sovereignty outlaws and society subsequently shames the native's sovereignty to actively seek out methods of self-sustenance. In this sense, disallowing activities that ensure the urban population's sovereignty functions as a logic of elimination. By enacting legislation and language that makes the urban landscape unlivable for those who do not subscribe to its capitalist underpinnings, Edmonton has a clear motive to drive its urban populations out of the area. This problematic drive to erasure is particularly evident in its labelling the transient use of space (presumably to prevent such activities barred by "nuisance laws") as "illegitimate."

Further exuding the native populations of the urban centre as "un-civilized" bodies is the increasing language of surveillance surrounding the revitalization. Repeated statements from police in city newspapers, and city documents cite the influx of "legitimate" users in the downtown space will drive out the "illegitimate" users (which as, discussed before, can be expected to be largely houseless and largely aboriginal). This rhetoric drives the sovereignty to "let live" into the hands of those who do not necessarily reside in the downtown core. Lawley, in the previously quoted *Journal* article, mentions the benefit of increased "peer surveillance" with the greater influx of "legitimate users" infiltrating the area: "It's the citizens basically policing their own community, and that, to me, is a much better model than having a cop on every corner" ("Delta Zero"). Similarly, EPS officer Tony Harder states that with

the downtown revitalization, that "bringing more of the regular folks with regular jobs" will "dilutes whatever issues are occurring" ("Edmonton Revitalization"). These two statements, in particular, illustrate the eliminating settler mindsets at work. The legitimate, affluent people with "regular" jobs are imagined to literally "dilute" the "illegitimate" populations in the downtown region – who, we can assume, do not have "regular" jobs. This language is perpetuated by Buyze (2015), in his short article "Finer Focus for Finer Living" in the Downtown Community League's community magazine, *the Yards*: "A safer core is a clean core," he writes. "Having eyes on the street and identifying problem spots helps us work to address these concerns with downtown's beat cops" (p. 4). Again, the "regular," affluent aggregate is assumed to be able to drive out "problems" with their surveilling presence. While none of these statements explicitly mention what these "problem spots are," they are clearly speaking to the undesirable people taking up space in the downtown core – there's no sense in having "eyes on the street" to police nature, after all. In short, having "eyes on the street" hands the sovereign power over to those "legitimate" users of the Delta Zero space to police who is welcome and who is not.

Here, Coulthard's idea of *urbs nullius* may be expanded to not simply encompass the perceived primitive lack of productivity in indigenous space, but an absence of civility. In another *the Yards* article, Edmonton Ward 6 councilor, Scott McKeen (2014) adopts the project of rehabilitating alcoholic aboriginal peoples as a further degree of downtown revitalization. He writes that houseless urban aboriginal peoples "remain infested with these shameful trickle-down effects" of residential schools, whose "lives are third world at best" (p. 16). He quietly links these "street alcoholics" to causing "much of the social disorder [on Edmonton's] streets" and that they live "pathetic lives of misery." In this last line, McKeen's statements suggest their true intent: creating more spaces for "street alcoholics" are not rooted in rehabilitation – they're a swift method of clearing undesirable populations (which, as he admits, are uniquely aboriginal) from the street. Temporary attempts at rehabilitation will clear "social disorder" so the city's sidewalks are fit for the affluent to walk without fear of touching third-world miscreants. Sadly, Coulthard's description of *urbs nullius* doesn't seem to be enough to encompass the crude desires to reform the humans to better the streets of Edmonton. These sentiments are widely sanitized by city communications offices and "revitalizationist" rhetoric, but clearly, at the hearts of some developmental pursuits, lies the blatant desire to erase broken cultures.

It is unclear whether Edmonton's aboriginal peoples will surely be displaced following the downtown core's "revitalization." It is, however, undeniable that the language and actions used to preface the building in the area are drenched in settler colonialist ideology. The aboriginal population in Edmonton can never be self-sustaining – let alone sovereign – when the very land they reside is under constant attack from a municipality that threatens to disassemble their attempts at urban sovereignty. Gentrification is certainly pleasant for the affluent (and is admittedly so for this white settler writer). We cannot speak about revitalization, however, without acknowledging its intent of erasure: erasure of indigenous land sovereignty and erasure of the symptoms of our unequal society. The blood trails left by gentrification may be invisible, but we must not forget the historical bloodshed that punctuates settler-colonialist conversations of "revitalization."

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You Ain't Seen Nothing Yet: An Analysis of Depictions of Canadian National Identity in the Juno Awards 2014 Broadcast

Blair Wade

With changing dynamics of political communication merging education and information and giving rise to celebrity politics, entertainment media is now playing an integral role in creating a cultural context for individuals, especially young people, to become politically active. The Juno Awards 2014 broadcast presents an excellent opportunity for analysis of changing forms of political communication and celebrity politics in the Canadian context. This becomes especially true when recognizing the origins of the Juno Awards, with the creation of the Canadian Academy of Recording Arts and Sciences (CARAS) was designed to celebrate Canadian arts and culture on a national scale, but has evolved over the decades to become more focused on music promotion and commercial profitability than fair and equal artistic representation. For this study, both qualitative and quantitative methods were combined to measure the most prominent features of Canadian national identity: multiculturalism, gender egalitarianism, the diffident and unpatriotic citizen, and Canada as a peacekeeping nation.

Research Topic

For almost 40 years Canada has gathered annually as a nation to celebrate our country's best and brightest in the music industry at the Juno Awards ceremony, and given the many new connections made between entertainment media and political communication, this event can speak largely to the social and political culture in Canada. We gather as a nation to recognize, praise, and showcase individuals as the hallmark of our country, and in doing so play a direct role in portraying an image of national identity. David Young speaks to this function, "While some music award shows have an international dimension . . . they are usually linked to particular countries and can therefore reveal much about nation states in relation to popular music."¹ The actual format of the shows plays a significant role in the political communication as well. Mark Duffett speaks to the presentation factor, which he describes as a spectacle, and describes it as "an undemocratic vehicle designed to convey particular social messages in a one way

¹ David Young, "The promotional state and Canada's Juno Awards," *Popular Music* 23, no. 3 (2004): 271.

system of communications . . . links dominant ideological messages to one type of collective visual pleasure.”² Analyzing these presentations therefore becomes of the utmost importance for determining the dominant and hegemonic views of an area. Of arguably equal importance is the way the Juno Awards in many ways conforms to a reality television format, which blurs the lines between objective, everyday perspectives, and heavily produced acts. Jade Boyd acknowledges such a phenomenon, “Reality-based programs, drawing from a tradition of documentary formatting, often present representations as though they are objective accounts of everyday life; however active viewers and scholars can interpret reality shows as cultural products or spectacles of performance.”³ The Juno Awards 2014 broadcast thus makes an excellent text to explore as a vehicle for constructing Canadian national identity.

Research Question

In what ways does the Juno Awards 2014 broadcast conform or subvert ideals of Canadian national identity relating to the following: multiculturalism and representation of ethno-racial minorities, gender egalitarianism, and the diffident citizen personality.

Literature Review

To accomplish this research project, previous literature on celebrity politics, the Juno Awards, and Canadian national identity will be used.

Throughout many generations, the fields of political science and pop culture have been thought to be working directly against each other, but in recent years research has proven that their relationship lies more on a continuum and each can act to reinforce the other. Entertainment media is now playing an integral role in creating a cultural context for individuals, especially young people, to become politically aware and active. John Street, Sanna Inthorn, and Martin Scott explain, “In talking about popular culture and its pleasures, young people connect their cultural life to the wider world of politics.”⁴ This is due in large part to changing dynamics of political communication, which are merging education and information and giving rise to celebrity politics. In this way, musicians such as in the Juno Awards and other celebrities attain authority and legitimacy by virtue of their social status to engage and represent new audiences and in many ways subvert traditional politics. John Street describes this relationship:

The capacity to claim to speak politically as a celebrity is determined by a number of conditions and structures, as well as by the affective bond which is created by the relationship between the celebrity and their admirers. In certain contexts and under particular conditions, performers can

² Mark Duffett, "Going down like a song: national identity, global commerce, and the Great Canadian Party," *Popular Music* 19, no. 1 (2000): 7.

³ Jade Boyd, "'Hey We're From Canada But We're Diverse, Right?': Neoliberalism, Multiculturalism, and Identity on So You Think You Can Dance Canada," *Cultural Studies in Media Communication* 29, no. 4 (2012): 261.

⁴ John Street, Sanna Inthorn, Martin Scott, "Playing at Politics? Popular Culture as Political Engagement," *Parliamentary Affairs* 65 (2012): 339.

lay claim to represent those who admire them. They give political voice to those who follow them, both by virtue of the political conditions and by means of their art.⁵

Theories of post-democracy have also been attributed to the rise of celebrity politics; in this line of thinking, traditional democratic institutions remain intact but politics becomes an overtly elite-run organization, which in this case includes celebrities. Seth Hague, John Street, and Heather Savigny apply this theory, "The citizen is a passive bystander witness only to politics as spectacle . . . politics becomes a variation on consumption in which brands, images, and celebrities become key."⁶ The medium of music, as is showcased in the Juno Awards, as a political vehicle becomes particularly interesting in this discussion because of the many roles it can play. Although there are varying views on the politics of music that are all supported in the literature, its power to act symbolically while also being able to organize and articulate issues enhances its status. Hague, Street, and Savigny outline this role, "Music is treated as an independent variable to the extent that it is more than illustrative or symbolic of political thoughts and acts; rather, it articulates and organizes them. Music is a reason why things are said or done."⁷ Popular culture, and specifically music, is henceforth a very present and valuable variable in political communications.

In the Canadian context, the Juno Awards provide an excellent example of the convergence of entertainment and political media. Not only can social and political messages be derived from the content as per any text, but the very structure of the award shows themselves is heavily political. Created in 1971 as an evolution of the RPM Gold Leaf Awards started by Walt Grealis in 1964, and named after Pierre Juneau in honour of his work with the Canadian Radio-television Telecommunications Commission and his pioneering of Canadian content regulations, the Juno Awards purposes to recognize great achievements in Canada's music industry.⁸ In consequence, the Canadian Music Awards Association, which later turned into what we now know as the Canadian Academy of Recording Arts and Science was created which serves to facilitate the awards.⁹ 1975 marked the first broadcast of the award show, as it premiered on the government-funded CBC. It becomes evident that Canada has a history of operating as a promotional state in the music industry, especially around the time the Junos first began. Young describes the promotional state as one that faces Anglo-American domination, and actively regulates to combat it.¹⁰ Young supports his claim, "Canadian content regulations, public broadcasting, and government funding are all components of Canada's promotional state that have had varying degrees of association with the Juno Awards over the years."¹¹ The politicization of the awards here becomes clear, as the government is explicitly making an effort to portray a certain image of Canada through the music awards and this broadcast. However, it is important to note that in recent years this state intervention has slowly diminished, especially with the rise of neoliberalism in Canada. Young stresses this update and notes privatization through the emergence of independent television programming, the growth of

⁵ John Street, "Celebrity Politicians: Popular Culture and Political Representation," *British Journal of Politics and International Relations* 6 (2004): 448.

⁶ Seth Hague, John Street, and Heather Savigny, "The Voice of the People? Musicians as Political Actors," *Critical Politics* 4, no. 1 (2008): 8.

⁷ *Ibid.*, 8.

⁸ David Young, "Ethno-racial minorities and the Juno Awards," *Canadian Journal of Sociology* 31, no. 2 (2006): 190.

⁹ *Ibid.*, 190.

¹⁰ Young, "The promotional state and Canada's Juno Awards," 271.

¹¹ David Young, "The CBC and the Juno Awards," *Canadian Journal of Sociology* 30 (2005): 345.

corporate sponsorship relative to government funding, and the shift from public to private broadcasting as evidence.¹² As a result, the Juno Awards have a much greater job in ensuring that they are commercially viable to the public, and decisions about content must reflect that. Through past and present, the Juno Awards have had a stated interest in presenting a specific image of and to Canada, and as Duffett writes, “Power to choose who is included in the category of national music becomes a way to socially define the nation.”¹³ The very structure and function of the Juno Awards increases the importance of analysis beyond the fact they are simply a form of entertainment media being consumed by the public in a certain Canadian cultural context.

As it stands, Canadian nationalism itself has proven to be an exceedingly challenging concept to define and study for a variety of reasons, not least of which are cultural diversity, regional divisiveness, and sparse population. However, for this reason it becomes ever more fascinating and important to explore. Nationalism itself describes the feelings of identity and belonging attached to a certain nation or state that is felt individually but in relation to others. Tracy Raney elaborates on this definition:

Nationalism is defined as a movement or belief of a group of people who form a political community with common institutions, a single code of rights and duties, and a definite social space with which members identify while national identity refers to a feeling of belonging, closeness, or attachment to a nation. National identity also holds both a collective and individual meaning: it can describe the shared myths, values, and aspirations of a national group and it can describe an individual’s attachment to his/her nation.¹⁴

These ideas are developed through a variety of sources including familial and peer relationships, political actors and institutions, and the media in all its sources, including entertainment media such as The Juno Awards. In Canada, national identity has largely become structured around themes of equality and egalitarianism with values, ideals, and goals focused on acceptance of everyone regardless of such defining features as gender, culture, ethnicity, religious background, or sexual orientation. Raney argues that the Canadian federal government has been active in legislating social and economic policies to reflect this desire for a pan-Canadian, universal national identity and cites The Citizenship Act, The Canadian Bill of Rights, the inauguration of the maple leaf as the Canadian flag, and the development of social programs like Medicare as examples.¹⁵ As such, multiculturalism has become a huge hallmark of Canada. Susan Fast and Karen Pegley describe this feature as the ability for “ethnic groups living within Canada to maintain their cultural heritage and traditions.”¹⁶ The value of gender equality has also set Canada as an international example. Randy Dyck demonstrates:

One striking example of the claim that Canada is more egalitarian than the United States is in the constitutional equality of women. In the United States a proposed Equal Rights Amendment to the constitution failed to pass, whereas at the same time, Canada adopted a strong guarantee of gender equality (including affirmative action) in the 1982 Charter of Rights and Freedoms.¹⁷

¹² Young, "The promotional state and Canada's Juno Awards," 275.

¹³ Duffett, "Going down like a song," 6.

¹⁴ Tracey Raney, "As Canada As Possible... Under What Circumstances? Public Opinion on Nationality in Canada Outside Quebec," *Journal of Canadian Studies* 43, no. 3 (2009): 7.

¹⁵ *Ibid.*, 9.

¹⁶ Susan Fast and Karen Pegley, "Music and Canadian Nationhood Post 9/11: An Analysis of Music Without Borders Live," *Journal of Popular Music Studies* 18, no. 1 (2006): 20.

¹⁷ Rand Dyck, *Canadian Politics: Critical Approaches* (Toronto, Ontario: Nelson Education, 2011), 260.

Despite such concerted efforts at unifying the nation, Canadian citizens have long been stereotyped as diffident, even unpatriotic citizens, known for their lack of grand displays of nationalism typical of many other nations. Keri Veblin identifies this contrasting issue:

While the ideals of democracy, tolerance, peacefulness, and cultural diversity that are set into the stone of Canadian law and flow through the currents of its dominant and minority cultures appear to elicit little debate, the manner in which Canadians show pride in their homeland and display national unity, while maintaining their unique and vibrant heritages, continues to be the focus of vigorous debate.¹⁸

These features of national identity (multiculturalism, gender equality, citizen diffidence) are what will be the main focus of this research project.

Methodology

For this research project, the communication text is the entire broadcast of the Juno Awards 2014; only the portion of the ceremony that was publicly broadcast will be coded, the rest of the gala will be omitted because it was not directly transmitted to the public and therefore not relevant to this study. Only individuals present at the award show will be codified; every name mentioned during the nomination process will not be included as it would exceed the scale and scope of this study. A study of representation of visible ethnic minorities, gender balance, and explicit patriotism will be qualitatively examined. These variables have been chosen because they will provide evidence to the claims of Canada's national identity being built around equal, universal, pan-Canadian citizenship, as well as the suggestion of Canada's modesty around grand displays of national pride. A brief quantitative analysis will also be performed to provide demographic information, and to compliment the quantitative analysis. For this quantitative analysis, individuals will simply be coded by gender and visible ethnicity (see Appendix I.) Each individual will only be coded once regardless of how often they make an appearance, and every member of a group will be coded excluding the appearance of chorus or ensemble groups in which case the entire group will be coded as a single individual.

Hypothesis

There are two main hypotheses guiding this project:

H1: The guests featured on the 2014 Juno Awards broadcast will not be representative of the multicultural and gender equality ideals of the Canadian state

H2: The guests featured on the 2014 Juno Awards broadcast will subvert the stereotype of the diffident, unpatriotic Canadian citizen and display more grandiose patriotic attitudes.

Support for these hypotheses comes from the history of underrepresentation of diversity at the Junos, the commercial imperative of the ceremony, and the current state of Canadian society. Previous analysis of the Juno Awards has revealed that they have experienced a traditional and pervasive lack of diversity, and instead remained focused on Anglo-centric cultural hegemony. Young speaks to such research, and notes that not only have ethno-racial minorities been absent due to the institutional practices and policies

¹⁸ Karin K. Veblin, "We Stand on Guard For Thee": National Identity in Canadian Music Education," in *Patriotism and Nationalism in Music Education*, ed. Alexandra Kertz-Welzel and David G. Hebert (Farnham, Surrey: Ashgate, 2012), 152.

of the Junos and CARAS, but they have often sought alternative venues for expression rather than work to become included within the existing framework.¹⁹ This reality is mirrored by the women of the music industry, who also face mass exclusion and discrimination. Janni Aragon explains, “Inequalities within mainstream politics and culture have caused some girls and women . . . to seek a space of their own to discuss political activities, political participation, and different forms of artistic expression.”²⁰ Secondly, the Juno Awards have always been largely guided by a commercial imperative. To support their programming, the promotional strategy of CARAS is inevitably to capture and satisfy a large audience, and this is often prioritized over showcasing a variety of acts. Young provides evidence for this conflict, “While noting that there is an effort to include a variety of other artists and provide some recognition for their music, two CARAS presidents have acknowledged that the primary goal is to satisfy a large audience by focusing the televised ceremony on mainstream performers and mainstream awards categories.”²¹ What constitutes as mainstream is an obvious normative judgement and one that quickly and easily reproduces hegemonic norms. Compounding this issue, the music industry has historically had a heavy hand in the awards ceremony. Young identifies this reality, “Although the Juno Awards helped the CBC fulfill some aspects of its public service mandate (by providing entertainment programming that focused on Canadian culture and talent from different regions of Canada) the programming was from the beginning a promotional vehicle designed to serve the commercial interests of the music industry.”²² Lastly, Canadian society is currently not truly living up to the values, ideals, and goals of equality and egalitarianism it has laid out nationally. Fast and Pegley pronounce this incongruence, “While many support Canada’s multicultural policy, they often overlook the complex ways in which hegemonic privilege underpins our cultural articulations.”²³ More strikingly, Canadian displays of patriotism have been strongly rising, almost rivalling that of its American counterparts. As it is doing so, it is abolishing the stereotype of the diffident, modest, and unpatriotic citizen. Gregory Millard, Sarah Riegel, and John Wright observe this change, “Canadians are in the throes, not simply of a change in the nature of their nationalism but a shift in its style of expression. It is not better understood as noisy and assertive, even bellicose, and surprisingly analogous to the American manner of patriotic expression with which it is traditionally contrasted.”²⁴ All of this evidence strongly suggests then that the Juno Awards 2014 broadcast will not conform to the ideals espoused in nationally constructed Canadian identity, but will fall as short as the rest of Canadian society.

Results

Both the qualitative and quantitative results of this study revealed very interesting, complex, and competing results of constructions of Canadian national identity in the Juno Awards 2014 broadcast. Overall, the awards ceremony failed to showcase multiculturalism and diversity, but provided unique

¹⁹ Young, “Ethno-racial minorities and the Juno Awards,” 184.

²⁰ Janni Aragon, “The ‘Lady’ revolution in the age of technology,” *International Journal of Media and Cultural Politics* 4, no. 1 (2008): 78.

²¹ Young, “Ethno-racial minorities and the Juno Awards,” 192.

²² Young, “The CBC and the Juno Awards,” 352.

²³ Fast and Pegley, “Music and Canadian Nationhood Post 9/11,” 23.

²⁴ Gregory Millard, Sarah Riegel, and John Wright, “Here’s Where We Get Canadian: English Canadian Nationalism and Pop Culture,” *American Review of Canadian Studies* 32, no. 1 (2002): 11.

gendered representations, and while no representations conforming to or subverting the diffident citizen stereotype appeared, the trope of Canadians as peacemakers became prominently present.

The analysis of representations of visible ethnic minorities at the Juno Awards 2014 ceremony was by far the most devastating. Comprising only 19% of the total guests featured on the broadcast, diversity was clearly lacking. The qualitative report proves no more promising. Even when the small amount of representation occurred, it did not occur with a celebration of cultural differences or a recognition of Canada's diversity; discussion on this topic was entirely absent from the showcase. This is additionally worrisome when the Minister of Canadian Heritage and Official Languages, the Honourable Shelley Glover, made an appearance. Having her appear at the event suggests the cultural importance of the event, however she spoke only a few seconds worth of French which barely constitutes as diversity, and made no further acknowledgement of celebrating all that Canada is. Rather, she served to reinforce and reproduce the Anglo-centric culture norm that the Juno Awards rest on. Every year the Junos also feature an international artist, which again is a moment of potential for celebrating variety and diversity, however this year's musical guest was America's OneRepublic, a rock band fronted by the traditional identity of a white male. This demonstrates a caving to commercial ventures rather than cultural celebration. Most worrisome, however, was what was not shown on-screen. Due to time constraints, not every category of award is featured on-air, but many are re-capped throughout the show. On this year's recap were featured many non-mainstream categories which featured artists of colour and Aboriginal artists including Kardinal Offishal, Exco Lev and Kabaka Pyramid, and George Leech. To purposefully choose to exclude these artists demonstrates a clear effort to maintain an Anglo-centric hegemon by the Junos, and a Canadian society that is unwilling to truly adopt the democratic ideals it proclaims to hold. Fast and Pegley describe this issue from previous experience, "In an event during which the notion of Canada and Canadian identity was invoked, and celebrated over and over again, this marginalization. . . is very problematic."²⁵

The night had a few small moments of multiculturalism, however brief. Each host, Serena Ryder, Classified, and Johnny Ried, each came from a different genre (rock, rap, and country, respectively) each of which includes a different cultural context and variety. Arcade Fire also demonstrated some culture appreciation, sending a video from Chile where they were currently working and immersing themselves in Chilean traditions. Most notably, however, was the presence of Ottawa-based Aboriginal band, A Tribe Called Red, whose music is self-proclaimed as a mix of urban First Nations and contemporary powwow. The group has been heavily involved in Canadian politics, maintaining what Dan McPeake²⁶ describes as an "activism-through-music ideological spin." During this year's Juno's they appeared to play a performance, and also took home the Breakthrough Group of the Year Award. A Tribe Called Red also holds the title of being the first Native group to take home a Juno Award in a non-Native category.²⁷ However, all of these minor gains were not enough to hold the night up against their gross underrepresentation of multiculturalism.

Categorizing gender representation and balance provided some of the most nuanced findings of this study. While the numbers do not speak highly of the event, the qualitative aspect of the project provided much more fruitful and promising conclusions. Looking at the quantitative results, women

²⁵ Fast and Pegley, "Music and Canadian Nationhood Post 9/11," 22.

²⁶ Dan McPeake, "A Tribe Called Red's musical activism," *Vancouver Observer*, February 26th, 2014. <http://www.vancouverobserver.com/culture/music/tribe-called-reds-musical-activism>.

²⁷ Ibid.

comprised only 28% of the guests featured on the broadcast. Worse yet, a cross-comparison of representation of gender and visible ethnic minorities reveals that only 0.03% of the entire population present consisted of women of visible ethnic minorities. This is a devastating blow for representation, especially considering the importance of intersectionality of race and gender. Yet, the qualitative results indicate that the representation was not as entirely exclusionary and discriminatory as the numbers would suggest.

To begin, there were several negative representations, some being more subtle than others. From the beginning, the show is outnumbered with 2/3 of the hosts being men, and a man narrator throughout. This conforms to the patriarchal stereotype of men being the main purveyors of knowledge and authority. Also noticed at the beginning, host Serena Ryder started off the show with a performance, only to have to share the stage halfway through as Classified collaborated. Immediately this becomes alarming, that a woman was not allowed to finish a performance without having to be joined by a male counterpart, however it was very artistically done and Ryder was allotted another full performance later in the show, leaving this detail to be minor in the grand scheme. Other issues that were more subtle but a repeating feature through the show were nostalgic references to past achievements of Canadian artists that predominantly referred to white, male musicians, reinforcing the existing norm. For example, Amanda Wilkonson of the Small Town Pistols provided a roll call of many great Canadian male musician top hits followed by the statement that they are “all amazing songs that are a huge part of our cultural identity.”²⁸ The exclusion of women in the category, deliberate or not, easily demonstrates the still lacking representation of women in Canadian music, and society as a whole, and potentially signifies that their work has not been important for our cultural identity. Lastly, the night was largely centered on Bachman Turner Overdrive, as the group was soon to be inducted into the Canadian Music Hall of Fame. Without negating their accomplishments and great successes and how much the group did very much deserve the recognition, to have this continual focus and recognition in the first place again uplifts the Anglo-centric, male, classic hegemony of the Canadian citizen that runs against the ideals the nation prides itself on. Whether we would see an individual or group with a visible minority identity achieve praise and recognition to the same caliber is yet to be determined. The night thus was not unproblematic in terms of gendered representation.

The Juno Awards 2014 were also full of unique and innovative gendered features, including LGBTQ representation, reversal of gendered stereotypes, and feminist activism. Calgary’s own sister duo, and openly lesbian activists, Tegan and Sara Quin dominated the evening with wins for Best Group, Best Album, and Best Single, as well as a performance and many backstage features. It was an obvious win for their artistic work, but also a win for the LGBTQ community they have been representing for years on and off stage. On helping LGBTQ youth specifically Tegan has said, “Well, that is my fight. It takes place on stage in front of thousands of people every day, making sure they know they have people like us. Or every time they see someone gay on television, or out there in a leadership role, or a powerful role, it’s gonna help.”²⁹ This year’s Juno’s were no exception as the group exclaimed on stage, “I don’t think very many people, certainly not us, thought two queer kids from northeast Calgary would get to here. And

²⁸ The Juno Awards, *The 2014 JUNO Gala Dinner and Awards- Full Broadcast*, March 31st, 2014, <http://www.youtube.com/watch?v=D81-b2isTLY>.

²⁹ John Norris, "Tegan and Sara's Tegan Quin on Marriage Equality: Transcending Ignorance With Compassion," *Under The Radar*, October 29th, 2012.

here we are. So thank you very much, to each and every one of you, thank you very much.”³⁰ Tegan and Sara were showcased again in a backstage act with Serena Ryder where they discussed all of the great female artists from Canada’s past, and in jest discussed plans to form an all-girl supergroup. While it was an excellent recognition of the female talent Canada has produced, the exclusionary nature of this featurette and the fact this discussion cannot be part of the regular discourse remains problematic. The broadcast featured many gender reversals as well, including young boys prominently featured in Tegan and Sara’s dance group during their performance, the exclusive recognition and guest appearances of female Olympians such as Team Jenifer Jones and Dara Howell, the first female to win gold in slopestyle freestyle skiing, and as previously mentioned Minister of Canadian Heritage and Official Languages: The Honourable Shelley Glover a female politician. Being able to view each gender in non-traditional roles shows moderate progress in gender equality and egalitarianism, and provides a positive model for the country. Lastly, guests of both genders played with gender reversal in their appearance: notably Serena Ryder and Tegan and Sara with their more masculine men’s wear style attire, and Matt May’s with his choice of accessorizing with eyeliner and heavier makeup. This feature was an interesting presentation of gender as performance, especially in a non-traditional manner, and a very unique finding in this study. Last but not least, the cancellation of performer Robin Thicke leaves an argument for gendered representation and the presence of feminist activism. His latest single ‘Blurred Lines’ spurred great international controversy as it has been said to contribute to rape culture, and as a result a petition circulated in Canada to have Thicke banned from the Junos. Although he officially cancelled due to health issues, speculation remains.³¹ In conclusion, while a full gender balance was not achieved in the Juno Awards 2014 broadcast to match Canadian national identity ideals of gender egalitarianism, there were many positive, unique, and modern gendered representations.

The last unit of analysis was to examine representations of patriotism throughout the Juno Awards broadcast. This result proved anomalous, as no signs of patriotism, either implicit and corresponding to the diffident citizen stereotype, or explicit and reflective of recent change were observed. What did occur, however, was the recurring presence of the peacekeeper trope in Canadian national identity. Fast and Pegley explain the peacekeeper trope as a “narrative of Canada as the international peacekeeper, the hero of the underdog, and the provider of basic human needs.”³² Finding this narrative within the Juno Awards was surprising given the fact it is only broadcast nationally, and does not have an international audience to whom this message might have more importance and resonance. Nonetheless, the narrative of Canada as a peacemaker was present with the many awards and recognitions that went out to various guests. For example, Sarah McLaughlin was praised for her work with the Sarah McLaughlin School of Music and Music Counts Canada which provides music education to underprivileged youth in the country, and Chantal Kreviazuk and Raine Maida received the Alan Waters Humanitarian Award.³³ However, the greatest example of this peacekeeper trope came from Serena Ryder in one of the most shocking events of the night. After receiving the award for Fan Choice, Justin Bieber received a resounding ‘boo’-ing from the entire stadium audience; Ryder did not accept that response. Next on stage to receive an award for Songwriter of the Year she had this to say:

³⁰ The Juno Awards, *The 2014 JUNO Gala Dinner and Awards- Full Broadcast*, March 31st, 2014, <http://www.youtube.com/watch?v=D81-b2isTLY>.

³¹ CTV Staff, “Robin Thicke cancels Juno Awards performance” *CTV News*, March 30th, 2014, <http://www.ctvnews.ca/entertainment/robin-thicke-cancels-juno-awards-performance-1.1752620>.

³² Fast and Pegley, “Music and Canadian Nationhood Post 9/11,” 19.

³³ The Juno Awards, *The 2014 JUNO Gala Dinner and Awards*.

I did want to say I came from a really small town, Millbrook, Ontario. When I was growing up there, there was under 1000 people there and this has been a dream of mine my entire life and I really think that Justin Bieber is an amazing musician and that he deserved every bit of that award because he's been working his ass off his entire life and we need to support him. I think he's great. I'm not just trying to kiss ass. He's great. He's amazing.³⁴

It was an amazing display of grace, humility, and hospitality perfectly emblematic of the Canadian peacekeeper. The question of the diffident citizen stereotype thus remains unanswered through the Juno Awards 2014 broadcast; however the peacekeeper trope was an informative if unexpected finding.

Conclusion

The Juno Awards 2014 broadcast provided a both entertaining and informative venue to discover how Canadian politics, specifically Canadian national identity, is constructed through pop culture. Created as a way to recognize the talent of Canadian music and the ways in which they contribute to culture, while heavily influenced by both political institutions and commercial interests, the awards ceremony has also functioned to represent a certain image to the country. This made them an excellent unit of analysis as a vehicle for constructing Canadian national identity. Based off of previous literature on the ideal Canadian national identity that both Canadian citizens and the Canadian government try to construct, this research focused on displays of multiculturalism, gender equality, and patriotism. The hypothesis were grounded in previous research of these characteristics, especially in relation to entertainment media, and hypothesized that the Juno Awards would not be representative of the values of equality Canada aims to hold, but that they would be extremely and explicitly patriotic. In conclusion, the results indicated that while lacking in multicultural representation altogether, small steps have been made to represent non-mainstream artists; gender equality was not met but traditional gender stereotypes are changing; and while no patriotism was observed the peacekeeping narrative of Canada is a huge part of its identity. This study was not without its limitations, however. To replicate this study in the future the following changes should be made to make it more valuable and conclusive: a longitudinal approach that makes observes overall trends in the Juno Awards, regional representation of Canadian artists to observe the tensions Canada faces internally, a quantitative analysis of the time each demographic appeared on-screen, and an inclusion of the nominees in coding. This investigation of the Juno Awards construction of Canadian national identity continues to prove their significance as a political vehicle, and the changing state of Canadian society.

³⁴ Ibid.

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Appendix I: Demographic Codebook For Quantitative Analysis

	Woman	Man	Total
Anglo-centric	49	21	70
Visible ethnic minority	13	3	16
Total	62	24	86

Indigenous Politics in Canada: The Predictable Political Non-Answer

Rebecca Carrick

This paper analyses the platforms of the three central parties (Progressive Conservatives, Liberal, and New Democratic Party) in the 2015 Canadian Federal Election, specifically referring to their proposals for addressing Indigenous politics. This paper illuminates the failure of all parties to put forward a comprehensive platform that acknowledges the systemic problems, and works towards permanent solutions to the state of living and relations with Indigenous peoples. Instead, each party focuses on the more visible, resulting effects. This method can only lead to further stigmatization from mainstream Canadians who are provided with only a limited discursive framework, in which to view Indigenous politics.

The topic of Indigenous politics has long since been a controversial topic within Canadian Politics. For the purpose of this essay, the term Indigenous politics encompasses adversities Indigenous peoples face, Indigenous interests, and their influence upon Canadian politics. Canadian politics is separated from Indigenous politics, not to imply that the Indigenous interests do not belong within the contemporary Canadian framework, but to highlight the specific interests that Indigenous peoples hold, which require a distinct space of emphasis. Contemporarily, a plethora of constitutional and political roadblocks encapsulate the overarching categorization of Indigenous Politics. These matters are often back-benched in Canadian politics in lieu of issues that hold more benefit to the state. Through this essay, I intend to focus upon the platforms of the three front running parties, Canadian Progressive Conservatives (CPC), New Democratic Party (NDP), and the Liberals, in relation to Indigenous Politics. I argue that no party has put forth a sufficient plan to amend the profuse amount of issues, in fact, I argue that the chosen solutions will serve to deepen the root of the issue at hand.

The points that each party commits to are important; however, they reject acknowledgement of the fundamental derivation of the controversies. The parties' interests run similar in focus, generally only

diverging in dollar amount commitment¹. Education reform, and infrastructure improvement in reservation schools take significant amounts of platform attention, as well as the commitments to help advance some reservations' access through initiatives such as the construction of the road for Shoal Lake 40 First Nations². However, these issues seem to have ulterior motives, as portrayed by The Liberal leader during the Maclean's National Leaders Debate. Justin Trudeau states the Conservative leader and sitting Prime Minister, Stephen Harper, "hasn't been working with First Nations on the kinds of partnerships that are needed if we're going to continue to develop our natural resources."³ This statement interprets that fixing relationships out of respect and repentance towards the Indigenous peoples, is of no importance. Rather it works to fund the colonial mindset, that is still prevalent in Canada particularly towards Indigenous peoples⁴ about how this exploitative undertaking would be an opportunity for the Canadian government to increase economic capacity.

Furthermore, the current platform proposals are set to fail because they reflect previous governments', in the fact that their solutions largely involve throwing money at issues⁵, and isolating reform strictly to reservations. Historically, even with the substantial amounts of monetary funds that Indigenous societies are provided, the state continues to fail. The presence of extreme poverty, poor healthcare, educational failure, and abuse reports, have developed into a detrimental feedback circle⁶ which has become the central source for the mainstream Canadian discourse surrounding Indigenous peoples. The unsympathetic sentiments of frustration and resentment can be considered an appropriate response given the limited discursive framework that the government has provided for understanding Indigenous politics. It is understandable that the public concludes negative stereotypes when the Canadian leader announces, on the international stage, that Canada has "no history of colonialism"⁷. This statement serves to repeal the Canadian government of blame for the ailments that have faced Indigenous societies, and falsely affirm them as a product of racial inferiority. "This view is exacerbated by the media and politician rhetoric about the general hopelessness or corruption of [Indigenous] communities and [Indigenous] peoples. This environment provides an absolutely no-win position and sets up the conditions for nurturing deep resentment."⁸ With the current federal parties committing

¹ Tim Fontaine, "An indigenous guide to the 2015 federal election: Who are the indigenous candidates and what are the parties offering indigenous voters?", *CBC News*, posted August 06, 2015, last Updated September 21, 2015, accessed October 7, 2016, <http://www.cbc.ca/news/canada/manitoba/an-indigenous-guide-to-the-2015-federal-election-1.3179421>

² Tim Fontaine, "An Indigenous Guide to the 2015 Federal Election"

³ "REPLAY: Maclean's National Leaders Debate", YouTube video. 34:50, posted by "Maclean's Magazine", August 6, 2015, https://www.youtube.com/watch?v=hSf2__qpeGA

⁴ Carol Schick, "*I Thought Pocahontas was a Movie*": *Perspectives on Race/culture Binaries in Education and Service Professions*, (Regina: University of Regina Press, 2009), 135-141.

⁵ Jesse Kline, "Jesse Kline: Killing aboriginals with our kindness", *National Post*, May 14, 2013, accessed October 8, 2015, <http://news.nationalpost.com/full-comment/jesse-kline-3>.

⁶ Joe Sawchuck, "Social Conditions of Aboriginal People", *Historica Canada*, Ed. Anne-Marie Pederson, Velvet Maud, David Koch, posted October 31, 2011, last Updated March 4, 2015, accessed October 8, 2015. <http://www.thecanadianencyclopedia.ca/en/article/native-people-social-conditions/>.

⁷ Frances Widdowson and Albert Howard, *Approaches to Aboriginal Education in Canada: Searching for Solutions*, (Canada: Brush Education, November 12, 2013), 30.

⁸ Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, (Dunedin: Zed Books and University of Otago, March 15, 1999), 92.

higher amounts of funding, and a predictable outcome, this will only serve to increase the resentment and fundamental racism towards Indigenous peoples. The first step to reconciliation, is to break these false conceptions with a proper acknowledgement of the severity of the crimes of the past, and how the consequences are still pertinent in the current generations. An uncontradictable apology must be made, on a national and international level, that does not degrade any reparations made towards Indigenous peoples.

The subsequent action would be to reevaluate focus of the issues addressed in party platforms. The Canadian government needs to speak to the overarching, fundamental failure, which is the systematic implementation of oppression of Indigenous peoples in Canada. The lack of narratives around Canadian historical assimilation, and a denial of crimes committed against Indigenous peoples, has ultimately cultivated the prejudice discourses that are present in contemporary society. Under these conditions there can be no recognition given to intergenerational trauma from the measures taken, such as the enactment of Indian Residential Schools, which aimed to disenfranchise Indigenous peoples. Intergenerational trauma refers to the “processes by which the experience of trauma in one generation can influence subsequent generations”.⁹ This means, the issues faced by parents, who were victims of assimilation, often consequently have adverse negative impacts on children. Though, in Canada, these programs are often taught of, in primary schooling, the severity of the programs are greatly undermined. They are also widely painted as problems of the distant past; not acknowledging that the last seven Indian Residential Schools closed between 1995 and 1998.¹⁰ If a society actively chooses to forget, and believes ‘the past is in the past’, it does not consider the undertaking of enormous collective trauma by an affected group, which then leads to the development of negative stereotypes. This can only be reformed through a comprehensive education of mainstream Canadian citizens about the impacts of past stigmas and how they are perpetuated in the present.

The final inadequacy of these three federal parties, is that they do not attempt to reaffirm the traditional culture of Indigenous peoples. The NDP¹¹ and the Liberal¹² parties have stated commitments to work with Indigenous communities on a nation-to-nation basis, but what is this supposed to mean? Through subjugation, Indigenous culture has largely been perceived as shattered and squandered, and has become a source to feed the ‘white saviour’ complex. Unless this perception of needing to be ‘fixed’ is reformed, implementing a nation-to-nation process, will only serve to perpetuate this perception. Overall, the narratives surrounding Indigenous culture needs to be changed. A focus must be made to reaffirmation through the emphasis of the fundamental positive nature of the culture that is deep rooted in respect¹³. It is also important to recognize “the dynamic, adaptable nature of both culture and

⁹ Amy Bombay, Kimberly Matheson and Hymie Anisman, “The intergenerational effects of Indian Residential Schools: Implications for the concept of historical trauma”, *Transcultural Psychiatry vol.51 no.3*, (2014): 321, accessed October 7, 2015, DOI: 10.1177/1363461513503380.

¹⁰ The Truth and Reconciliation Commission of Canada, “Final Report of the Truth and Reconciliation Commission of Canada, Volume One: Summary: Honouring the Truth, Reconciling for the Future By The Truth and Reconciliation Commission of Canada”, (Toronto: James Lorimer & Company, July 27, 2015), 70.

¹¹ “Tom’s Plan: A New Relationship with Indigenous Communities”, New Democratic Party of Canada, Accessed October 7, 2015, <http://www.ndp.ca/platform>.

¹² “The Platform”, Liberal Party of Canada, accessed October 7, 2015, <https://www.liberal.ca/realchange/>.

¹³ Edward J. Brantmeier, Jing Lin and John P. Miller, “Spirituality, Religion, and Peace Education”, (Carolina: Information Age Publishing, 2010), 135.

identity”¹⁴ in order to advocate reassertion through the agency of the peoples. Not to encourage Indigenization, but rather, instill the right of Indigenous peoples to their own culture, through self-determination.

What is required to make steps to lasting, positive change, is to change the discourse surrounding Indigenous politics through three methods: proper acknowledgement and apology of history, widespread education of the continuing consequences of that history, and a change of narrative away from the negative stereotypes of Indigenous peoples, and towards a framework that emphasizes the beauty of what the culture was and what it can return to be. The current plans of the Federal Parties, to simply throw money at the Indigenous issues that gain enough identification, is a cop out attempt at reconciliation. The concerns they are acknowledging are extremely important, but the method of approaching them only has a short-term effect and will predictably serve to further the negative views of the mainstream public. The problem cannot be fixed by the effects, only once the cause is addressed, will the effects begin to cease refabricating.

¹⁴ Avigail Eisenberg and Jeff Spinner-Halev, “Minorities Within Minorities: Equality, Rights and Diversity”, (Cambridge: Cambridge University Press, January 3, 2005), 290.

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China's Peaceful Rise and the Security Dilemma: A Theoretical Assessment of the Possibility and Inevitability of War

Yany Siek

The People's Republic of China's rapid accession to great power status has shifted the centre of gravity in international relations. China's rise has produced a heated debate between scholars and policy makers concerning whether or not China can rise peacefully. History is riddled with numerous examples that illustrate the potential conflict that a rising power can produce. The security dilemma concept provides a useful theoretical framework for assessing the probability of war and is essential for understanding the role of misperception in exacerbating and mitigating international conflict. Rapidly growing military expenditures, the U.S. pivot to Asia and the triangular relationship between Beijing, Washington and Tokyo seem to suggest a chaotic future. However, cooperation between these states and the pursuit of foreign policies that address deep insecurities are a source of optimism and hope. China's peaceful rise is entirely possible and dependent on a genuine desire to mitigate the destructive consequences produced by the security dilemma.

Introduction

Since Deng Xiaoping's market reforms and open-door policy beginning in 1978, the People's Republic of China (PRC) has experienced incredible growth in its economic productivity, prosperity and presence on the international stage. Without a doubt, China's rise has altered the primary focus of many states' foreign policies and transformed the centre of gravity in international relations. The United Nations' 2010 Human Development Report concluded that, "China has seen the fastest growth in income . . . in the past 40 years," and a, "21-fold increase in GDP per capita."¹ Despite a slow-down in GDP growth in 2011, China remains an economic powerhouse as the world's largest manufacturing

¹. Ming, Wan. 2014. *The China Model and Global Political Economy: Comparison, Impact, and Interaction*. London: Routledge, 2014. eBook Collection (EBSCOhost), EBSCOhost (accessed February 15, 2015), 3.

nation, trading power, and holder of foreign reserve, “which reached \$3.3 trillion by [the] end of 2012.”² This exceptional growth has coincided with a significant increase in military spending. China’s defense budget is second in the world, and over the past decade its budget, “increased at a rate far exceeding that of any other major power . . .”³ This developmental trajectory raises a few important questions. What does China’s economic growth and military investments mean for stability in a post-war on terror world? Is China a revisionist power seeking to undermine world order, or is it a status quo power concerned with economic well-being and stability? How have the United States and other Asia-Pacific actors responded? In this article, I argue that China’s ability to rise peacefully is contingent upon addressing the security dilemma and the will of the United States, China and regional actors such as Japan to prevent it from spiralling into a direct military confrontation. China’s peaceful rise is entirely possible. It is the responsibility of the PRC, the United States, and regional actors in the Asia-Pacific to pursue foreign policies that are conducive to peace. My argument shall proceed as follows. Firstly, I briefly summarize arguments that oppose the idea that China can rise peacefully. Secondly, I describe the theoretical concept known as the security dilemma, explaining how it is applicable to the maintenance of peace. Thirdly, I analyze the three factors contributing to a security dilemma in the region: uncertainty concerning China’s military expenditures, the U.S. pivot to Asia, and the relationship of Beijing and Washington to Japan. Finally, I present modest policy suggestions that all three states should focus on implementing if they want to ensure peace. China’s ability to rise peacefully is entirely possible and can be encouraged through foreign policies that mitigate the security dilemma and its destructive consequences.

China’s Rapid Rise

There is little doubt that China is rising.⁴ Rather, China’s rise has fuelled debates among prominent scholars about her ability to rise peacefully. John Mearsheimer, an offensive realist and American Professor of Political Science at the University of Chicago contends that China cannot rise peacefully. His realist perspective is premised on three theoretical assumptions about the international system: states operate in an anarchical system with no higher authority, the offensive capabilities of great powers give them the means to attack each other, and the intentions of states cannot be known.⁵ Accordingly, China’s economic growth, its desire to become a regional hegemon and America’s desire to prevent this makes it likely that they will, “engage in an intense security competition with considerable potential for war.”⁶ Mearsheimer’s argument against a peaceful rise has been supplemented by additional work based on power transition theory. Power transition theory, in the Chinese context, asserts that China’s rise is, “most likely dangerous because it . . . pose[s] a threat to others in the region who have long enjoyed the benefits of an international order underpinned by American power.”⁷ In his analysis of

² Ibid., 3-4.

³ Adam P. Liff and Andrew S. Erickson. “Demystifying China's Defense Spending: Less Mysterious in the Aggregate.” *The China Quarterly* no. 216 (2013): *General OneFile*, EBSCOhost (accessed March 1, 2015), 6.

⁴ Jianyong JY. Yue, "Peaceful Rise of China: Myth or Reality?." *International Politics* 45, no. 4 (July 2008): 439-456. *Political Science Complete*, EBSCOhost (accessed March 9, 2015), 440.

⁵ John J. Mearsheimer, “Why China’s Rise Will Not Be Peaceful. (2004), 1.

⁶ Ibid.

⁷ Avery Goldstein, "Power Transitions, Institutions, and China's rise in East Asia: Theoretical Expectations and Evidence." *Journal Of Strategic Studies* 30, no. 4-5 (n.d.): 639-682. *Social Sciences Citation Index*, EBSCOhost (accessed March 5, 2015), 640.

the continuing conflict across the Taiwan Strait, Avery Goldstein explains that China's increasing political and economic power in the Taiwan Strait and increasing power vis-à-vis the United States, will, "make it possible to realize changes in the status quo that are too difficult and costly at the present."⁸ In addition, although the U.S. has stated that it, "will not be entrapped in a conflict that results from Taiwanese recklessness," this fear is mitigated by Washington's desire to preserve its international reputation.⁹ The historical focus of China and Taiwan on relative gains rather than absolute gains through cooperation, makes the Taiwan Strait, "a potential flashpoint for Sino-American conflict."¹⁰ Evidently, based on these arguments, direct confrontation with China seems likely. However, is this really the case?

Possibility of Peace and the Security Dilemma

Although evidence against China's peaceful rise is strong, I remain steadfast in my view that China's peaceful rise is entirely possible. Before I explain why, I should note that in numerous ways the perspectives described above can be connected to the *security dilemma*. The security dilemma is a classical theoretical framework in international relations which asserts that, "many of the means by which a state tries to increase its security decrease the security of others."¹¹ Robert Jervis aptly explains that, "one state's gain in security often inadvertently threatens others"¹², creating a situation where, "two states which support the status quo but do not understand the security dilemma," could end up in war or conflict."¹³ Thus, insecurity and suspicion may lead to a result that is antithetical to the real interests of either state. Due to the fact that the international system has no element of higher authority, states are correct in remaining vigilant of military build-ups that threaten their security. The *self-help* nature of the international system where, "there is no higher authority to counter the use of force," means that, "states must ultimately rely on themselves to achieve security."¹⁴ There exists no reliable international force that will keep aggressive states at bay. Subsequently, it is my contention that it is not unreasonable for a state to respond with greater defense spending of their own to guarantee survival.

The existence of a security dilemma between the United States and China would greatly influence the ability of the latter to rise peacefully. Many scholars have used this theoretical concept as a framework for understanding the Sino-U.S. relationship. Some individuals may assert that China's rise inevitably results in a security dilemma, but is this really the case? How has the rise of China contributed to a Sino-U.S. security dilemma? Jie Dalei (2012) explains that the Sino-U.S. security dilemma first emerged after the fall of the Soviet Union.¹⁵ In essence, "the U.S. started to worry about China's growing

⁸. Ibid., 672.

⁹. Ibid., 674.

¹⁰. Ibid., 675.

¹¹. Robert, Jervis. "Cooperation Under the Security Dilemma." *World Politics*, 1978., 167, *JSTOR Journals*, EBSCOhost (accessed March 2, 2015), 169.

¹². Ibid., 170.

¹³. Ibid., 182.

¹⁴. John, Baylis, Steve Smith, and Patricia Owens. *The Globalization of World Politics: An Introduction to International Relations*. Sixth ed. Oxford: Oxford University Press, 2014, 108.

¹⁵. Dalei, Jie. "The Asia-Pacific Pivot and U.S.-China Security Dilemma." *Conference Papers -- American Political Science Association* (January 2012): 1-17. *Political Science Complete*, EBSCOhost (accessed March 1, 2015), 3.

military power and China was anxious about the U.S. reimposition of containment."¹⁶ Evidently, the post-cold war shift in power also led to a shift in geopolitical focus.

The Intentions of Beijing and Washington

Firstly, it should be noted that Beijing and Washington want to avoid military confrontation. In the late 1990s, China responded to concerns about the insecurity its rise would produce through, "a reformulation of the Five Principles of Peaceful Coexistence declared in the 1950s" that emphasized respect for sovereignty, non-aggression, non-interference, cooperation, and co-existence.¹⁷ This was followed by the articulation of a peaceful rise strategy in the early 2000s that some scholars believe showed Beijing's recognition of the security dilemma.¹⁸ Similarly, the United States has shown a desire to maintain and build a peaceful relationship. In a 2009 speech, Barack Obama affirmed his belief, "in a future where China is a strong, prosperous and successful member of the community of nations."¹⁹ This sentiment has continued throughout his presidential term, evident in his insistence that, "the United States welcomes the rise of a stable, peaceful and prosperous China."²⁰ However, although both the United States and China seek peaceful coexistence, security dilemma theory asserts that confrontation remains a possibility because any actions to increase security on the part of one state, will lead to insecurity for the other.

China's Ambiguous Military Expenditures

The first and primary factor contributing to a Sino-U.S. security dilemma is the uncertainty concerning China's military modernization. China's economic capacities have given it substantial resources to revamp its military. In 2012, in the same year that it succeeded the United States as the world's largest trading economy, it also spent, "106 billion U.S. dollars on defense."²¹ Although this figure pales in comparison to America's average yearly defense expenditure of \$700 billion, it has undoubtedly raised concerns in the eyes of U.S. policy makers. It has been argued that China's increase in military spending is, "driven primarily by a desire to modernize and professionalize the PLA after decades of neglect . . ."²² Deng Xiaoping's emphasis on the concentration of resources in economic development has led some military officers to propose increased defense spending, "to compensate for

¹⁶. Ibid.

¹⁷. Andrew, Scobell. 2012. "Learning to Rise Peacefully? China and the Security Dilemma." *Journal Of Contemporary China* 21, no. 76: 713-721. *Humanities International Complete*, EBSCOhost (accessed February 5, 2015), 718.

¹⁸. Ibid.

¹⁹. Tan, Seng and Kalyan Kemburi, "Introduction to the Special Issue--China-US Relations and Regional Order in the Era of Rebalancing: Asia-Pacific Perspectives." *Issues & Studies* 50, no. 3 (September 2014): 1-17. *Political Science Complete*, EBSCOhost (accessed March 7, 2015), 2.

²⁰. Cheryl Pellerin, "Hagel, China's Defense Minister Build Military Relations Model." US Department of Defense. April 8, 2014. Accessed March 13, 2015. <http://www.defense.gov/news/newsarticle.aspx?id=122006>.

²¹. Seng and Kemburi, *Introduction to the Special Issue*, 3.

²². Liff and Erickson, *Demystifying China's Defense Spending*, 807.

China's decline . . . during the 1980s."²³ Thus, China's military modernization seems to be in part motivated by genuine need. Even if this is true, the United States will have an, "unresolvable uncertainty as to whether those preparations are for," defensive or offensive purposes.²⁴

The assertion that Chinese intentions are motivated solely by need is once again ambiguous in the case of China's military investments in space. The PRC views space as, "a critical dimension of future warfare," and a commander of the Chinese Air Force has even gone as far as to assert that the militarization of space is a, "historical inevitability."²⁵ Nigel Inkster notes that, "space has emerged as a domain characterised by a growing array of military operations, and one in which tensions . . . are increasingly played out."²⁶ The importance of space is evident in the fact that the capabilities of the U.S. armed forces are, "dependant on satellite-based communications."²⁷ If a state desired to undermine U.S. capabilities, investment in space technology would be a rational choice. Yet again, it is impossible to determine the exact intentions of Chinese military investments into space. On the one hand, it can be viewed as, "a response to the perceived U.S. threat to its national security."²⁸ Chinese investments in space are geared towards the goal of maintaining nuclear deterrence.²⁹ In contrast, the investments could also be viewed as a measure designed to challenge U.S. space dominance. Because of this lack of clarity, the only logical response from both sides is to engage, "in a spiral of action-reaction space planning and/or activity."³⁰ The fact that it is extremely difficult to determine whether China's military expenditures are based on a need to modernize the military or to challenge U.S. hegemony, reveals the essential role that misperceptions play in the security dilemma.

Scholars have noted that although militarization for security is an element of the security dilemma, it does not necessarily result in violent conflict. States that have powerful militaries have the capacity to act aggressively and assert themselves. However, a state will be aggressive only when, "the benefits to be gained outweigh the likely costs a state would pay."³¹ In the case of China, militarization does not equate to confrontation with the U.S. or other Asian states. China may be investing in its military, but, "the damage to decades of economic reforms in terms of lost trade, foreign investment . . . technology . . . and participation in an international order that has facilitated greatly its rise" prevents its substantial use of military resources.³² Additionally, China's use of bilateral agreements and restraint in using military force to conquer lands, indicates that future expansion may be unlikely.³³ In contrast,

²³. Taylor M. Fravel, "International Relations Theory and China's Rise: Assessing China's Potential for Territorial Expansion." *International Studies Review* 12, no. 4 (December 2010): 505-532. *Political Science Complete*, EBSCOhost (accessed March 6, 2015), 522.

²⁴. Baylis, Smith, and Owens, *The Globalization*, 109.

²⁵. Baohui, Zhang. "The Security Dilemma in the U.S.-China Military Space Relationship: The Prospects for Arms Control." *Asian Survey* 51, no. 2 (March 2011): 311. MasterFILE Premier, EBSCOhost (accessed March 16, 2015), 311-312.

²⁶. Nigel Inkster, "Conflict Foretold: America and China." *Survival (00396338)* 55, no. 5 (October 2013): 7-28. *Political Science Complete*, EBSCOhost (accessed March 15, 2015), 9.

²⁷. *Ibid.*, 10.

²⁸. Baohui, *The Security Dilemma*, 312.

²⁹. *Ibid.*, 314.

³⁰. *Ibid.*, 313.

³¹. Fravel, *International Relations Theory*, 506.

³². *Ibid.*

³³. *Ibid.*

Russia's persistent backing of separatists in Crimea shows the use of military capabilities to actively challenge Ukraine's sovereignty.

The U.S. Pivot to Asia

The second factor that has the potential to fuel the security dilemma focuses on the U.S. strategic pivot to Asia that began under Barack Obama's first administration. Following its decision to withdraw from Afghanistan and Iraq, the U.S. proceeded to emphasize, "a renewed focus on the Asia-Pacific region" with militaristic components, commitments to Asian multilateral diplomacy, and solidifying the Trans-Pacific Partnership regional trade zone.³⁴ There has been significant debate over whether or not the pivot has helped reduce the security dilemma or exacerbated it. In their analysis of scholarly and public debate in mainland China, Dong Wang and Chengzhi Yin found that although Chinese policy makers desire non-adversarial relations with the United States, Obama's pivot strategy has, "increased the sentiment of insecurity."³⁵ This is evident in the fact that upon announcement of the U.S. strategic pivot, many first reactions viewed the shift as a U.S. containment effort designed to maintain its hegemony in East Asian.³⁶ Although the U.S. has made every effort to show that the pivot is not solely about China, this objective is constantly disputed.³⁷ In contrast to those who view U.S. efforts from a strictly realist perspective, Tan Seng and Kalyan Kemburi are more optimistic in their assertion that the U.S. pivot, "has the potential to help China transition into a responsible great power" and prevent the exclusion of other powers from the region.³⁸ Essentially, a U.S. presence would counter any actions on the part of China that would upset the regional balance of power.

Scholars note that the Obama administration seems to have recognized the insecurity that the Asia pivot has created. In 2013, U.S. National Security Advisor Thomas Donilon stated that central to the U.S. rebalancing strategy was a desire to build, "a stable, productive, and constructive relationship with China."³⁹ Essentially, U.S. engagement would guide China to the, "stable, peaceful, and prosperous China" that Obama desired. The way in which the U.S. approaches increased engagement with the Asian region is a key factor in determining whether or not China perceives it as a threat. The pivot can either make-or-break peaceful relations with China.

The Japanese Dilemma

It would be unwise to draw conclusions without assessing the role of regional actors in influencing China's peaceful rise. Although an assessment of many other actors (e.g. India) is critical, given the scope of this article, I will only consider one. The third factor influencing the Sino-U.S. security dilemma is their relationship with Japan. In order to understand the Sino-U.S. security dilemma, we must take into account the Sino-Japanese security dilemma. In fact, in many ways, these two dilemmas are not mutually

³⁴. Seng and Kemburi, *Introduction to the Special Issue*, 4.

³⁵. Wang Dong and Yin Chenzhi, "Mainland China Debates U.S. Pivot/Rebalancing to Asia." *Issues & Studies* 50, no. 3 (September 2014): 57-101. *Political Science Complete*, EBSCOhost (accessed March 7, 2015), 59.

³⁶. *Ibid.*, 61.

³⁷. Jie, *The Asia-Pacific Pivot*, 8.

³⁸. Seng and Kemburi, *Introduction to the Special Issue*, 15.

³⁹. Wang and Yin, *Mainland China Debates*, 89.

exclusive. Since the end of World War 2, Japan and the United States have had a security treaty whereby Japan's security is guaranteed by the U.S.. After the Nye Initiative of 1995, Japan took on, "greater and clearer security-related responsibilities," and in 1998 agreed to joint development of theatre missile defense systems.⁴⁰ Japan's increased responsibility has been perceived by Beijing with fear. In fact, many in China view any change in Japan's role within the alliance as an action that "could break important norms of self-restraint."⁴¹ Essentially, they see this shift in terms of the possibility that Japan could remilitarize such as it did during the Second World War.⁴²

Japan's present and historical conflicts with China exacerbate tensions with the United States. Historical atrocities committed by Japan in World War 2 (e.g. the Rape of Nanking) and the occupation of the Chinese mainland, created a high degree of mistrust and resentment.⁴³ In fact, Chinese sentiments towards the Japanese differs greatly from sentiments towards Americans. It is noted that, "most Chinese elites as well as the general public see the United States as a competitor rather than an outright enemy."⁴⁴ This varies greatly from deep feelings of, loathing that is, "rarely found in their attitudes about the United States."⁴⁵ One of the reasons for this mistrust is that the Japanese have refused to apologize for its imperial past.⁴⁶ The effect of refusing to acknowledge past atrocities is evident if one imagines the difficulty in engaging in effective bilateral partnerships with Germany, had she not sincerely apologized for the actions of Nazi Germany. This history of mistrust could exacerbate conflicts and result in a further spiral of tensions.⁴⁷ Any attempt of China to increase its security against Japan, cannot not be differentiated from attempts to increase security against the United States.

Maintaining Peace and Mitigating the Security Dilemma

To secure its peaceful rise, China must maintain a delicate balance between asserting itself and remaining cognizant that its actions may create fear in other states. Andrew Scobell asserts that China's recognition of the security dilemma is ambiguous because of its historical underdog mentality that has prevented it from seeing itself as a threat to others.⁴⁸ Scobell explains that there exists a recognition of the security dilemma at play in China, but, "this seems one step removed from decision makers."⁴⁹ Similarly, he notes that the situation is mirrored in the U.S.. In order to ameliorate this, he advocates for placing the security dilemma as a central issue in Sino-U.S. relations.⁵⁰ To build upon this, I would add that the security dilemma needs to be central to Sino-U.S.-Japanese relations. All three sides need to recognize each of their roles in managing tensions. Discussions concerning the Sino-U.S. security dilemma should not be separated from discussions concerning the Sino-Japanese dilemma.

⁴⁰. Thomas J. Christensen, "Fostering Stability or Creating a Monster? The Rise of China and U.S. Policy toward East Asia." *International Security*, 2006., 81, JSTOR Journals, EBSCOhost (accessed March 3, 2015), 117.

⁴¹. Thomas J. Christensen, 1999. "China, the U.S.-Japan Alliance, and the Security Dilemma in East Asia." *International Security*, 1999. 49. JSTOR Journals, EBSCOhost (accessed February 6, 2015), 51.

⁴². Ibid.

⁴³. Christensen, *Fostering Stability*, 94.

⁴⁴. Seng and Kemburi, *Introduction to the Special Issue*, 10.

⁴⁵. Christensen, *China, The U.S-Japan Alliance*, 53.

⁴⁶. Ibid., 52.

⁴⁷. Christensen, *Fostering Stability*, 94.

⁴⁸. Scobell, *Learning to Rise Peacefully*, 715.

⁴⁹. Ibid., 718.

⁵⁰. Ibid., 720.

With respect to United States foreign policy, I propose one measure that would improve China's ability to maintain a peaceful rise. First and foremost, the United States must remain invested in the Asia-Pacific region, particularly in their commitments to the security alliance with Japan. Tan Seng and Kalyan Kemburi are skeptical of the U.S. pivot, arguing that severe budget cuts to U.S. defense reduce the feasibility of effectively engaging the region.⁵¹ Additionally, the U.S. remains heavily involved in conflicts that should have long been resolved including the Syrian civil war, tensions between Hamas and Israel, and most recently, the emergence of the Islamic State of Iraq and the Levant.⁵² If a military confrontation were to break out in the Asia-Pacific, the capacities of the United States would be pulled between Asia and the Middle East. It is wishful thinking to believe that the U.S. public would be content in supporting military mobilization in both regions. This problem is further exacerbated when one considers, "the perceived U.S. pivot to Europe . . ." in response to the Ukraine and Crimea crisis.⁵³ Although some scholars assert that increased U.S. presence would reduce, "the likelihood that China will adopt a reassuring and constructive posture . . ."⁵⁴, I believe that such a policy would do the opposite. The United States must ensure it does not neglect to invest resources into managing the security dilemma in the Asia-Pacific.

Finally, Japan must focus on easing historical tensions with China. Japan must offer a sincere and heartfelt apology on behalf of the Japanese people for atrocities committed during Japan's invasion and occupation of China. Condemnation of Japanese imperialism and satisfactory recognition of the comfort women issue is critical. Many commentators have noted the impact of Japan's refusal to apologize. Japan's refusal to apologize serves to exacerbate tensions and has the potential to exaggerate minor security conflicts with China into major ones. For China's part, its leaders must be willing to listen and accept Japanese apologies. Additionally, with respect to the general problem of the potential for a Sino-Japanese military confrontation, this can be addressed through increasingly greater economic integration. Christensen explains that despite, "frosty" political relations, "economic relations are deep and growing quickly."⁵⁵ The recent Trans-Pacific Partnership trade deal could serve as a source of stability. Although China is exempt from the deal, the U.S. has not opposed the PRC's eventual entry. Currently, the trade deal consists of 40% of the world's economy. If China were to enter, mutual economic gains would provide a greater incentive to avoid military confrontation. Further development of these relations would increase the apprehensions of all three countries and increase the costs of war.

Conclusion

It is my contention that the continuation of China's peaceful rise is entirely possible. The security dilemma provides a theoretical framework for understanding the factors that are critical to stability in the Asia-Pacific. Uncertainties concerning China's military expenditures, the U.S. pivot to Asia, and Sino-Japanese historical relations, have fuelled tensions in the region. All three countries play an essential role in mitigating the probability of military confrontation. The anarchical international

⁵¹ Seng and Kemburi, *Introduction to the Special Issue*, 5.

⁵² Ibid.

⁵³ Wang and Yin, *Mainland China Debates*, 89.

⁵⁴ Christensen, *Fostering Stability*, 125.

⁵⁵ Ibid., 97.

system does not preclude the peaceful rise of China. The peaceful rise of China is precluded by the failure of states to adequately address misperceptions and insecurities before they spiral into a disaster that no sides seeks.

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Tensions in the South China Sea

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This article discusses the ongoing tensions over sovereignty disputes in the South China Sea, and how these tensions will evolve over the next five years by examining China's continued desire for survival in the international system through a defensive realist lens. Using this international relations theory, the article argues that tensions will continue to grow between actors in the South China Sea, as China becomes more aggressive over its sovereignty claims in the area owing to resources in the South China Sea, and the increased necessity for these resources for China's continued growth in the international system. The article then briefly examines how these future developments in the South Chia Sea could potentially effect the Sino-U.S. relationship.

The twenty-first century has seen a pivot in Chinese foreign policy to what China called in the early 2000s, a “peaceful rise”.¹ Despite a rhetoric of seeking to establish peaceful relationships, territorial conflicts in the South China Sea suggests that such a discourse by China is simply window dressing on what can be understood as power politics and the fight for state survival in the international system. Although China may hope for a “peaceful rise” in the South China Sea, this paper will argue that conflicting sovereignty disputes and the necessity of the South China Sea for the Chinese will challenge the peaceful aspect of that phrase. Using the international relations theory of defensive realism as a predictive theory, this paper will argue that sovereignty disputes in the South China Sea will potentially become increasingly aggressive and more frequent over the next five years, resulting in a heavy strain on the Sino-U.S. relationship, as the United States will attempt to balance China's rise in the area and consequently in the international system.

The first section of this paper will provide a brief overview of the theory of defensive realism and the increasingly tense situation in the South China Sea. This will then be followed by the application of defensive realism to establish China's rationale underlying its sovereignty claims in the South China Sea to understand how these claims will evolve over the next five years. Finally, this paper will address how the United States will respond to these evolved sovereignty disputes, and the effect that will have on the Sino-U.S. relationship.

To understand this argument about the present and future fate of the South China Sea, an overview of the theory of defensive realism is crucial. Realism, simply put, argues that conflict is natural

among states in order to increase or protect their power. Defensive realism further defines this by assuming competition and state preparation for worst case scenarios, and arguing for the acquisition of as much power as necessary to guarantee a states security. Defensive realism argues that in the absence of an official “night watchman”, the international system is anarchic, and as such states will practice self-help; they will do what they must to ensure the survival and security of the state in the international system. The theory assumes that in the interest of security, states will try to reduce the threat other states pose to their interests through engaging in balancing, often through alliances or treaties. This concept of self-help comes hand-in-hand with the realist concept of egoism: that states are always looking out for themselves. As a consequence of this egoism, states can never be sure of the intentions of other states which can become obvious in military terms. As states seek to help themselves in the international system by building up their capabilities and getting stronger, other states begin to fear for their security leading them to take action; this can result in an arms race, and elevated levels of insecurity, as states cannot be sure if military spending is offensive or defensive.ⁱⁱ

The South China Sea is crucial for the development and continued survival of it’s surrounding states in the international system for three main reasons: it’s integral position for international trade, it’s estimated oil reserves, and it’s abundant seafood potential. The South China Sea is the highway for more than half of the world’s annual merchant fleet tonnage, and one third of all maritime traffic worldwideⁱⁱⁱ. In addition, the South China Sea has proven oil reserves of seven billion barrels, and an estimated 900 trillion cubic feet of natural gas^{iv}. Looking at these statistics it is easy to understand how crucial the South China Sea is in terms of power potential in the international system. What makes the region so tense is conflicting sovereignty disputes. Robert Kaplan explains some of these: “Brunei claims a southern reef of the Spratlys. Malaysia claims 3 islands in the Spratlys. The Philippines claims eight islands in the Spratlys and significant portions of the South China Sea. Vietnam, Taiwan, and China each claims much of the South China Sea, as well as all of the Spratly and Paracel island groups^v. China dominates claims in the South China Sea, claiming the largest area known as the “cow’s tongue”, which is essentially the heart of the entire South China Sea.^{vi} Some of these claims are based in history, while others are based on the United Nations Law of the Sea, claiming that states have sovereignty to “Exclusive Economic Zones” that extend two hundred miles straight out from their coasts^{vii}. Although some of these claims have their roots in history, the twenty-first century has seen an unprecedented growth in the amount of disputes and conflict over these sovereignty claims in the South China Sea, particularly beginning in 2010-2011. The documented instances of confrontation and dispute have more than tripled in 2010-2011 in comparison with 2004-2005^{viii}.

In 2011, the Chinese made a submission to the United Nations actually making a claim of a full two hundred nautical miles around each of the Spratly Islands. Suddenly, such claims, in combination with China’s ongoing military expansion, made everyone fearful of a rising Chinese power^{ix}. This corresponds directly with the increase in confrontations in the South China Sea, as well as an ongoing arms race between nations in the South China Sea over the last decade. According to Kaplan, defence budgets in Southeast Asia have increased by about a third in the past decade, arms imports to Indonesia, Singapore and Malaysia have increased by up to 722 percent, while Vietnam and China have spent billions developing their submarine technologies^x. Defensive realism provides an explanation of how to interpret these trends in tandem: China needs the resources that the South China Sea can provide for it’s continued growth in the international system, while these smaller surrounding states fear an

increasingly strong China and attempt to balance China's rise, as well as secure some resources for themselves.

As stated before, the South China Sea really is crucial for these states to develop and survive. Kaplan claims that the sea is the Philippines "economic lifeline for everything from fishing to energy exploration," and the loss of this area constitutes a "national security nightmare for Manila"^{xi}. Although the South China Sea is crucial for any state, it's resources and trade access seem to be the most dire for China, which is why we see China being the most aggressive in it's claims. Energy consumption in developing Asian countries is expected to double by 2030 with China accounting for half of that growth^{xii}. China's population is also supposed to reach it's peak of 1.5 billion people in 2030, requiring more access to food and energy^{xiii}. China is desperate for new energy, Chinese oil reserves account for only 1.1% of the world total, while it consumes over 10% of world oil production, and 20% of all the energy consumed on the planet^{xiv}. Finally, China's economy is export based. Access to trade routes in the South China Sea are necessary for China to support it's economy. For China to continue on it's course as a rising power, it needs access to these resources and strategic location.

What exacerbates the problem even further is this distrust, that no state can be sure of the intentions of other states. China is surrounded by five countries which it has been at war with at some point in the past seventy years, it has had border disputes since 1949 with every one of it's twenty immediate neighbours, and all of China's larger neighbours are historical rivals of China, while the smaller ones are wary of Chinese influence^{xv}. This creates added insecurity to an international system that already fosters it. The result of this is increased conflict between states in the South China Sea, and the arms race mentioned earlier. We can see China being so aggressive because it needs the South China Sea, and it cannot be sure of what a South China Sea in the possession of it's neighbours might look like for China; looking at the statistics, this is not a gamble that China can afford to lose if it wants to maintain it's power and security in the international system.

Based on the argument presented above; I predict that sovereignty disputes in the South China Sea over the next five years will be dominated by China attempting to establish it's sovereignty in the cow's tongue, especially as China nears closer to that 2030 population and energy consumption peak, while smaller states continue to resist a Chinese dominated South China Sea, and fight for their state survival in the international system. China is looking for survival and security, and the South China Sea gives it the means to secure both. It's sheer size requires China to claim more of the South China Sea to survive, and with it's future looming on the horizon, China needs to become more aggressive until it can achieve this security for the years to come in order to maintain it's international power.

Where the United States comes into play in this situation is through the concept of balancing mentioned earlier in this paper. The United States will undoubtedly become increasingly involved in balancing China and it's claims in the South China Sea as it's involvement is two fold: the United States will attempt to balance China for it's own power politics interests as a regional hegemon, and it's these interests that have brought the United States into alliances with states in the South China Sea that expect the U.S. to guarantee their security as well. The United States has five bilateral defence treaties with Australia, New Zealand, Japan, Korea, Philippines, and a close defence cooperation with Australia, New Zealand, Philippines, Thailand, Singapore, and a host of cooperative arrangements with other

countries in the region^{xvi}. As mentioned earlier, treaties and alliances are an example of how states attempt to balance. The United States is the military power behind these smaller states who are wary of China's rise in the region.

We can anticipate that some of these treaties and alliances may come into play as China continues to exert its claims in the South China Sea over the next five years. Despite the appearance of a strong relationship on the surface, the Sino-U.S. relationship is vulnerable to tension as the two have always held a purely strategic relationship. The Sino-U.S. relationship only took off during the Cold War Era after China broke ties with the Soviet Union and it was strategically beneficial for the both parties to open relations^{xvii}. Since then, the U.S. and China have a relationship based on their common interest: trade. Although this has maintained a relatively peaceful relationship there are cracks in the foundation that will cause increased tensions as China rises in power through territorial claims in the South China Sea. We see that despite an interconnected relationship, the United States is not willing to release it's balancing chips in the South China Sea as it is still involved in these alliances, and despite repetitive, explicit requests from China, refuses to completely cut it's ties with Taiwan^{xviii}. The U.S. has also ignored explicit requests to have it's military leave the area, although the size of the United States military presence in the region, the U.S. Navy still dominates the South China Sea^{xix}. This suggests that the United States prioritizes it's potential to balance China's rise, over it's desire to create a truly cohesive relationship with China. Nathan and Scobell write "It is only logical to assume that a country as powerful as the U.S. will use it's power resources to preserve its privileges and will treat efforts by other countries to protect their interests as threats to its own security. As China rises the U.S. can be expected to resist,"^{xx} and this is exactly what I predict to happen in the South China Sea if I am correct about China increasing it's assertiveness to claim the Cow's tongue. The United States will see this rise and increased access to such resources and strategic routes as a threat to U.S. dominance and attempt to balance China either through further institutions and alliances or increased military presence.

The international relations theory of defensive realism can help us understand China's current position in the South China Sea, and how that position will evolve over the next five years, and even beyond that. China needs the South China Sea, and will strive for it's survival in the international system through it's sovereignty disputes in the region. This will result in increased Sino-U.S. tensions as the United States attempts to balance China's rise in the region. It may not be all grim, as increased tensions may not always mean war. If the United States can effectively balance China's rise and sovereignty claims in the South China Sea, we may see a relatively peaceful, or at least tentatively stable stalemate in the South China Sea.

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- ⁱ Nathan Andrew, and Andrew Scobell, *China's Search for Security*, (Chichester, NY: Columbia University Press, 2014), 29.
- ⁱⁱ Doctor Esarey, "Introduction to International Relations Theory," Lecture, University of Alberta, Edmonton, September 8, 2015.
- ⁱⁱⁱ Kaplan Robert, *Asia's Cauldron: The South China Sea and the End of a Stable Pacific*, (New York, NY: Random House LLC, 2014), 9.
- ^{iv} Ibid.
- ^v Ibid., 10
- ^{vi} Ibid., 11
- ^{vii} Ibid.
- ^{viii} "Flashpoints: Security in the East and South China Seas," Centre for a New American Security, Accessed October 8, 2015.
- ^{ix} Kaplan Robert, *Asia's Cauldron: The South China Sea and the End of a Stable Pacific*, 173.
- ^x Ibid., 19
- ^{xi} Ibid., 127
- ^{xii} Ibid., 11
- ^{xiii} Ibid., 10
- ^{xiv} Ibid.
- ^{xv} Nathan Andrew, and Andrew Scobell, *China's Search for Security*, 4.
- ^{xvi} Ibid., 94
- ^{xvii} Ibid., 79
- ^{xviii} Ibid., 99-105
- ^{xix} Kaplan Robert, *Asia's Cauldron: The South China Sea and the End of a Stable Pacific*, 14.
- ^{xx} Nathan Andrew, and Andrew Scobell, *China's Search for Security*, 99.

‘Killing Your Way to Victory’: The Failure of the Kill/Capture Strategy Against al Qaeda

Nicholas Smit-Keding

The strategy of either killing or capturing al Qaeda cadres today stands as the dominant United States counter-terrorism strategy. This strategy, however, has failed to destroy al Qaeda, and has instead expanded the organization's political ideology into a major force being felt throughout the Middle East. Kill/Capture's appeal stems from assessments of al Qaeda as a vast network, articulated best by scholars such as Peter Bergan and Bruce Hoffman. The strategy also has appeal from several historical examples, and the early cost-effective successes found in Kill/Capture's implementation immediately after the September 11th attacks. Yet these advantages are outweighed by the strategy's strengthening of al Qaeda's brand among other groups, the indiscriminate nature of the strategy, and its inability to offer other political solutions versus al Qaeda's ideology within the context of violence and conflict. As a result, al Qaeda has endured, while expanding its ideology across the Middle East. Militant Takfirism today, is now largely defined by al Qaeda's ideology, and is best seen with the current situation in Iraq and Syria. Hence, while Kill/Capture offers some credible appeal, the strategy has failed overall to rid the world of al Qaeda.

In his September 10th speech outlining the United States' strategy to defeating the forces of the Islamic State (Daesh), President Barack Obama spoke of a plan to 'degrade' the Jihadist group rampaging across Syria and Iraq¹. His strategy, as he noted, had roots in the US' earlier counter-terrorism actions in Somalia, Yemen and Afghanistan. As Obama argued, US efforts had seen the death of Osama Bin Laden, members of al Qaeda' leadership and of influential leaders in insurgencies in other regions. As a result, US forces had scored countless victories in the Global War on Terror (GWT), thus allowing for the military withdrawals of troops from the Middle East. In this capacity, Obama's point was simple: the US' campaign of capturing militants, or assassinating them had degraded al Qaeda to the brink of collapse, and as such, this strategy would be a key component towards eliminating Daesh.

Obama's conclusion, that the Kill/Capture strategy was doing irreparable damage to al Qaeda, was neither a new idea nor his alone. Earlier in 2012, Defense Secretary Leon Panetta suggested that US efforts had "impacted on their [al Qaeda's] capability to provide any kind of command and control in terms of operations"². Obama himself suggested earlier in 2014 that al Qaeda's main threat no longer emanated from the group's leadership, but rather from 'decentralized' members of al Qaeda³. Even as far back as 2008, CIA director Michael Hayden explained that the US' drone program had succeeded in critically damaging al Qaeda by, as he notes, killing the group's leadership while forcing others to abandon their plans in favour of their own self-preservation⁴. Indeed, many in the defence and intelligence community seem to suggest kill/capture has been a 'silver bullet' strategy against al Qaeda, capable of weakening the group to the point of extinction.

Beyond the political rhetoric however, it is less certain whether the kill/capture strategy actually worked in degrading al Qaeda to the point of defeat. The strategy does have some merit admittedly. As Jeremy Scahill points out in the opening to his book, *Dirty Wars*, targeted assassination and rendition has become the dominant strategy for the United States in its National Security policy⁵. From Mali to Pakistan, US responses to al Qaeda feature a dominant focus upon either targeted assassinations or targeted rendition of al Qaeda members. Historically speaking, the strategy is not without precedent. Both Israel and the United States have used forms of the strategic theory before, with some level of success. Within the early stages of the GWT, kill/capture did do significant damage to al Qaeda. Moreover, the strategy has the appeal of limited commitment, requiring very little in the way of resources while still significantly affecting al Qaeda activities. Despite these qualities though, kill/capture has significant disadvantages. Camille Tawil and Peter Bergan note, for instance, that the strategy has done well to recruit further members into al Qaeda, and spread the organization across the Middle East. As well, the strategy fails to recognize al Qaeda's chief centre of gravity (COG), mainly the popular acceptance of jihadist ideology. In Syria, such an inability to deal with this COG has led to a

1 "Obama ISIS Speech [FULL] Today on9/10/2014: 'Ultimately Destory' Militants | The New York Times" 0:38, Posted by 'The New York Times'. <https://www.youtube.com/watch?v=splWGoNZnaU>.

2 Phil Stewart. "Strikes on al Qaeda leave only 'handful' of top targets". June 22nd, 2012. <http://www.reuters.com/article/2012/06/22/us-usa-panetta-saudi-idUSBRE85L05320120622>.

3 Patrick Cockburn. *The Rise of the Islamic State: ISIS and the New Sunni Revolution*. (London, Verso, Kindle Edition, 2015). Location 160.

4 Peter L. Bergan. *The Longest War: The Enduring Conflict between America and al Qaeda*. (New York, Free Press, 2011). 346, 347.

5 Jeremy Scahill. *Dirty Wars: The World is a Battlefield*. (New York, Nation Books, 2013). xxiii

catastrophic situation, whereby al Qaeda and its ideology has transitioned from a marginalized terrorist entity, into the dominant ruling political entity. It is for this reason that kill/capture has ultimately failed to prevent al Qaeda from becoming the political force it is now within the Middle East.

To a certain extent, the articulation of the kill/capture strategy has revolved around the perceived nature of its intended target, al Qaeda. In this sense, the perception of al Qaeda has greatly determined the proportional response required towards combating it. Indeed, such a perception has been the subject of a heated academic debate ever since the start of the GWT, focusing upon the precise understanding of al Qaeda's structure before, during and immediately after the September 11th attacks. According to Jason Burke, al Qaeda simply never existed. Rather, as Burke explains, al Qaeda is a western bastardization of 'al-Qaeda al-Sulbah', a term relating to the Arab Mujaheddin that has since been misapplied to a small cohort of individuals which were led by Osama Bin Laden⁶. Burke suggests that while Bin Laden's organization did indeed have a violent, Islamist agenda. Bin Laden himself, in this sense, never commanded any vast legions of personnel, and never even had control of the Afghan training camps he financed⁷. Such an interpretation has been shared by other authors, including Camille Tawil and Marc Sageman. Both academics have suggested that al Qaeda itself is largely now irrelevant, and that the local jihadist franchises that have arisen have done so with little communication between one another⁸.

Directly opposite to this view however, is the perspective of authors including Peter Bergan and Bruce Hoffman. Both figures regard al Qaeda as being decentralized, but suggest a more cohesive and hierarchical command structure than Burke perceives. Bergan explains al Qaeda, for example, as an organization whose origin lies farther back in the Soviet-Afghan jihad, and as an organization who's ideology slowly morphed from Islamic anti-communism, to a belief in global jihad⁹. Both authors contend that al Qaeda is more of a network than an army, but unlike Burke, Hoffman and Bergan believe al Qaeda to having more of a vast command and control system, which had been led and coordinated by Bin Laden and his leadership¹⁰. Central to this debate, as Bergan notes, is the basis by

6 Jason Burke. *Al-Qaeda*. (London, Penguin Books, 2003). 2,3: Burke's main argument here was to suggest a myopic concern by intelligence agencies over the nature Bin Laden's group as a homogenous entity. As he suggests, 'the base' that al Qaeda translates to does not actually represent an organization, but rather a foundation of Arab fighters present in the Afghan struggle, all of which without affiliation to one another but united in their struggle in Afghanistan

7 Burke. *Al-Qaeda*. 168.

8 Camille Tawil. *Brothers in Arms: The Story of al-Qa'ida and the Arab Jihadists*. (London, Saqi Books, 2010). 186. & Marc Sageman. "Leaderless Jihad: Terror Networks in the Twenty First Century". (Philadelphia, University of Pennsylvania Press, 2008). 30: Both authors, of course, differ in subject matter, but largely express similar considerations of al Qaeda and global jihad. While Sageman largely focuses upon Western 'homegrown' radicalization, Tawil looks towards branches in North Africa. Both authors suggest, however, that such terrorist networks develop outside al Qaeda's authority, and perhaps even act beyond it too.

9 Peter Bergan and Paul Cruickshank. "Revisiting the Early Al Qaeda: An Updated Account of its Formative Years". *Studies in Conflict & Terrorism*, 35, (2012). 6: Interestingly, this interpretation not only rejects Burke's non-al Qaeda position, but also considers the organization as a constantly evolving organization, while Burke tends to reflect upon Bin Laden's agenda as statically jihadist.

10 Bergan. *The Longest War*. 202-204: For the record, the author of this paper, to a certain extent, agrees with this interpretation, though not without some critical assessment. Indeed, Burke and Sageman's perspectives do well to dispel the more exaggerated considerations of al Qaeda, and most importantly, note the spread of al Qaeda's ideology throughout the world.

which al Qaeda is pursued and combated¹¹. Understanding al Qaeda as either a small cohort of individuals, or as an organization with a structured command and control network ultimately determines whether the GWT can be pursued as a strictly kinetic, military operation, or as a vast clash of ideologies requiring other forms of commitment. Simply put, understanding al Qaeda's past and present structure has vast implications on whether the GWT is pursued as a traditional war, or a vast ideological struggle more akin to the Cold War.

Within policy-making circles, however, the latter interpretation proposed by Hoffman and Bergan has generally been accepted. Hence, since 2001, kill/capture has dominated strategies against al Qaeda, and has greatly accelerated under President Obama's leadership. Scahill notes, for example, that the immediate reaction from the Bush presidency to the September 11th attacks pushed for a system of rendition and assassination against members of al Qaeda and the Afghan Taliban, as to damage their ability to operate and function¹². Individuals in the CIA, for example, now saw their missions involving a list of identified al Qaeda members targeted for capture or assassination¹³. As CIA counter-terrorism operative Coffer Black explained bluntly to Russian diplomats in 2001, with regards to the jihadists in Afghanistan, "We're going to kill them"¹⁴. Indeed, the CIA, and its partners in the Special Operations Command, did exactly that, though the capture of al Qaeda members appears to have taken priority at the time¹⁵. While al Qaeda members such as Zein al-Abideen Mohamed Hussein and Khalid Sheikh Mohammed were captured and subjected to interrogation through torture, other members fell to American bombs and drone strikes, most notably at the Battle of Tora Bora¹⁶. By 2007, the strategy had been greatly accelerated with the targeting of mid-level al Qaeda militants, and by President Obama's first term, the strategy had well expanded beyond the confines of Iraq and Afghanistan¹⁷. As of 2015, kill/capture still remains in vogue with counter-terrorism efforts, most recently demonstrated with the announcement of al Qaeda member Abu Khalil al Sudani's death on July 24th by Department of Defense¹⁸. In this respect, kill/capture has remained US's primary answer to the GWT through both presidencies, and is unlikely change anytime soon.

For the United States, the strategy of kill/capture would seem to have some merit, particularly given previous historical experiences with the strategy as well as the low-cost nature of the campaign. In the aftermath of the 1972 Munich Massacre, for example, Israel initiated a kill/capture program against members of the Black September group, dubbed Operation 'Wrath of God'. Under pressure from the

11 Ibid, 202.

12 Scahill. *Dirty Wars*. 20, 21.

13 Ibid, 23.

14 Ibid, 22.

15 Bergan. *The Longest War*. 71: A complicating factor here, however, lies with the intentions of American interrogators. Both Bergan and Scahill note that the CIA's interrogations of al Qaeda suspects tended to focus around Iraq and, as Bergan argues, were at times entirely meant to create the needed rhetoric for the 2003 invasion. Scahill contends that at this stage, US interests centred around two objectives: preventing further attacks from al Qaeda, and finding support for the Invasion of Iraq. In this sense then, it is entirely valid to argue as well that kill/capture began from a need to establish the invasion rhetoric, as it was in reflection of perceptions of al Qaeda's threat.

16 Ibid, 71.

17 Ibid, 346, 347.

18 Bill Roggio and Thomas Joscelyn. "US airstrike kills one of Osama bin Laden's most trusted commanders in Afghanistan". July 24, 2015. <http://www.longwarjournal.org/archives/2015/07/us-airstrike-kills-one-of-osama-bin-ladens-most-trusted-commanders-in-afghanistan.php>.

covert assassinations of its members all throughout 1973, Black September faded from major terrorist action, and largely collapsed by 1974¹⁹. In the same era, US forces in Vietnam initiated their own targeted kill/capture program against Viet-Cong insurgents during the Vietnam War. Dubbed the Phoenix Program, the CIA-led operation was controversial, and ultimately failed to win the Vietnam War for the United States²⁰. Phoenix, however, was noted by both CIA and North Vietnamese officials as effective against the Viet-Cong, who lost important agents, tax-collectors and field commanders²¹. In this respect, both Phoenix and 'Wrath of God' demonstrate that kill/capture is neither new nor wholly unsuccessful. Phoenix's legacy, in fact, had served as inspiration for the current kill/capture program during its beginnings in Afghanistan²². The strategy, in this way, certainly has appeal given its history with the US and its allies.

Even within current GWT history, kill/capture has demonstrated some advantage to the United States. As Bergan points out, the US strategy to capture/kill militants between 2001 and 2002 significantly damaged al Qaeda's organizational structure²³. With the defeat at Tora Bora, many of Bin Laden's closely trained cadres were dead, while some 600 Arab fighters fled across the border into Pakistan, demoralized and defeated²⁴. US drone strikes during this period took advantage of the rout and scored notable successes, including the killing of Mohammed Atef in November of 2001, and the killing of Qaed Salim Sinan al-Harethi in Yemen in 2002²⁵. For all these accomplishments, the US had paid a largely modest price. As Ahmed Rashid points out, the pursuit of al Qaeda using covert action meant the United States had avoided the outright invasion of Afghanistan and the tribal areas of Pakistan with significant numbers of military personnel. Rather, as Rashid notes, local actors secured much of the country, while special forces busied themselves with finding and capturing/killing militants. For this, Rashid notes that the entire military campaign to defeat al Qaeda in Afghanistan had cost only in the range of \$100 million²⁶. In this respect, the kill/capture approach gave the US a force-light alternative to direct military intervention. It meant that minimal numbers of troops were put in harm's way, while issues of militarily breaching state sovereignty were avoided.

As a result, since 2001, the strategy has greatly expanded to other regions. As Nick Turse points out, while formal US military presence within the Middle East has remained largely static, covert US military presence aimed at the kill/capture strategy has greatly expanded. For example, the number of

19 Avery Plaw. *Targeting Terrorists: A License to Kill*. (Hampshire, Ashgate Publishing Limited, 2008). 50, 51, 52.

20 Stanley Karnow. *Vietnam: The First Complete Account of Vietnam at War*. (New York, Viking Press, 1983). 602.

21 Karnow. *Vietnam*. 602.

22 Mark Mazzetti, Nicholas Kulish, Christopher Drew, Serge F. Kovalski, Sean D. Naylor and John Ismay.

"SEAL Team 6: A Secret History of Quiet Killings and Blurred Lines". June 6, 2015.

<http://www.nytimes.com/2015/06/07/world/asia/the-secret-history-of-seal-team-6.html>

23 Bergan. *The Longest War*. 87-90.

24 Ibid. 84: Ahmed Rashid, author of *Descent into Chaos*, largely differs with Bergan on the exact number of al Qaeda fighters killed versus those who survived the battle. Nonetheless, both authors suggest that al Qaeda's ability to command and control combatants in Afghanistan was severely disrupted as a result of the engagement.

25 Plaw. *Targeting Terrorists*. 116.

26 Ahmed Rashid, *Descent into Chaos: The US and the Disaster in Pakistan, Afghanistan and Central Asia*. (New York, Penguin Books, 2008). 97: Rashid notes that the total cost of the campaign, including US assets, by 2002, was around \$3.8 Billion. As he points out however, this was still 'peanuts' compared to the Iraq War preparation, and certainly was cost effective for delivering what, as Bergan explains, was a devastating blow to al Qaeda.

special forces personnel in the military has greatly expanded, as has the frequency of their deployments throughout the Middle East and Africa²⁷. As in Afghanistan, the expansion of this kill/capture force, along with the infrastructure to support it, has given the United States ability to hit al Qaeda targets covertly, without busying the military with long-term commitments that jeopardize troops and cost enormous sums of money. In this sense, al Qaeda is being pursued across the Middle East and Africa, yet the effort is being conducted without significant numbers of troops or resources. Drone strikes, secretive renditions, and assassinations now define much of the American effort in the GWT.

Yet with this said, however, the kill/capture strategy's advantages have been largely outweighed by the unintended consequences it has wrought. Both Bergan and Tawil note, in this respect, that the strategy has strengthened al Qaeda's political ideology among both jihadists and those in the greater Muslim world. As Tawil argues, for example, the blanket targeting of Arab militants, for assassination or capture as means to disrupt the network, dragged other jihadist groups into al Qaeda's ideological sphere²⁸. Groups such as the Libyan Islamic Fighting Group (LIFG), as Tawil notes, were certainly involved with al Qaeda during its time in Afghanistan, yet the group had a different leadership than Bin Laden. Despite this though, as Tawil argues, the US strategy sought the destruction of any network, and its leadership, that had cooperated with Bin Laden. As a result, many in the LIFG came to join with Bin Laden in 2001 out of shared antagonism, and by 2007, the group had merged into al Qaeda and joined forces with its Maghreb franchise²⁹. As Tawil notes, "America achieved for bin Laden what he failed to bring about in all his time in Afghanistan: the unification of the jihadists under al Qaeda's banner"³⁰. Certainly for the LIFG, as with other groups, the application of kill/capture brought more militants into al Qaeda, rather than less.

Bergan similarly noted the effect that kill/capture has had on al Qaeda's expansion and recruitment post-2001, though with a more complex model of the strategy's impact. As he explains, the process of rendition proved highly problematic for US planners. Although the strategy had damaged the core al Qaeda group, it also had brought significant numbers of individuals into US custody that had meaningless or tenuous connections with the organization. According to Bergan, individuals renditioned to the Guantanamo Prison Camp, or any number of CIA black sites, were largely low-level militants to innocent individuals entirely separate from the organization³¹. As he relates, multiple members of the FBI found that such prisoners yielded no useful information, and that these prisoners who were al Qaeda-affiliated militants were of extremely low importance³². Bergan's argument is shared by Stig Jarle Hansen, who on writing on al Qaeda in East Africa, noted that US efforts tended to rely upon local warlords and police forces for information on militants. Hence, as Hansen points out, the so-

27 Nick Turse. *The Changing Face of Empire: Special Ops, Drones, Spies, Proxy Fighters, Secret Bases and Cyberwarfare*. (Chicago, Haymarket Books, 2012), 11: Turse notes, for example, that the current number of active duty SEALs now range around the 5000 individuals, of which nearly 85% are deployed to the theatre of operations under US Central Command regularly.

28 Tawil. *Brothers in Arms*. 13, 14.

29 Ibid, 197.

30 Ibid, 14.

31 Bergan, *The Longest War*, 106: There were, of course, the obvious exceptions, like with Khalid Sheikh Mohammed. This being said however, Bergan's assessment seems to have validity, as even the remaining number of prisoners at Guantanamo is below 200, with many being in situations of legal 'limbo' rather than presenting security risks.

32 Ibid, 106.

called 'Shadow' War conducted by the CIA in Somalia from 2002 to 2006 saw more the rendition of innocent Arabs living in Somalia or of former Somali-Afghan veterans, than it did actual al Qaeda members³³. In this sense, the kill/capture campaign proved to be more highly indiscriminate. US efforts saw pressure being applied against the al Qaeda network, yet entailed expanding rendition and assassination to individuals with debatable or insignificant association with al Qaeda.

The impact of this, as Bergan and others suggest, has been two-fold. In one sense, individuals with little connection with al Qaeda have ended up becoming radicalized themselves. Hansen notes, for example, that many members of the early al Shabaab were not necessarily al Qaeda members, but simply Afghan veterans who banded together with surviving al Qaeda followers as a form of collective security against rendition or assassination³⁴. Bergan similarly points out that some of those who were sent to Guantanamo Bay, such as Abdyllah Salih al-Ajmi, ended up joining the al Qaeda jihad after their release, having been radicalized either due to their experiences in the camp or their interactions with al Qaeda members³⁵. In another sense, the ramifications of the kill/capture campaign have also extended well-beyond the cadres targeted by the US. A BBC survey conducted in 2007, for example, noted the increasingly negative perception of the US in Muslim-majority countries because of the indiscriminate detainee issue³⁶. Though this should not be construed as world opinion shifting towards al Qaeda, the perception certainly boosts al Qaeda's narrative of the US as being hostile towards all Muslims, rather than just al Qaeda's brand. As Scahill points out, the policy of 'snatching or killing people' has produced essentially a bottomless list of targets, which regenerates losses, particularly as a result of the 'wrong' people getting killed³⁷. With more individuals feeling the impact of these kinetic actions, be them justified or not, the resulting outrage from such operations only further makes al Qaeda an inviting political alternative.

Such consequences of the kill/capture strategy are further compounded by the strategy's limited nature. Kill/capture itself remains strictly a kinetic strategy, seeking the destruction of al Qaeda through the disruption, capture or killing of those interacting within the network³⁸. Yet al Qaeda itself has proliferated since 2001 through an ideology that suggests Muslims are under threat from the West and are in need of Islamism as a solution to regional political issues. As David Witty points out, al Qaeda's key centre of gravity to achieving its political ends has been popular acceptance of this ideology³⁹. In this sense, al Qaeda's offerings of a concrete political agenda in the context of Middle Eastern instability has greatly boosted al Qaeda's pursuit of its political objectives⁴⁰. The group's

33 Stig Jarle Hansen. *Al Shabaab in Somalia: The History and Ideology of a Militant Islamist Group, 2005-2012*. (New York, Oxford University Press, 2013). 26.

34 Hansen. *Al Shabaab*. 26, 27.

35 Bergan. *The Longest War*. 307.

36 Ibid, 120.

37 Scahill. *Dirty Wars*. 333.

38 Reid Sawyer and Michael Foster. "The Resurgent and Persistent Threat of Al Qaeda". *Annals of the American Academy of Political and Social Science*. Vol. 618 (2008). 199.

39 David M. Witty. "Attacking al-Qaeda's Operational Centers of Gravity". *Naval War College* (2006). 9: Witty specifically notes that al Qaeda's 'ideology' is the centre of gravity, but notes that this itself is a sort of synergy developed between al Qaeda and the popular masses.

40 A demonstration of this, as most authors (including Bergan) point to, has been the Iraq War, which led to a dramatic increase not only to al Qaeda's own number of cadres, but also the organization's popular support. Indeed, the example has been subsequently replicated elsewhere. Both Hansen and Rashid note, for example, that al

increase in popular support has also changed and empowered the organization. Though Bergan himself argued in 2011 that al Qaeda's appeal was limited by the group's inability to actually develop systems of governance, experiences in Somalia, for example, have led exactly to that development⁴¹. Kill/capture, in this respect, does not recognize these realities when confronting al Qaeda as an organization. While the strategy is premised on the idea that one can merely 'kill their way to victory' through the elimination of personnel, the strategy responds poorly to al Qaeda's ideology, or the reasoning behind its popularity. It remains a strictly military solution, for an increasingly multi-faceted problem.

Kill/capture's failings are clear in a number of different regions, yet no where is this more visible than in the region between Syria and Iraq. Indeed, while al Qaeda's proliferation, despite the kill/capture campaign, remains a serious issue in many areas, it has been the rise of Daesh and Jabhat al-Nusra that now most visibly demonstrates kill/capture's failure. As Hassan Hassan and Michael Weiss note, the forerunner of both groups, al Qaeda in Iraq (AQI), had been subjected to an intense kill/capture campaign, particularly during the implementation of the so-called US military 'Surge'⁴². Yet, as both authors argue, the strategy merely weeded out weaker militants from the organization, while providing opportunity for more competent militants, skilled in counter-intelligence, to ascend up the chain of command⁴³. Kill/capture, in this fashion, never delivered a decisive end to AQI before the US withdrawal in 2011. Nor did it deal with al Qaeda's appeal within the Sunni-Iraqi segment of the population⁴⁴. The deterioration of Syria, soon afterward, revitalized AQI and gave it further capability. As Patrick Cockburn notes, Syria's descent into civil war offered AQI not only a source of weapons and supplies, but also an ideological boost within the region⁴⁵. In this sense, Syria offered AQI an ideologically bridge from its Sunni-based struggle in Iraq, to the broader context of the Syrian Revolt and the larger 'Arab Spring'⁴⁶. Moreover, the limited political ideology of Syria's secular rebels, and their inability to maintain security, allowed for AQI to exploit widespread lawlessness as a means of attaining support. Widespread corruption, in this sense, discredited a great deal of Syria's US-backed opposition. As a result, AQI and Jabhat al-Nusra quickly gained prominence within Syria's war thanks to their introduction of law and order⁴⁷. As Cockburn notes, the result has been a shift from the secular, democratic demands of activists in 2011, to what is now an Islamist-driven war led by either the 'moderates' of Jabhat al-Nusra, or the extremist offshoots as seen with Daesh⁴⁸. Such developments can hardly be seen within the paradigm of 'killing one's way to victory', as they fail to understand the political nuances associated with al-Nusra's and Daesh's rise. Hence, it is little surprise that while AQI's downfall had been forecast with the use of kill/capture during the US 'Surge', the result has brought forth a catastrophic situation. Not only does al Qaeda's specific ideology of political Islamism exist within the region, it now governs territory as well.

Qaeda's popularity has greatly expanded in Somalia and Afghanistan/Pakistan thanks to the discrediting of US efforts to find political solutions in said areas. Instead, as the authors show, locals instead are left to turn to the Islamists for stability.

41 Hansen. *Al Shabaab*. 73, 82.

42 Michael Weiss and Hassan Hassan. *ISIS: Inside the Army of Terror*. New York, Regan Arts, (2015). 78.

43 Weiss, Hassan. *ISIS*. 78.

44 Ibid, 96.

45 Cockburn. *The Rise of the Islamic State*. Location 161.

46 Ibid, Location 531.

47 "Anger grows over Syrian rebel corruption". December 8th, 2012.

<http://www.aljazeera.com/video/middleeast/2012/12/2012128103148625753.html>.

48 Cockburn, *The Rise of the Islamic State*. Location 577.

Kill/capture has, overall, failed to degrade al Qaeda to the point of defeat. Admittedly, the strategy is not without its merits. If one accepts al Qaeda as strictly the organization that Bergan and Hoffman articulate it as, killing or capturing members of the network does appear to be a logical step forward in GWT. Historically, the concept of kill/capture is nothing new, and its past implementation has been a source of inspiration for the contemporary iteration of the strategy. Moreover, the strategy's early use in GWT does demonstrate the perception of cost-effectiveness for the US. Such advantages, however, are outweighed by strategy's narrow focus and unintended consequences. The expansion of al Qaeda has happened, in part, because of the indiscriminate nature of the strategy. Modern militant/takfiri jihadism is now largely defined by al Qaeda's ideology, which is still continuing to attract large numbers of recruits. As well, kill/capture still remains a merely military response, that does not recognize or confront the complexity of al Qaeda's political expansion. While the strategy can eliminate leaders, commanders and other important figures, it cannot attack al Qaeda's appeal for governance in chaotic, violent states of lawlessness. The recent history in the Levant demonstrates this chief failing. Though 'capturing and killing' one's way to victory might seem to have an appeal for the US, it has thus far failed to deliver such a victory.

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